A RESOLUTION OF THE TRIBAL COUNCIL OF THE DELAWARE TRIBE OF INDIANS
RATIFYING THE CONTRACT BETWEEN THE DELAWARE TRIBE OF INDIANS AND MCNEIL’S ACCOUNTING & TAXES

RESOLUTION 2020-02
Authored by David McCullough

WHEREAS, the Delaware Tribal Council is authorized by Article V of the Constitution and Bylaws of the Delaware Tribe of Indians to represent and act in all matters that concern the general welfare of the Tribe; and,

WHEREAS, the Delaware Tribal Council also authorized by the Constitution and Bylaws of the Delaware Tribe of Indians to negotiate and make contracts with Federal, State and Local Government and individuals, firms or companies; and,

WHEREAS, the Delaware Tribal Council has approved Procurement Policy and Procedures establishing policies and procedures for the purchase of goods and/or services; and,

WHEREAS, Section 6.1.1.2 of the Procure Policy and Procedures provides that the Director, Tribal Operations Manager and Chief may enter into agreements for the purchase of goods and/or services where such purchase does not exceed $5,000.00; and,

WHEREAS, on September 5, 2019, the Chief Financial Officer for the Delaware Tribe was dismissed from her position; and,

WHEREAS, the Chief Financial Officer’s dismissal immediately negatively impacted the accounting operations of the Delaware Tribe, including but not limited to the ability to meet immediate payroll needs and other general accounting operations of the Tribe as well as the preparation of the 2018 fiscal year audit and training of the Tribe’s accounting department; and,

WHEREAS, on September 21, 2019, at a regular work session of the Delaware Tribal Council, a majority of the Tribal Council directed the Tribal Operations Manager and Chief Chet Brooks to solicit an accounting professional to provide oversight of the Delaware Tribe’s accounting operations while the Delaware Tribe determined the best course of action to restructure the accounting department; and,

WHEREAS, consistent with the directive issued at the Tribal Council workshop meeting and in compliance with the Procurement Policy and Procedure, the Tribal Operations Manager and Chief Chet Brooks negotiated an agreement with McNeil’s Accounting & Taxes to provide the accounting services desired by the Delaware Tribe; and,

WHEREAS, under the terms of the agreement executed by Chief Chet Brooks with an effective date of October 1, 2019, the Delaware Tribe was to remit to McNeil’s, for services rendered, an amount not to exceed $700.00 per week and the Delaware Tribe could terminate the agreement at any time for any reason; and,
WHEREAS, the Delaware Tribal Council has continued to utilize McNeil’s accounting services and to remit payment for said services beyond the anticipated life of the agreement; and,

WHEREAS, the total payments rendered to McNeil’s for services performed since the effective date of the agreement now exceed $5,000.00; and,

WHEREAS, the Delaware Tribal Council finds it necessary to resolve any issue arising from the fact that the Tribal Council has extended the services of McNeil’s accounting beyond the time contemplated when the agreement was executed by Chief Chet Brooks and as a consequence of the extension the amount expended for said services now exceeds $5,000.00.

NOW THEREFORE BE IT RESOLVED, the Delaware Tribal Council of the Delaware Tribe of Indians does hereby ratify the agreement entered into between the Delaware Tribe of Indians and McNeil’s Accounting & Taxes as executed on October 1, 2019 by Chief Chet Brooks; and

BE IT FURTHER RESOLVED that the Delaware Tribal Council affirms that this action conforms with Sections 6.1.1.2 and 6.1.1.3 of the Procurement Policy and Procedures wherein the purchase of services from McNeil’s Accounting & Taxes is approved as of October 1, 2019 by the Delaware Tribal Council.

CERTIFICATION

I hereby certify that the foregoing was considered by the Delaware Tribal Council of the Delaware Tribe of Indians and adopted this 18th day of January 2020 with a vote of 3 yes, 1 no, and 2 abstaining.

Chet Brooks, Chief

Attested by: Charles Randall, Assistant Chief