Resolution # 14-0226-049

Approval of Professional Services Agreement
Addendum between Demaray Consulting and Little River Band of Ottawa Indians

WHEREAS, the status of the Gaá Čhíng Ziibi Daáwaa Aníšínaábek (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 IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Little River Band of Ottawa Indians has compacted federal funds under the authority of the Indian Self-Determination and Education Assistance Act (P.L. 93-638 as amended) and to implement and administer services for its members; and

WHEREAS, the Little River Band of Ottawa Indians has filed cost recovery claims with the Indian Health Service and Bureau of Indian Affairs in an effort to recover contract support costs owed the Tribe under the performance of their Indian Self-Determination contracts and self-governance compacts for carrying out services on behalf of the United States to eligible Indians, and
WHEREAS, the Little River Band of Ottawa Indians desires to retain the highest degree of professional services for the benefit of the Tribe’s financial interests, ultimately protecting the interests of the members through the recovery of federal support dollars left unpaid to the Tribe during the execution of the agreements carried out on behalf of the United States federal government, as per the Ramah Case and Arctic Slope Supreme Court Decisions allowing for such cost recovery, and

WHEREAS, Demaray Consulting have demonstrated capacity, expertise and unique experience with contract support, indirect cost calculations and training assets to interests of Indian Country and the Little River Band of Ottawa Indians in matters specific to the sovereign domain of the Tribe, and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes a no cost extension to the terms by Addendum to the Consultant’s Contract By and Between the Little River Band of Ottawa Indians and Demaray Consulting.

BE IT FURTHER RESOLVED THAT nothing in this Consultant’s Contract By and Between the Little River Band of Ottawa Indians and Demaray Consulting shall be construed to be a waiver of sovereign immunity except as follows: only to the limited extent necessary to permit Consultant to seek an order directing specific performance of payment of monies due and owing under this contract in the Tribal Court of the Little River Band of Ottawa Indians, as described in paragraph 12 of the Contract.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with _7_ FOR, _0_ AGAINST, _0_ ABSTAINING, and _2_ ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 26, 2014 at the Little River Band’s Conference Room at in Manistee, Michigan, with a quorum being present for such vote.

________________________
Sandy Moreske, Council Recorder

________________________
Virgil Johnson, Council Speaker

Attest:
Distribution:
  Council Records
  Tribal Ogema
  Legal Department
  Accounting Department