



Little River Band of Ottawa Indians

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

Resolution # 04-1027-434

*Authorizing Supplemental Appropriation in the Amount of \$50,000.00
to Increase the Ceiling on Fees and Expenses Authorized Under the
Engagement Letter with Kanji & Katzen, PLLC*

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 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, pursuant to Article IV, Section 7 (i)(2) of the Constitution, has the power to manage any funds within the exclusive control of the Tribe and to appropriate such funds for the benefit of the Tribe and its members; and

WHEREAS, the Tribal Council, pursuant to Resolution #04-0616-254, authorized execution of an engagement letter retaining the law firm of Kanji & Katzen, PLLC to represent the Tribe in connection with its dispute with State of Michigan under the Tribal-State Gaming Compact relating to the State's initiation of "Club Keno"; and

WHEREAS, Resolution #04-0616-254 established an initial ceiling of \$30,000.00 for fees and expenses was authorized for fees and expenses; and

WHEREAS, the amount of work undertaken by Kanji & Katzen attorneys to prepare the Tribe's legal and factual arguments in anticipation of litigation have required more time than originally anticipated; and

WHEREAS, Kanji & Katzen has prepared a litigation budget which estimates that up to \$50,000.00 in additional fees and expenses will likely be required for the balance of calendar year 2004 to continue litigation preparations; and

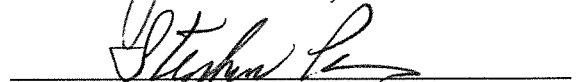
WHEREAS, a supplemental appropriation of \$50,000.00 for this purpose will require a modification of the Operating Budget for Fiscal Year 2004, which was approved on December 17, 2003.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves a modification to the Operating Budget for the Tribal Government for Fiscal Year 2004 to include a supplemental appropriation of \$50,000.00 from the "Reserve for Future Appropriations" Account to be transferred to the Legal Department Budget Professional Fees Line Item) 1000-109-5205) to be allocated for additional fees and expenses under the engagement letter with Kanji & Katzen, PLLC, associated with the Compact dispute regarding the "Club Keno" game.

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 October 27, 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:

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: 10-29-04

Signature of Council Recorder: 

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

Date: 11/2/04

Signature of Ogema: 

Distribution: Council Records
Tribal Ogema
Tribal Court