



Little River Band of Ottawa Indians

2608 Government Center Drive
Manistee, MI 49660

Moved to
Open Session
12/16/15

Resolution #15-1216-392

*Authorization of Reimbursement Account Administrative Services Agreement with
Discovery Benefits, Inc. (DBI)*

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, in effort to consolidate employee benefit offerings as well as to ensure that the Little River Band of Ottawa Indians benefit programs are fully compliant with all applicable statutes, the Human Resources Department has worked with AJ Gallagher & Co to provide alternative voluntary benefits; and

WHEREAS, the vendor selected to provide the administrative services for the reimbursement accounts for the Section 125 Premium Only Plan, and the Health FSA and Dependent Care FSA account is Discovery Benefits, Inc (DBI); and

WHEREAS, the change of benefit offerings does involve contractual agreements that are subject to ratification or authorization by the Tribal Council to be effective; and

WHEREAS, the Agreement with DBI contains an arbitration provision that requires approval by the Tribal Council.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians authorizes the Ogema to execute agreements and manage all matters related to the transition to DBI, for the purposes of providing Section 125, Health FSA and Dependent Care FSA reimbursement administration services.

IT IS FURTHER RESOLVED THAT by authorizing this action, the Tribal Council requires that the Human Resources Department fully inform employees of the change in plan offerings, including any changes affecting pre-tax status, to ensure that all employees are aware of the plan changes.

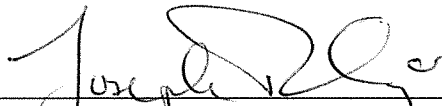
IT IS ADDITIONALLY RESOLVED THAT this authorization is limited to the scope identified herein, and no authorization to enter into additional agreements or commitments of funding are binding on the Tribe or its subsidiaries.

IT IS ADDITIONALLY RESOLVED THAT the Tribal Council consents to a limited waiver of sovereign immunity for the purpose of mediation and arbitration of disputes that may arise through the course of this engagement, in accordance with 8.13 of the agreement.

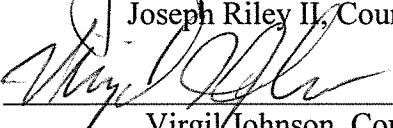
IT IS FINALLY RESOLVED THAT additional actions as may be required may proceed under this same authorization, provided that any significant financial expenditures or additional waivers of immunity, if required, must be carried out in accordance to established law and policy of the Tribe.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with FOR, AGAINST, ABSTAINING, ABSENT, at a Closed Session of the Little River Band of Ottawa Indians Tribal Council held on December 16, 2015, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Joseph Riley II, Council Recorder



Virgil Johnson, Council Speaker

Attest:

Distribution:

- Tribal Ogema
- Tribal Council Records
- Purchasing
- Human Resource Department