



Little River Band of Ottawa Indians

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

Resolution # 04-0317-122

Authorization of Budget Modification for Legislative Legal Department to Re-Allocate Funds to the Professional Fees Line - Calcutt Rogers & Boynton

WHEREAS, the status of the *Gaá Čhing 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 authorized the engagement of Calcutt Rogers & Boynton to provide legal assistance to the Tribe through the Legal Department for the calendar year 2003; and

WHEREAS, the firm was contacted by the Comptroller General in approximately October of last year to provide assistance in regards to the Tribe's 401(k) plan; and

WHEREAS, the firm has submitted an invoice in the amount of \$7956.59 based on the activities regarding the 401(k) plan beginning on October of 2003 and ending in January 2004; and

WHEREAS, the fees for 2003 were submitted too late to be included within the costs associated with FY2003 budgeted funds, and no funds were budgeted for this contract for FY2004 as the Legal Department did not request the contract to be either extended, renewed or a new contract to be presented; and

WHEREAS, the firm has been contacted and the final costs for services render are tentatively estimated not to exceed \$10,000.00; and

WHEREAS, a budget modification is necessary to be able to make payments to this vendor; and

WHEREAS, the Professional Fees line contains sufficient funds in an existing project to be transferred to this purpose and the Legislative Legal Department is requesting authorization to make this budget modification;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the budget modification of the Legislative Legal Department, Program # 1000-109, Professional Fees Line # 5204 and the budget narrative in the following manner.

1. \$10,000 - Calcutt Rogers & Boynton

This engagement agreement is for the preparation and submission of legal assistance regarding the Tribe's 401(k) plan. The estimated invoiced amount is \$10,000.

2. \$10,000 - Reducing US v. Michigan - Emergency

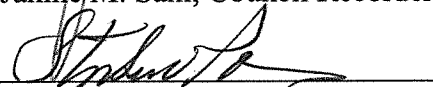
The allocation of \$106,000 to this activity will be reduced by \$10,000 leaving \$96, 000 in the event of the US. v. Michigan case being placed on a fast track litigation schedule.

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 March 17, 2004, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Presentation of Resolution Budget Modification to Tribal Ogema:

Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution modifying the Operating Budget for Fiscal Year 2004 as set forth in Resolution #03-1217-424, has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 3-18-04

Signature of Council Recorder: [Signature]

Action by the Tribal Ogema: Approved Disapproved (attach comments)

Date: [Signature] 3/24/04

Signature of Ogema: [Signature]

Distribution: Council Records
Tribal Ogema
Tribal Court