Resolution #14-1223-408

Authorizing Expenditures on Invoices with Frederick Peebles Morgan

WHEREAS, the status of the Gaá Čhíng Ziibi Daáwaa Aníšhinaábe:k (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article VI, Section 7(a)(2) to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(b) to authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Little River Band with federal, state and local governments and other Indian tribes or their departments and political subdivisions; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(i)(2) to manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit of the Tribe and its members, pursuant to appropriations or budgets authorized by resolution or in accordance with ordinances of the Tribal Council; and

WHEREAS, the Tribal Ogema is authorized under Article V, Section 5(a)(3) to consult, negotiate and execute agreements with private parties subject to Tribal Council approval or ratification; and
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WHEREAS, the Tribe has entered into agreements with the law firm Frederick Peebles Morgan, authorized by Tribal Council Resolutions #14-0212-033 and #14-1112-365; and

WHEREAS, the law firm was asked to perform additional services to the scope of work in those contracts to provide sufficient defense in Council v Ogema, #14-0127-GC, the Mitchell Litigation, a general matter, and one related to casino employment.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council approves an additional expenditure from the Executive Legal Department’s budgeted amount for Professional Services for invoices numbered [#36935] in the amount of [$100,715.74] for work performed at the request of the Tribe.

IT IS FINALLY RESOLVED, that the Tribal Council approves the Tribal Ogema’s execution of an agreement with Frederick Peebles Morgan reflecting the scope of work performed on invoices received for work rendered and forthcoming.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 2 AGAINST, 0 ABSTAINING, and 2 ABSENT, at an Emergency Closed Session of the Little River Band of Ottawa Indians Tribal Council called by the Tribal Ogema and held on December 23, 2014 at the Little River Band Tribal Council Conference Room in Manistee, Michigan, with a quorum being present for such vote.

[Signature]
Sandy Mezeske, Tribal Council Recorder

[Signature]
Virgil Johnson, Tribal Council Speaker

Attest:

Distribution:  Tribal Ogema
               Council Records
               Commerce Department
               Purchasing & Travel Department