



Little River Band of Ottawa Indians

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

Resolution #05-0504-177

Approving a Budget Modification to Reflect Termination of Budgetary Authorization Under Resolution #05-0112-10 and Returning Unexpended Funds Authorized for Tribal Council Legal Expenses Under that Resolution to the General Fund – Future Appropriations Reserve

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(i)(1) to amend the annual budget presented by the Tribal Ogema and to authorize the expenditure of funds in accordance with such budget actions; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(i)(2) to manage funds within the exclusive control of the Tribe; and

WHEREAS, Article IV, Section 7(i)(2) requires that all expenditures of funds be in accordance with appropriations authorized by resolution of the Tribal Council; and

WHEREAS, the Tribal Council previously approved Resolution #05-0112-10, re-authorizing the expenditure of \$190,000 for legal fees (\$100,000 for Tribal Council and \$100,000 for the Ogema), which amounts were originally authorized in Resolutions #04-1006-397 and #05-1020-421, for the limited purpose of funding litigation expenses incurred by the Tribal Council and Ogema in connection with Tribal Court Case #04154GC; and

WHEREAS, Case #04154GC was dismissed by the Tribal Court on March 21, 2005, thus resulting in the conclusion of the purposes for which the expenditure of funds last authorized by Resolution #05-0112-10 were made; and

WHEREAS, the Tribal Council has notified its legal counsel of the conclusion of approved the need for further legal services and requested a final invoice, which final invoice was received; and

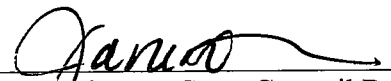
WHEREAS, the total amount of funds expended from the Tribal Council's portion of the funds were encumbered for FY 2004 and FY 2005 from the amount appropriated (\$100,000.00) was \$40,291.07; and

WHEREAS, in as much as the purpose for the supplemental appropriation last authorized in Resolution # 05-0112-10 has ended, the balance of funds appropriated for that purpose should be returned to the General Fund.

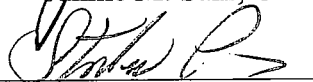
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves a budget modification to reflect the termination of the circumstances warranting the authorization for the appropriation for FY 2004 and FY 2005 from the total amount of \$100,000, which was appropriated to the Tribal Council Budget (1000-100-100-5205) contained in Resolution #04-1006-397 and Resolution # 05-0112-10 and directs that the balance of unexpended funds in the amount of \$59,708.93 from the Tribal Council's portion of funds encumbered under Resolution #04-1006-397 and Resolution # 05-0112-10 be transferred from the Tribal Council Budget to the General Fund Future Appropriations Reserve.

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 May 4, 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:

Presentation of Resolution Budget Modification to Tribal Ogema:

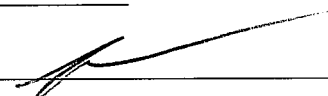
Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution # 05-0504-177, modifying the Operating Budget for Fiscal Year 2005 and rescinding the authorization set forth in Resolution #05-0112-10, has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 5-5-05

Signature of Council Recorder: 

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

Date: 5/2/05

Signature of Ogema: 

Distribution: Council Records
Tribal Ogema
Tribal Court
Budget Manager