



Little River Band of Ottawa Indians

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

Resolution # 05-1026-544

*Reaffirming Resolution #05-1012-511 and Overriding Veto of Ogema Regarding
Removal of Funding for Blue Buffalo Consulting, Inc., Duane Hopkins*

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 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 vested with the authority, under Article IV, Section 7, to manage the funds of the Tribe; and

WHEREAS, the Tribal Council adopted the budget for Fiscal Year 2005 by resolution # 04-1215-510, as amended, which included funds for the purposes of invoices submitted by Blue Buffalo Consulting, Inc., Duane Hopkins; and

WHEREAS, the Tribal Council adopted four resolutions (# 05-0817-397 through 400) which identified errors, inaction, inaccuracies and other deficiencies in the activities of Blue Buffalo Consulting, Inc., Duane Hopkins, which were detrimental to the Tribe, resulted in failure to meet audit goals, undermined accounting corrections, and failing to meet contract goals and objectives; and

WHEREAS, the Tribal Council adopted Resolution # 05-1012-511 which removed funding for this contract as a result of the failure to correct actions and forwarded the resolution to the Ogema; and

WHEREAS, the Ogema returned Resolution #05-1012-511 to the Tribal Council at 5:12 p.m. on October 20, 2005, without identifying either approval or veto of the action in the Budget Certification, and without signing the Budget Certification; and

WHEREAS, the Ogema, having been notified of the changes in the application and use of the Certification of Execution Form as an internal document management form through Resolution # 05-0907-436, returned Resolution #05-1012-511 to the Tribal Council at 5:12 p.m. on October 20, 2005, identifying that he requested reconsideration of the Tribal Council's action and was vetoing the resolution; and

WHEREAS, the Recorder informed the Ogema of the error on the resolution action by speaking with the Ogema on two occasions immediately after receiving the returned resolution identifying that the veto action had not been properly carried out and attempting to allow the Ogema to return and properly carry out his alleged intended veto; and

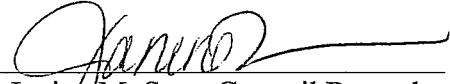
WHEREAS, the Tribal Council finds that the Ogema was aware of the failure to carry out the veto action properly, was given an opportunity to correct that mistake, and failed to take proper action to correct the mistake; and

WHEREAS, in the interest of providing clear notice and avoiding uncertainty, the Tribal Council finds that they have received what may be identified as the veto of the Ogema regarding resolution #05-1012-511 and has determined, as authorized by Article V, Section 5(c), by adoption of this resolution by at least 6 of the 9 Tribal Councilors to override the Ogema's veto as an action in the best interests of the Tribe;

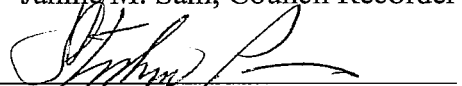
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby overrides the veto of the Ogema regarding Resolution # 05-1012-511, *Amending the Budget to Remove Funds for Expenditures Related to Blue Buffalo Consulting, Inc., Duane Hopkins, Prohibiting Further Expenditures, and Directing a Final Accounting Be Brought Forward to Authorize Funding for Final Invoice*, and directs the budget modification to be completed.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, 0 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on October 26, 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