Resolution # 14-0618-180

Approving Engagement Letter
With Foley & Mansfield

WHEREAS, the status of the Gaá Čhing Ziibi Daáwaa Anišshinàbék (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) of the Constitution to provide for the 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(e) of the Constitution to employ legal counsel; and

WHEREAS, the Tribal Council has been presented with an Engagement Letter with Foley & Mansfield to provide legal services to the Tribal Council in relation to the litigation currently pending in the Tribal Court, Docket Number 14-127GC, Tribal Council v. Ogema; and

WHEREAS, in-house legislative counsel have been forced to recuse themselves from prosecuting this case in Tribal Court, creating the necessity that Council seek and retain alternative Council to protect the interests of the Tribe.
Resolution # 14-0618-180
Page 2 of 2

NOW THEREFORE IT IS RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby approves the Engagement Letter with Foley & Mansfield for legal representation in Case Number 14-127GC currently pending in the Tribal Court and other services as necessary.

IT IS FURTHER RESOLVED that the Speaker is authorized to execute the agreement on behalf of the Tribal Council under the Constitutional authority of Tribal Council to employ legal counsel.

IT IS FURTHER RESOLVED that the attorneys from Foley & Mansfield shall take direction solely from the Tribal Council through its designated representative.

IT IS FINALLY RESOLVED that the Tribal Council waives any potential conflict of interest that may have resulted from Attorney Jana Berger’s representation of the Wabsis family members in litigation against the Enrollment Commission/Little River Band of Ottawa Indians.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Closed Session Meeting of the Little River Band of Ottawa Indians Tribal Council held on June 18, 2014 at the Little River Band Tribal Council Conference Room in Manistee, Michigan, with a quorum being present for such vote.

[Signature]
Sandy Mesko, Council Recorder

[Signature]
Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records