



Little River Band of Ottawa Indians

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

Resolution # 04-0915-374

Re-Organizing Legal Department and Responsibilities to Provide Legal Services

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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; 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(e) of the Constitution, to employ legal counsel on behalf of the Tribe; and

WHEREAS, the Tribal Council approved resolution # 03-0806-239 which authorized the Ogema to engage a General Counsel to provide services for the executive offices and that a separate of legislative and executive legal needs was necessary; and

WHEREAS, the Tribal Council approved resolution # 03-0813-255 which amended the Legal Department Budget and transferred funding related to executive legal activities - Enterprise Attorney and Legal Assistance Office - to the Ogema's budget; and

WHEREAS, the Tribal Council approved resolutions # 03-0813-257, 03-0813-258, 03-0813-259 and 03-0813-260 to transfer supervisory responsibility over attorneys between the Ogema and Tribal Council; and

WHEREAS, the Tribal Council approved resolution # 03-1105-375 which ratified an employment contract for Legislative General Counsel services for the Tribal Council; and

WHEREAS, the Tribal Council has reviewed these actions and has determined that legal services provided by a consolidated department more appropriate meets the needs of the Tribe, including executive functions, without creating conflicts of interests that cannot be avoided or addressed; and

WHEREAS, the Tribal Council has determined that legal actions, whether contract, employment, insurance, injury or otherwise, are actions that should be reviewed and notified to the Tribal Council and managed on behalf of the best interests of the Tribe; and

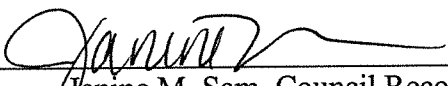
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby rescinds the separation of legal services and directs the Legislative General Counsel to bring back, no later than September 22nd, a report on necessary legal staffing to support the legal needs of the Tribal government, including office space, job descriptions, budgeting needs, and support staff increases.

IT IS FURTHER RESOLVED THAT the Tribal Council establishes the Legal Department as responsible for providing all legal services and contracts for legal support services, and directs that transfers of budgets and responsibilities from the Ogema's office to the Legal Department be brought to the Tribal Council in resolution form no later than September 22nd.

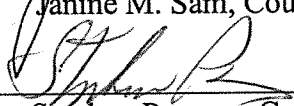
IT IS FINALLY RESOLVE THAT all pending legal actions involving the Tribe, not currently managed by the Legal Department, be brought to the attention of the Legislative General Counsel for assessment and future direction to be managed through the Legal Department.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 15, 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