

## **Little River Band of Ottawa Indians**

375 River Street  
Manistee, Michigan 4960  
(231) 723-8288

### **Resolution #05-0216-72**

#### *Ratification of Contract with NFP Consultants and Waiver of Sovereign Immunity for the Limited Purposes of Binding Arbitration Enforceable in 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 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(b) to ratify contracts: and

WHEREAS, the Tribal Council is authorized under Article XI, Section 1, to waive the sovereign immunity of the Tribe, be resolution, where it is in the best interests of the Tribe; and

WHEREAS, the Ogema has presented a contract with NFP Consultants which will provide necessary programming and training services for the Tribe's accounting systems to meet federal accounting requirements; and

WHEREAS, the vendor has agreed to application of Tribal law, along with the laws of the State of Missouri; and limited recourse to enforcement of the arbitration award to the Commercial Division of Tribal Court; and

WHEREAS, the Tribal Council has adopted the Arbitration Ordinance which sets forth the processes and limitations of arbitration in regards to contracts with the Tribe; and


WHEREAS, the Tribal Council has reviewed the contract and the purposes for which it is presented and finds that's it is the best interest of the Tribe to ratify the contract and authorize the arbitration processes;

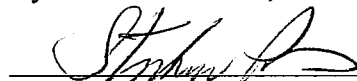
NOW THEREFORE IT IS RESOLVED THAT, the Tribal Council of the Little River Band of Ottawa Indians ratifies the agreement with NFP Consultants and Attachment A – Arbitration Agreement, and Attachment B – Estimated Expenses and authorizes the agreement to be entered into by the Tribe.

IT IS FURTHER RESOLVED THAT, the Tribal Council hereby authorizes a limited waiver of sovereign immunity of the Tribe only for purposes of entering into binding arbitration and enforcement of the arbitration award in the Commercial Division of Tribal Court. Provided that, this resolution shall be attached to the contract and shall be presented to the Vendor with the signed contract.

### **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 February 16, 2005, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.

  
Tammy Kleeman-Brown, Tribal Councilor

  
Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Legal Department  
Accounting Department

NFP Consultants