



Little River Band of Ottawa Indians

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

Resolution # 05-0727-344

Resolution objecting to the use of Little River Band Government funds for Political Action Committee Contribution, and objecting to the Tribal Ogema's attendance at a fundraiser held at the Major League All Star Game

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 has been delegated Legislative powers by the membership, and 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 Ogema has been delegated with Executive powers by the membership, and some of those powers are subject to action by tribal council; and

WHEREAS the Tribal Council is limited to the form of action to adoption of actions either by Motion, Resolution, or Ordinance, and such actions must be taken during Tribal Council meetings; and

WHEREAS, the Tribal Council is vested with the responsibility for oversight and management of all funds within the control of the Little River Band; and

WHEREAS, any funding within the control of the Little River Band may not be expended except in accordance with approved budgets and in accordance with Tribal Law as enacted by the Tribal Council; and

WHEREAS, the Tribal Ogema did create a check request form resulting in a check drawn on the government funding of the Little River Band of Ottawa Indians in the amount of \$5,000.00 for a political contribution to Congressman Richard Pombo that was expended from the "tribal activities" line item in the Ogema's budget; and

WHEREAS, the only documentation attached to the check request used to justify the check was an email from a staff attorney that has no authority to grant authorization for use of government money, stating that representation at this event is recommended by lobbyists under contract with Little River Band; and

WHEREAS, the FY 2005 Government Operations Budget for the Little River Band of Ottawa Indians as adopted in December 2004 by the Tribal Council contains narratives and justifications to ensure that the tribal membership has adequate information to determine the types of expenditures made from public funding; the Tribal Council finds that there is no reference to Political Action Committee contributions in any narrative of the any area of the budget that would provide an indication that such an expenditure would be an authorized purpose for the expenditure of government funds; and

WHEREAS, the Constitution of the Little River Band limits any spending of government funds to those items authorized by Tribal Council in an approved budget, and under the 'tribal activities' line within the appropriation made for the Tribal Ogema the narrative and justification for that allocation supports the children's Christmas party and staff Christmas party, as well as the Spring and fall membership meetings, thereby creating a clear indication that the purposes of the funding as approved did not include Political Action Committee Contributions; and

WHEREAS, the Tribal Ogema is familiar with the Call of Emergency Meeting process as outlined in the Constitution as the Ogema has called Emergency meetings of the Tribal Council for other reasons, but did not exercise his Executive Power to call an Emergency Meeting of the Tribal Council for this matter, to get Tribal Council authorization or an amendment to the Tribal Budget for this specific expenditure, but the Ogema did use his signature authority under regulation to generate a check against government funds for an unauthorized purpose-to contribute to a Political Action Committee; the Tribal Council finds that approving the expenditure of tribal government funds outside of approved budgets is beyond the approval authority or discretion of the Ogema as defined by the Little River Band Constitution (*see Art. V, Section 5(a)2,8*) and as allowed under the purchasing and procurement regulations in accordance with the Budget and Appropriations Ordinance, as government funds are to be used only for authorized purposes; and

WHEREAS, the Tribal Council finds that this specific contribution resulted in the Tribal Ogema's attendance at the Major League All-Star Game, in the "owner's box", seats for such an event that the Ogema may not have otherwise been able to obtain access on his own as an individual citizen, for this particular event without using the Tribe's political influence or funding or his position as the Ogema for Little River Band; and

WHEREAS, the Tribal Ogema did also authorize from his travel line item sufficient funds to pay for overnight accommodations and travel to Detroit, MI, and did sign his own travel check to complete the transaction, which is in violation of a previous resolution of Tribal Council prohibiting an authorized check signer from signing a check payable to themselves as an internal control mechanism, to prevent such an expenditure as did occur when the Tribal Ogema authorized his own travel on a travel form and then did sign his own travel check, to attend an event that was not included in any line item of the Government Operations Budget; and

WHEREAS, a member or members of the Tribal Council are necessary as a second signer to create any check for the government in accordance with current processes, but signature by Council Members does not constitute "Tribal Council Approval", nor does the Tribal Council have approval authority to sign a check form required to expend money from the Tribal Ogema's budget; further, a member or members of the Tribal Council refused to sign either the PAC contribution check in the amount of \$5,000.00 and the travel check for the Tribal Ogema, recording the reasons for such refusal in the Accounting Department, and the checks were processed and signed in spite of the objections to this expenditure raised by some members of the Tribal Council; and

WHEREAS, the Tribal Council has the ultimate responsibility for the assets and funds of the tribe, to protect the welfare of the Membership, and to be accountable for the authorization of governmental purposes to ensure that all members know how their money is being spent, and on what purposes.

NOW THEREFORE IT IS RESOLVED THAT by this Resolution the Tribal Council does object and hereby declares that the specific event – a fundraiser for Richard Pombo at the Major League All Star game- is not an authorized government purpose, and there was no action by the Tribal Council to approve the Ogema's attendance at this event or the funds that were expended in connection with this event.

IT IS FURTHER RESOLVED THAT signature by any one member of the Tribal Council on a check does not constitute approval of the Tribal Council for any purpose, and in this specific case, the Tribal Council objects to the method in which this transaction was processed, and that the Tribal Council does not approve of utilizing money appropriated for the purposes of membership meetings and other internal events for political events with a congressman from California.

IT IS FURTHER RESOLVED THAT the Tribal Council amends the authorized check signers for the Tribe by eliminating Lee A. Sprague as a designated check signer on any account for the Little River Band of Ottawa Indians.

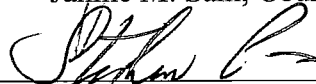
IT IS FURTHER RESOLVED THAT the Tribal Council hereby refers this matter to Tribal Prosecutor Gene Zeller, to determine if there was a violation of the Little River Band Law and Order Code, to determine whether or not the Ogema did abuse or use his office for personal gain in this matter.

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, 0 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on July 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