

Little River Band of Ottawa Indians

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

Resolution # 05-0202-39

Authorizing an Encumbrance in the Amount of \$125,000 from the Professional Fees Line in the Legal Department Budget for Fees and Expenses for Legal Services Provided by Kanji & Katzen, PLLC for Services Related to the Club Keno Dispute

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, pursuant to Article IV, Section 7(b) of the Constitution of the Little River Band of Ottawa Indians ("Tribal Constitution"), has the power to ratify contracts negotiated on behalf of the Tribe; and

WHEREAS, the Tribal Ogema, pursuant to Article VI, Section 5(a) of the Tribal Constitution, is authorized to negotiate and execute contracts on behalf of the Tribe, provided such contracts are approved and ratified by the Tribal Council; and

WHEREAS, the Tribal Council has previously approved a Retainer Agreement retaining the firm Kanji & Katzen, PLLC for legal services associated with resolution of the dispute with the State of Michigan under the Tribal-State Gaming Compact concerning the State's initiation of Club Keno; and

WHEREAS, the Legal Department has requested authorization to obligate \$125,000.00 under the Professional Services Line in the Legal Department Budget to cover fees and expenses payable to Kanji & Katzen, PLLC for Fiscal Year 2005; and

WHEREAS, funds for this purpose were included in Legal Department's FY 2005 Budget for these purposes.

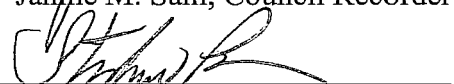
NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the encumbrance of \$125,000.00 from the Professional Services line in the Legal Department's FY 2005 Program Budget to cover fees and expenses incurred in Fiscal Year 2005 for legal services provided by Kanji & Katzen, PLLC relating to the Club Keno dispute with the State of Michigan.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 1 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 2, 2005, 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
Purchasing Manager
Legal Department