

Little River Band of Ottawa Indians

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

Resolution # 03-0416-98

*Authorizing Execution of KDP Retirement Plan Services, Inc.,
Nonstandardized 401(K) Plan and Related Administrative Documents*

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

WHEREAS, representatives of the Tribal Administration transferred administrative and record-keeping responsibilities for the Tribe's 401(k) Plan to KDP Retirement Plan Services, Inc. ("KDP"), which required amendment and restatement of the Band's Plan and related documents; and

WHEREAS, the Tribal Council did request a legal review of the KDP Plan and related documents and requested that the Legal Department bring those documents back for ratification by the Tribal Council; and

WHEREAS, the amended and restated 401(K) Plan documents have been prepared by KDP representatives based upon the analysis and recommendations prepared by the Legal Department and outside counsel, which are now presented for ratification.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in the absence of, the Tribal Council Speaker, to execute the amended Adoption Agreement for KDP Retirement Plan Services, Inc. Non-Standardized 401(k) for employees of the Tribal Government.


IT IS FURTHER RESOLVED THAT the Tribal Council directs the Tribal Ogema, in consultation with the Band's Chief Financial Officer and the Legal Department, to assess any administrative changes or corrective actions that may be necessary to bring the Band's current Plan into compliance with the new Plan documents and other requirements of the Employee Retirement Income Security Act (ERISA) and other applicable federal laws; provided that any corrective actions that require an appropriation of funds must be approved by resolution of the Tribal Council.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on April 16, 2003, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department
KDP