



Little River Band of Ottawa Indians
2608 Government Center Drive
Manistee, MI 49660

Resolution # 22-0209-019

#5 Limited Scope Investigation LAMAR Contract 10/29/21

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 Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council adopted, in accordance with Article IV, Section 7(a) of the Constitution, and the Government Business and Accounting Act of 2010 which identifies the need for investigations; and

WHEREAS, the Comptroller General has performed Limited Scope Investigations as requested by Tribal Council.

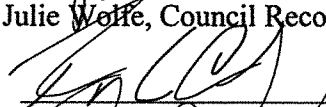
WHEREAS, the Comptroller General has prepared and presented the Limited Scope Investigation and supporting documents to the Tribal Council on October 29, 2021.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby accepts the following report #5 Limited Scope Investigation LAMAR Contract 10/29/21 dated October 29, 2021 and authorizes their dissemination to individuals as deemed appropriate by the Tribal Council.

CERTIFICATE OF ADOPTION

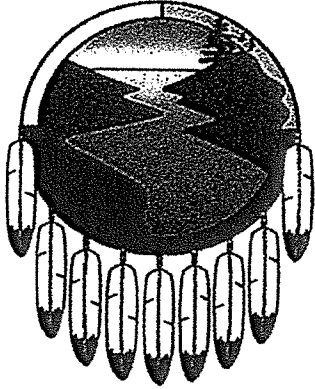
I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 1 ABSTAINING, and 2 ABSENT at a Regular Tribal Council Meeting of the Little River Band of Ottawa Indians Tribal Council held on February 9, 2022, via ZOOM, and the Little River Band of Ottawa Indians Government Center, with quorum being present for such vote.


Julie Wolfe, Council Recorder


Nitumigaabow Champagne, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court



Office of Business and Accounting

2608 Governmental Center Drive

Manistee, MI. 49660

Phone: 906 398 6837

Little River Band of Ottawa Indians

Limited Scope Investigation to review the circumstance regarding the Be Da Bin/LAMAR Contract that was proposed on 8/25/2021 by Council Resolution #211.

Investigation performed by Bradley R Pringle, Comptroller General

Objective/Description

Tribal Council received Resolution from Ogema on behalf of Be Da Bin to approve a LAMAR billboard contract. The documents attached revealed a signed and implemented contract.

Investigation Scope

Auditor will review the Constitution, Regulations and Ordinances to determine what requirements are and what violations occurred. Auditor will examine the time lines of the documents processed. I will review 8/23 completed Lamar work for status. I will discuss processes with applicable management representative, as necessary.

Findings

Timeline for LAMAR contract.

- 1 8/6/21, LAMAR sent over contract.
- 2 8/6/21, William Willis signed contract.
- 3 8/9/21, Purchase Order form was completed.
- 4 8/13/21, Purchasing appears to have received and processed Purchasing Order.
- 5 8/13/21, Ogema completes Agenda request for 8/26/20, Agenda date was wrong for both day and year. Should have been 8/25/21.
- 6 8/20/21, Legislative completed 8/25 Council Agenda containing the proposed Resolution #211.
- 7 8/23/21, LAMAR displays the proposed billboards and prepares invoice for services.
- 8 8/25/21, After a Healthy debate, Council voted down Resolution #211, twice.
The Council denied the Resolution: 2 In-Favor, 5 Against, 1 Abstain, 1 Absent vote.

Review the Resolution Process:

Agenda Request was signed on Friday 8/13/2021. The Agenda Request asked for this Resolution to be added on the 8/26/20 Council Meeting. Which is a year and a day off, as the Council Meeting was actually 8/25/21. There was an assumption made that it was 8/25/21 meeting that was requested. It appears, as there was no delay in processing as it was added to the next Council Meeting!

Review of LRBOI Constitution, Ordinance. Regulations and Resolutions

The LRBOI Constitution requires the Council "authorize and ratify agreements and contracts negotiated by the Tribal Ogema."

The LRBOI Constitution requires the Ogema "agreements and contracts must be approved or ratified by Tribal Council to be effective."

Tribal Ordinance, R100-01 AC-01, The Budget and Appropriations Regulations, Purchasing and Procurement, Section 3, Line 3.3, references the same information/wording found in the Constitution.

Review of the LAMAR Billing for the 8/23 work.

Since the contract was already implemented and billboards displayed before 8/25 Council Meeting, Resolution approval failed. LAMAR billed the Tribe for the services on 8/23/21 using invoice number 11279661. The department paid the vendor for the \$1,400 worth of service by utilizing an earlier approved Resolution 21-0217-045, Authorizing Contract With LAMAR Advertising Company.

Review of prior LAMAR Contract/Resolution 21-0217-045

Prior LAMAR Contract Resolution was passed on 2/17/2021. LAMAR contract was signed by Ogema on 2/23/2021. Resolution was for services from March thru October 2021, not to exceed \$3,050. Total spend on this contract was \$3,025. This Resolution appears to meet all minimum Tribal requirements.

Recommendations

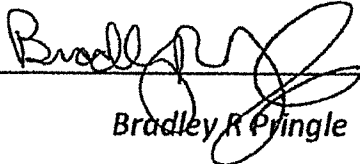
The Tribal Ogema and his Executive Leads did not follow Tribal Constitution or Ordinance; they signed and implemented a Contract before Council Approval/Ratification. ~~REGULATION~~.

Tribal Council should consider reviewing Tribal Council Resolutions as they can be written very vague; this can lead to misunderstanding of the Resolution expectations.

I would also recommend a 2022 Internal Audit on Contracts signed by Executive Leads or other designee of Ogema.

Corrective Action Plan (As Needed)

(TBD)

Auditor Signature: 
Bradley R. Pringle

Date: 10/29/2021