



## Little River Band of Ottawa Indians

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

### Resolution # 05-1026-545

*Providing Notice of Termination of Contract to Duane Hopkins, Blue Buffalo Consulting, Inc., as of immediately, on October 26, 2005 at 11:50 a.m. and Directing a Final Accounting Be Brought Forward to Authorize Funding for Final Invoice*

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 adopted four Resolutions (# 05-0817-397 through 400) which identified errors, inaction, inaccuracies and other deficiencies in the Blue Buffalo Consulting, Inc., Duane Hopkins, activities and directed the Ogema to report on the failure of the consultant to meet the goals and objectives in the contract; and

WHEREAS, the Ogema responded to the Tribal Council by identifying that he did not have legal counsel in which to conduct such a review and report to the Tribal Council, and no further action has been reported to the Tribal Council regarding these matters; and

WHEREAS, the Tribe has paid to Blue Buffalo Consulting, Inc., Duane Hopkins, approximately \$194,000 through September 9, 2005; and

WHEREAS, since the date of engagement, Blue Buffalo Consulting, Inc., Duane Hopkins, has been paid approximately \$660,000; and

WHEREAS, the Tribe has not yet been able to conclude its audit reporting, has been unduly delayed in its reporting time line, has had to resubmit a re-audited statement, and is not prepared to begin the remaining audit activities as a result of a failure to place the appropriate emphasis on these reporting requirements;

WHEREAS, the Tribal Council has been notified that as a result of the first set of delays in preparing the finances of the Tribe for the audit processes that audits will not be submitted in the time period originally planned, nor will the audits be submitted within the revised time periods adjusted as a result of the second set of delays caused by or allowed to occur by Duane Hopkins, Blue Buffalo Consulting, Inc.; and

WHEREAS, the Tribal Council finds that the Tribe is paying unnecessary and excessive invoices presented by Duane Hopkins, Blue Buffalo Consulting, Inc., to provide advice and guidance in litigation matters brought by the Ogema against the Tribal Council, to develop per capita plans and financial plans which are erroneous and currently unfeasible, to present financial statements which continue to contain erroneous and uncorrected information, to sit in Development Committee meetings for which no meaningful input or discussion is given or needed, to develop investment plans which have not been authorized, among other actions for which the purpose is not connected to finalizing the Tribe's audits and managing the finances of the Tribe, such that in at least one specific instance GASB-34 conversion is not completed and for which the consultant has identified an expertise; and

WHEREAS, the Tribal Council finds that the Ogema has not vetoed the budget modification resolution and has not submitted a final accounting in regards to valid expenses presented by Duane Hopkins, Blue Buffalo Consulting, Inc.; and

WHEREAS, the Tribal Council finds it necessary to complete a task required under Resolution # 05-1012-511 to direct conclusion of consultant related activities Duane Hopkins, Blue Buffalo Consulting, Inc., and that such notice was provided as of October 12, 2005 by telephone call to consultant, and should have been provided in writing by the Ogema on or around October 13, 2005; and

WHEREAS, the Tribal Council finds that continuation of this contract is no longer in the best interests of the Tribe, no longer meets the needs of the Tribe in regards to consulting services, and may prove detrimental to continue such contract in light of the inability to complete audit processes, conclude contract related responsibilities, and the inability of the consultant to work on the activities for which he was directly hired to correct and/or manage;

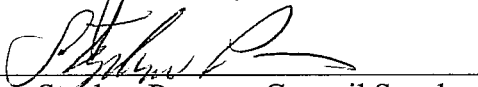
NOW THEREFORE IT IS RESOLVED THAT the Little River Band of Ottawa Indians, forwards this notice of termination to the Consultant and directs Blue Buffalo Consulting, Inc., Duane Hopkins, to submit a detailed final invoice for payment upon receipt of such notice to the Tribal Council.

NOW THEREFORE IT IS RESOLVED THAT the Little River Band of Ottawa Indians THAT the Little River Band of Ottawa Indians directs that no further services should be provided during this period and the Consulting Chief Financial Officer shall conclude all activities and close out all matters by returning equipment and other resources immediately.

**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.

  
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Janine M. Sam, Council Recorder

  
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Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court