



**Little River Band of Ottawa Indians
Tribal Council**

2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Moved to
Open Session
01/28/15

Resolution #15-0128-025

Approving Tribal Ogema's Execution of Agreement with Van Dyken Mechanical, Inc.

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 legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(a)(1) and (2) to exercise the inherent powers of the Tribe by establishing laws through the enactment of ordinances and adoption of resolutions to govern the conduct of Tribal Members and others within the Tribe's jurisdiction and to promote, protect and provide for the public health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(b) to authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Little River Band with political subdivisions or private parties on all matters within the authority of the Tribal Council; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(i)(2) to manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit of the Tribe and its members; and

WHEREAS, the executive powers of the Tribe are vested in the Tribal Ogema according to Article V, Section 1 of the Constitution; and

WHEREAS, the Tribal Ogema is authorized to consult, negotiate and execute agreements and contracts on behalf of the Little River Band with governments, political subdivisions and private parties subject to authorization and ratification by Tribal Council.

WHEREAS, the Tribal Ogema has consulted and negotiated with Van Dyken Mechanical, Inc. for an agreement to HVAC maintenance services.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council approves the Tribal Ogema's execution of the agreement for HVAC mechanical services with Van Dyken Mechanical, Inc..

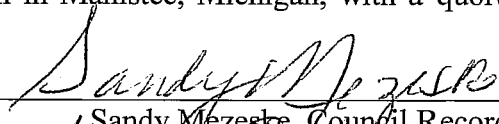
IT IS FURTHER RESOLVED, that the Tribal Council authorizes a limited waiver of immunity for actions on for specific performance of this agreement in [the Little River Band of Ottawa Indians Tribal Court], provided that such waiver does not authorize actions for damages beyond specific performance.

IT IS FURTHER / FINALLY RESOLVED, that the Tribal administrator for this agreement shall be George Le Vasseur.

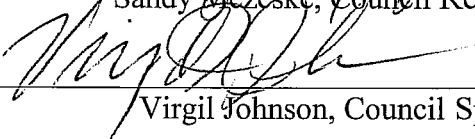
IT IS FINALLY RESOLVED that the funding for this project will be from the designated maintenance account.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on January 28, 2015, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Sandy Mezeske, Council Recorder



Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema