



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

moved to
open
3-26-03

Resolution # 03-0319-78

*Authorizing Execution of Contract with Nancy A. Kida
for the Legal Assistance Program*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (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 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, funds to maintain a Legal Assistance Program for Tribal members were included in the Legal Department's Budget proposal for Fiscal Year 2003; and

WHEREAS, the Tribal Council intends to continue that program during Fiscal Year 2003 and beyond; and

WHEREAS, the Tribal Council has previously entered into an Independent Contractor Agreement with Nancy A. Kida to provide legal services to Tribal Elders and other Tribal members through March 31, 2003; and

WHEREAS, Ms. Kida has presented a proposal, dated March 3, 2003, to continue the services for the Legal Assistance Program from April 2003 through December 2004; and

WHEREAS, the Tribal Council wishes to approve an Independent Contractor Agreement with Nancy A. Kida, which Agreement incorporates the terms proposed by Ms. Kida in her March 3rd proposal, to provide services for the Legal Assistance Program through December, 2004; and

WHEREAS, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Tribal Constitution, the Tribal Ogema, or in the absence of, the Tribal Council Speaker, is authorized to represent the Tribe in its relations with other organizations and manage the economic affairs/enterprises of the Tribe, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by the Tribal Ogema.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians that the attached Independent Contractor Agreement with Nancy A. Kida is hereby approved and the Tribal Ogema, or in the absence of, the Tribal Council Speaker, is authorized to execute the Amendment on behalf of the Tribe.

IT IS FURTHER RESOLVED THAT the Tribal Council will continue to review recommended revisions to include additional services in the scope of the Legal Assistance Program and will authorize negotiation of any amendments to the Independent Contractor Agreement as may be necessary in reflect any Program changes.


IT IS FINALLY RESOLVED THAT the Tribal Council understands that Ms. Kida may form an S-corporation or similar entity for purposes of execution of her obligations under the Independent Contractor Agreement and the Tribal Council authorizes the Tribal Ogema to execute any addendum as may be necessary to effect an assignment of Ms. Kida's rights, duties and obligations under the Agreement to such entity.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 1 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on March 19, 2003, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.

Attest:


Janine M. Sam, Council Recorder


Stephen Parsons, Council Speaker