



Little River Band of Ottawa Indians

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Resolution No. #98-0913-01

**Authorizing the Tribal Council Chairperson/Speaker to Execute
Trust Agreement with Huntington National Bank Providing for
Administration of Per Capita Accounts for Minors, Incompetents and
Incarcerated Tribal Members under the 80/20 Plan
and
the Reservation Restoration Trust Fund**

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.)(hereinafter "Little River Act"); and

WHEREAS, Congress has enacted Public Law 103-143, which provides for the division of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364, and 18-R; and

WHEREAS, the Little River Band of Ottawa Indians is the political successor to nine (9) Grand River Ottawa bands who are entitled to share in the division of such judgment funds as recognized in Public Law 105-143; and

WHEREAS, Section 5 of Public Law 105-143 required the Tribe to prepare a plan for use and distribution of the Tribe's share of the Dockets 18-E, 58 and 364 judgment funds; and

WHEREAS, seventy six (76%) of the adult Tribal members participated in a referendum election, at which a Tribal plan, known as the "80/20 Distribution Plan" was approved by a majority of Tribal members; and

WHEREAS, the Tribal Council determined that the "80/20 Plan" presented by that work group meets the minimum standards for approval established by Section 5 of the Indian Judgment Funds Distribution Act, in that such plan reserves 20% of the Tribe's share of the judgment fund for acquisition of Tribal lands and for distribution of the remaining 80% to per capita payments to qualified Tribal members; and

WHEREAS, the Section 2 of the Indian Tribal Judgment Funds Use or Distribution Act, 25 U.S.C. 1403, requires the Tribal Council to assure that the interests of minors and other legally incompetent persons entitled to receive any portion of the judgment funds distributed to them will be protected and preserved; and

WHEREAS, the "80/20 Distribution Plan" was approved by the Secretary of the Interior and, it is expected, by Congress; and

WHEREAS, Section 3.04 of the "80/20 Distribution Plan" the requires the Tribal Council to place the per capita benefits of qualified minor, incompetent and incarcerated Tribal members in a private trust account administered pursuant to a trust agreement meeting the requirements described in the Plan; and

WHEREAS, Section 5 of the "80/20 Distribution Plan" requires the Tribal Council to establish and irrevocable, nonexpendable trust to be known as the "Reservation Restoration Trust Fund" to be utilized to accomplish the goals defined in the Tribe's Reservation Restoration or land acquisition plans; and

WHEREAS, Tribal representatives have sought proposals for the trust services contemplated in the "80/20 Distribution Plan" with various financial institutions; and

WHEREAS, the Tribal Council has reviewed the proposals, as submitted and supplemented, and finds that the proposal submitted by Huntington National Bank will meet the requirements of "80/20 Distribution Plan" and will protect and promote the Tribe's interests and the interests of the beneficiaries of individual per capita accounts; 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 Tribal Council Chairperson/Speaker, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Tribal Constitution, is authorized to represent the Tribe in its relations with other organizations and manage the economic affairs/enterprises of the Tribe, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by the chief executive officer of the Tribe; and

WHEREAS, the Tribal Council understands that two Trust Agreement, providing for the administration of the per capita accounts for individual Tribal members and for the Reservation Restoration Trust Fund will need to be negotiated and executed by the Tribe and Huntington National Bank.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the investment proposal submitted by Huntington National Bank and authorizes Chairperson/Speaker, Robert Guenthardt, to execute the any documents necessary to complete the documentation required implement this investment proposal on behalf of the Little River Band of Ottawa Indians;

IT IS FURTHER RESOLVED THAT the Tribal Council, by authorizing the Tribal Chairperson/Speaker to execute such Agreements, further authorizes the Tribal Council Chairperson/Speaker to complete the negotiation of the Trust Agreement defining rights and responsibilities of the Tribe, the per capita beneficiaries and Huntington National Banks in the administration of these judgment funds. Provided, However That the terms and execution of any subsequent agreement(s) providing for the administration of the Reservation Restoration Trust Fund must specifically authorized and approved by subsequent Tribal Council Resolution.

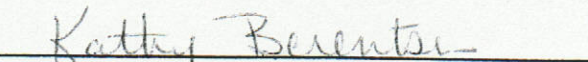
IT IS FURTHER RESOLVED that the Tribal Council hereby authorizes and directs the Tribal Chairperson/Speaker to complete any necessary arrangements with the Department of the Interior's Office of Trust Funds Management, to facilitate the transfer of the Tribe's share of the judgment funds to an account at Huntington National Bank to administer and distribute the judgment funds in accordance with the "80/20 Distribution Plan" and the investment proposal approved herein.

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 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 13, 1998, at the Tribal Community Center in Manistee, Michigan, with a quorum being present for such vote.


Charles Fisher, Council Secretary/Recorder

Attest:


Kathy Berentsen, Vice-Chairperson
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