

Little River Band of Ottawa Indians

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

Resolution # 05-0427-171

Conclusion of Ogema v. Tribal Council - Return of Litigation Support Funds to General 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 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, Tribal Council adopted Resolution # 04-1006-397, *Authorization of Legal Counsel on Behalf of Both Parties for Both Tribal Council and Tribal Ogema*, which authorized engagement of Attorneys in the case of *Ogema v. Tribal Council* filed in Tribal Court; and

WHEREAS, Tribal Council adopted Resolution # 04-1020-421, *Approving Appropriation of \$200,000 for legal fees; \$100,000 to the Tribal Council Budget and \$100,00 to the Ogema Budget from the General Fund Future Appropriations Reserve*, for expenses specifically related to, and limited for that purpose only, Resolution # 04-1006-397 regarding legal counsel for *Ogema v. Tribal Council*; and

WHEREAS, Tribal Council adopted Resolution # 05-0112-10, *Approving Re-Authorization of Supplemental Appropriation of \$190,000 for Legal Fees; \$90,000 to the Tribal Council Budget and \$100,000 to the Ogema Budget from*

the General Fund Future Appropriation Reserve, which moved prior approved funds into the FY2005 Budget; and

WHEREAS, the case was dismissed by the Tribal Court on March 21, 2005, as having cases and controversies concluded by action of the Tribal Council regarding three Ordinances - Legal Counsel Reform Act of 2005, Casino Board of Directors Act of 2005, and Audit Reform Act of 2005 - thus resulting in conclusion of the need to maintain the authorizations and allocations identified by Resolutions #04-1006-397, #04-1020-421, and #05-0112-10; and

WHEREAS, the Tribal Council has notified its legal counsel, Robert Lyttle, Attorney, of the conclusion of the need for further services under the contract and requested a final invoice and closure of client file, and such letter and invoice has been received from its legal counsel; and

WHEREAS, the Ogema has not identified that the legal counsel, Brown & LaCounte, have been notified of the conclusion of the need for further legal services and requested a final invoice;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby requests the Ogema to notify his legal counsel that this matter has been concluded and request a final invoice.


NOW THEREFORE IT IS FURTHER RESOLVED THAT Tribal Council repeals Resolution # 05-0406-142.

NOW THEREFORE IT IS FINALLY RESOLVED THAT the Tribal Council directs the Consulting Chief Financial Officer to prepare a budget modification resolution for action at the next meeting.

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 Session of the Little River Band of Ottawa Indians Tribal Council held on April 27, 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