



Little River Band of Ottawa Indians

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

Resolution # 04-0407-140

Adoption of Budget and Appropriations Regulations, "Chapter 6. Purchasing and Procurement - Tribal Court"

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 authorized under Article IV, Section 7(b) to ratify contracts and agreements negotiated by the Ogema; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(c) to purchase, lease, take by gift, take by devise or bequest or otherwise acquire land, interests in land, personal property or other assets which may be deemed beneficial to the Tribe; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(i) to manage funds within the control of the Tribe by appropriations or budgets and in accordance with ordinances of the Tribe; and

WHEREAS, the Tribal Council has adopted the Budget and Appropriations Ordinance which identified how the budget is approved and authority to manage the budget is delegated; and

WHEREAS, the Tribal Council has adopted regulations which specifically implement and authorize purchases and expenditures of budgeted funds, *Cf. Budget and Appropriations Regulations, Chapter R100 regarding purchasing, travel, and business mileage reimbursement*; and

WHEREAS, the Tribal Council received recommended amendments from the Ogema's office through the Purchasing Supervisor which included proposed amendments from the Compliance Audit conducted by Joseph Eve & Company; and

WHEREAS, the Tribal Council considered those recommendations as well as other recommendations that have been made from time to time and developed "Chapter 6. Purchasing and Procurement - Tribal Court" which accurately reflects the relationships, authorities and responsibilities of the Tribal Court in relation to expenditures from the budget approved by the Tribal Council and Ogema; and

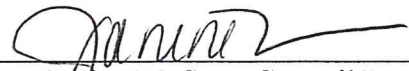
WHEREAS, Chapter 6 has been submitted for review and comment to specified representatives of the Ogema;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts "Chapter 6. Purchasing and Procurement - Tribal Court" and directs the Recorder to request the Tribal Court to submit the required documentation of purchasing authority to the Purchasing Supervisor and Controller as identified in section 2-7.

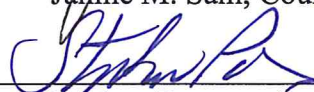
IT IS FURTHER RESOLVED THAT where conflicts between "Chapter 1. Purchasing and Procurement Regulations" and this Chapter exists, Chapter 5 shall govern.

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 April 7, 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:

Distribution: Council Records
Tribal Ogema
Tribal Court

BUDGET AND APPROPRIATION REGULATIONS
Regulation # R100-01:AC

Chapter 6. Purchasing and Procurement - Tribal Court
Regulation # R100-01:AC-06

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with the authority set forth in Article IV –

- a. Section 7(b) to authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Tribe;
- b. Section 7(c and d) to authorize the purchase and/or sale of land or forms of interests in land;
- c. Section 7(i)(2) to manage any funds within the exclusive control of the Tribe, to levy fines and other fees, and to borrow money; and
- d. Section 7(j) to take action not inconsistent with the Constitution;

the Tribal Council enacts these regulations which identify the processes by which the Tribal Court is authorized to expend funds of the Tribe.

Further, in accordance with Section 4.10 (e) of the Budget and Appropriation Ordinance, # 01-100-04, the Tribal Council hereby promulgates these rules for purchasing and procurement by the Tribe.

1-2. *Purpose.* This policy is intended to provide a framework for ensuring that purchasing transactions and accompanying procedures are uniformly applied. Guidelines are placed to support purchasing activities of the Tribe and to create a managed purchasing system.

Section 2. Purchasing Policies - Tribal Court

2-1. *Applicability.* The policy set forth in this Section, and as set forth in Chapter 1, shall be followed by the Tribal Court and its employees.

2-2. *Justification.* All purchase and contract actions must be justifiable and support legitimate Tribal objectives.

2-3. *Pricing.* Purchasing and contract actions will be based on competitive pricing to the greatest extent possible and exceptions shall be documented and approved. Competitive pricing as used in this policy means obtain price quotes or bids from multiple vendors to assure the lowest price on quality goods and services.

2-4. *Purchasing Processing.* All purchases are to be processed through the Purchasing Department.

2-5. *Contracts.* All purchases shall be accompanied by an original signed contract or purchase order which shall be filed with the Purchasing Department.

~~2-6. *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.~~

2-7. *Designated Authority to Purchase.* The Tribal Court shall identify by order, each fiscal year, the persons authorized to make purchases on behalf of the Tribal Court. Such authority shall also identify the authority to sign contracts authorized by the Tribal Court for the purchase of goods and

services, *provided that such goods and services are specified within the approved budget of the Tribal Court.*

Section 3. Adoption; Amendment; Repeal

3-1. *Adoption.* This Chapter is adopted by the Tribal Council on April 7, 2004 by resolution # 04-0407-140 and repeals all other purchasing regulations.

3-2. *Amendment.* This regulation may be amended by the Tribal Council, or by submission of amendments by the Tribal Ogema approved by the Tribal Council, in accordance with the Constitution and any rules set forth governing amendment of regulations of the Little River Band of Ottawa Indians.

3-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

3-4. *Compliance.* In regards to compliance with this regulation, deviation from the requirements of this regulation must be noted and corrected. Failure to follow the requirements of this regulation may result in disciplinary action, up to and including termination from employment, reporting to Judicial Ethics Committee if Tribal judge, including action to recover expenditures resulting from unauthorized actions..