Resolution #14-0625-190

Authorizing Muschigon liquidator Jason Verheek to settle account with DeVere Construction to wind up existence of Two Beavers, LLC.

WHEREAS, the status of the Gaá Čhing Ziibi Daawaa Anishinaabek (Little River Band of Ottawa Indians) as a sovereign and a 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 9(f) of the Constitution to create by subordinate organizations to further its ability to exercise those Constitutional mandates; and

WHEREAS, the Tribal Council duly enacted a Limited Liability Company Ordinance, #03-800-02, adopted June 4, 2003 allowing for the creation of separate business entities organized as limited liability companies; and

WHEREAS, that Ordinance allows for the creation of separate business entities owned wholly or in part by the Tribe; and
WHEREAS, Tribal Council did authorize the creation of a separate business entity entitled Muschigon Construction Company both by the filing of required documentation pursuant to Ordinance #03-800-02 and by enacting a separate enabling Ordinance, Muschigon Construction Company Ordinance #05-800-04; and

WHEREAS, Muschigon entered into an operating agreement with DeVere Construction for the creation and operation of Two Beavers, LLC; and

WHEREAS, the dissolution of Muschigon automatically triggers the dissolution of Two Beavers, LLC; and

WHEREAS, Muschigon and DeVere must settle their accounts and investments between one another to allow for the wind up and dissolution of Two Beavers, LLC; and

WHEREAS, Muschigon and DeVere mutually agree that the account between them will be settled by the payment of $5,484.18 from Muschigon to DeVere plus the balance of $914.46 remaining in an open bank account;

NOW THEREFORE IT IS RESOLVED that Tribal Council authorizes and directs the Muschigon liquidator to take all actions necessary to settle the account between Muschigon and DeVere Construction Company by the payment of $5,484.18.

CERTIFICATION 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, _1_ ABSENT, at a Little River Band of Ottawa Indians Tribal Council Closed Session Meeting held on June 25, 2014 at the Government Center in Manistee, Michigan, with a quorum being present for such a vote.

Sandy Mezeske, Council Recorder

Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records
Accounting