Resolution #14-1105-341

Authorizing the Operational Transfer of Remaining Assets to the Tribal Government as Part of the Final Dissolution of Muschigon Construction Company, LLC

WHEREAS, the status of the Gaá Čhíng Ziibi Daáwaa Anísshinaábek (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 Tribal Council, pursuant to Article IV, Section 7 (i)(2) of the Constitution, has the power to manage any funds within the exclusive control of the Tribe and to appropriate such funds for the benefit of the Tribe and its members; and

WHEREAS, the Tribal Council is authorized to create separate business entities pursuant to the Limited Liability Company Ordinance, Ordinance #03-800-02; and

WHEREAS, the Tribal Council authorized the creation of a separate business entity known as Muschigon Construction Company both by the filing of the documentation required by the Limited Liability Company Ordinance and by enacting a separate enabling ordinance, the Muschigon Construction Company Ordinance, Ordinance #05-800-04; and
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WHEREAS, the Operating Agreement filed to establish Muschigon Construction Company assigned to Tribal Council the right and obligation to act as liquidator in the event of the dissolution of Muschigon Construction Company; and

WHEREAS, Tribal Council exercised its authority to institute dissolution by the adoption of Resolution #14-0326-091, Authorizing Ogem to Sign Statement for and Cease Operations of Muschigon Construction Company LLC, to cease operations at Muschigon; and

WHEREAS, Tribal Council exercised its authority and obligation as under the Operating Agreement by appointing Controller Jason Verheek to act as liquidating trustee and commence wind up of Muschigon by Resolution #14-0326-092, Authorizing Appointment of Liquidator to Wind Up Muschigon Construction Company; and

WHEREAS, the liquidating trustee has resolved Muschigon Construction Company’s outstanding obligations and completed a satisfactory inventory of its assets.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves an operating transfer of all remaining assets to the Tribal Government Operations at the discretion of the liquidating trustee.

IT IS FURTHER RESOLVED THAT the Accounting Department shall report back to the Tribal Council the distribution of all capital assets and all small equipment when that individual piece of equipment is deemed to have a value in excess of $500.00.

IT IS FURTHER RESOLVED THAT the Tribe’s Controller and Property Officer shall coordinate the transfer of the assets and associated reporting back to Tribal Council.

IT IS ADDITIONALLY RESOLVED THAT the Tribal Council authorizes an increase to the Tribe’s Maintenance Budget in the amount of $19,616.71 for the sole purpose of recording the accounting transfer transaction.

IT IS FINALLY RESOLVED THAT any remaining assets after distribution to the Tribal Government shall be donated to Habitat for Humanity to be utilized by them in their charitable endeavors.
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 Session of the Little River Band of Ottawa Indians Tribal Council held on November 5, 2014 at the Little River Band’s Government Center in Manistee, Michigan, with a quorum being present for such vote.

Sandy Mezeske, Tribal Council Recorder

Virgil Johnson, Tribal Council Speaker

Distribution: Council Records
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Legislative Legal Dept.