



Little River Band of Ottawa Indians

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

Resolution # 03-0625-189

Temporary Amendments to Budget and Appropriations Ordinance: Purchasing and Procurement

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, the Tribal Council is aware of occasions where contracts are entered into which have not been reviewed by the Legal Department in contravention of a directive by the Tribal Ogema; and

WHEREAS, the Tribal Council is aware of occasions where contracts have been entered into which waive the sovereign immunity of the Tribe without authorization by the Tribal Council; and

WHEREAS, the Tribal Council is aware of occasions where contracts have been entered into which have not been properly budgeted; and

WHEREAS, the Tribal Council is aware of occasions where contracts have been entered into which violate existing Tribal laws; and

WHEREAS, the Tribal Council took action on June 18th to adopt resolution #03-0618-177 which provided comprehensive amendments to the Purchasing and Procurement Chapter of the Budget and Appropriations Regulations; and

WHEREAS, the Tribal Council is aware of the difficulties that these amendments are raising and the immediacy of their implementation; and

WHEREAS, the Tribal Council desires to provide the Purchasing Department and the Chief Financial Officer the appropriate opportunities to present Purchasing and Procurement regulations that meet the needs of the Tribe through identification of clear processes with appropriate approvals and document management; and

WHEREAS, the Tribal Council does not desire to rescind its amendments of the Budget and Appropriations Regulations: Purchasing and Procurement, but recognizes the need of the Purchasing Department and Chief Financial Officer to provide alternative processes while reducing the stringent restrictions in the current regulations;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby amends sections 2-7, 4-3 and 4-5 as follows.

2-7. *Legal Review.* All contracts and other forms of agreements, excluding purchases from vendor catalogue pricing, shall be required to have a written legal review of the contract. If amendments are requested or recommended in that legal review, documentation that identifies that the Legal Department has reviewed the amendments or determined that the amendments are not required.

4-3. *Tribal Ogema.* The Tribal Ogema, as the chief administrator for the Tribe, is responsible for overseeing the entire purchasing process. In addition to that general responsibility, the Tribal Ogema holds specific responsibility for:

- a. Approving purchases submitted that exceed \$500.01 but do not exceed \$5000.00.
- b. Responsible for executing all contracts.

4-5. *Tribal Council.* The Tribal Council has final responsibility for management of the Tribe's resources. Its key responsibilities in regard to purchasing are:

- a. Approving program budgets.
- b. Ratifying all purchases which exceed \$5000.01.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs that this amendment shall be effective immediately and directs the Chief Financial Officer to present amended Purchasing and Procurement Regulations to the Tribal Council by September 1, 2003 for Tribal Council review.

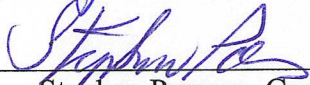
IT IS FINALLY RESOLVED THAT the Tribal Council does not approve any waiver of sovereign immunity by approval of this resolution and that any contract which contains language that contains this language shall be required to have Tribal Council approval.

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 Session of the Little River Band of Ottawa Indians Tribal Council held on June 25, 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