



Little River Band of Ottawa Indians

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

Resolution # 04-0602-233

Authorization to Disbursement Minor Judgement Fund Accounts of Disenrolled Members to Reservation Restoration Fund

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 approved the Judgement Funds Procedures Ordinance which identified the allocation and disbursement processes for land claims litigation settlement funds; and

WHEREAS, the Ordinance identified a percentage of the judgement funds would be disbursed to each member, and those members under the age of 18 at the time of disbursement would have their payments placed in trust accounts to be released upon request after reach age 18; and

WHEREAS, the Tribal Council has identified that two individuals, Noah Austin Tyler and Robert Dale Tyler, have had trust accounts set-up and who have been subsequently disenrolled as a result of a mistake of fact in the enrollment process the correction of which resulted in the individuals not meeting eligibility requirements; and

WHEREAS, the Tribal Council has requested, and received, a legal opinion which identified that funds placed in a trust account under the Ordinance, in the above circumstances where an individual has been disenrolled because of a mistake of fact, may adopt a resolution directing return of the Trust funds because they were illegally disbursed to an ineligible person; and


WHEREAS, the Tribal Council has requested, and received, a legal opinion which identifies that the returned funds should be placed in the Reservation Restoration Account and that these funds fit within this category; and

WHEREAS, the Tribal Council reviewed the legal opinion and Ordinance, and has determined that funds disbursed to a minor who was subsequently disenrolled based upon a mistake of fact prior to disbursement of the minor trust account belong to the Tribe and should be deposited within the Reservation Restoration Account;


NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby directs the release of minor trust account funds of Noah Austin Tyler and Robert Dale Tyler to the Tribe to be placed with the Reservation Restoration Account, # 6020.

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 Closed Session of the Little River Band of Ottawa Indians Tribal Council held on June 2, 2004, at the Little River Band's Conference 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