Resolution #09-1202-333

Approval of Memorandum of Understanding between Little River Band of Ottawa Indians and the Michigan Work! Kent & Allegan Counties Region

WHEREAS, the status of the Gaad Ching Ziibi Daawaa Anishinaabek (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, the Tribal Ogema, through the office of the Department of Commerce has successfully negotiated a Memorandum of Understanding with the Michigan Works! Kent & Allegan Counties and its Workforce Development Board; and

WHEREAS, the Memorandum of Understanding provides the agreed upon framework that defines how each agency will interact, with the ultimate goal to ensure effective and efficient delivery of services to area residents, while preventing duplication of service and coordinating resources; and

WHEREAS, the Ogema recommends that the Tribal Council approve execution of the Memorandum of Understanding.
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NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Ogema to execute the Memorandum of Understanding, as follows:

Michigan Works! Kent & Allegan Counties
Workforce Development Board (WDB)
Memorandum of Understanding
Pursuant to the Workforce Investment Act of 1998

Part I
Purpose of Agreement
This Memorandum of Understanding (hereinafter referred to as MOU) establishes the terms and conditions between the Michigan Works! Kent & Allegan Counties WDB and the Little River Band of Ottawa Indians.

By signatures to this MOU, the parties agree to abide by the terms, conditions, goals, policies, principles and regulations of the Workforce Investment Act of 1998, the Michigan Works! System Guiding Principles, Governance and Minimum Standards, and of this MOU. This MOU establishes the roles and responsibilities of the Little River Band of Ottawa Indians as a partner in the implementation of the provisions of Section 121 (c) (2) of Title I of the Workforce Investment Act of 1998. This agreement is to ensure the effective and efficient delivery of workforce services to prevent duplication and coordinate resources in the Michigan Works! system in Kent & Allegan Counties.

In addition, this MOU establishes joint processes and procedures that will enable Partners to integrate the current service delivery system, resulting in a seamless and comprehensive array of education, human service, job training and other workforce development services being accessible.

Part II
Services to be provided by Michigan Works!
The Kent and Allegan Counties WDB agrees that the Area Community Services Employment and Training Council (ACSET) is the grant recipient and Michigan Works Agency in Kent and Allegan Counties. ACSET provides services to all employers and job seekers in that area. Employers, students, persons with disabilities, veterans, welfare recipients, unemployed, underemployed, and employed individuals will all have equal access to services. A core set of services will be available, free of charge, to all who seek them. Job seekers may receive the following core services: outreach, intake and orientation to the information and services available through the Michigan Works! One-Stop system in Kent & Allegan Counties; eligibility requirements and referrals to appropriate programs; information regarding claims for unemployment compensation; information about the availability of supportive services and community resources; labor market information; basic assessment tools; information on occupational training and financial aid; job search skills information; information about workplace accommodations; resume writing software and support materials; job vacancy listings; assistance in completing a Michigan Talent Bank resume and in searching the Talent Bank for job leads; various group workshops on topics related to employment. The system may provide intensive services to targeted job seekers, based on eligibility and funding constraints, and are not to be considered entitlements: comprehensive
assessments and diagnostic testing; the development of an individual employment plan; individual or group career counseling; case management; rehabilitation and accommodation planning; adult education and literacy activities; small business development counseling; employability skills training and other short-term prevocational training.

For those targeted individuals who have received intensive services and who are still unable to obtain or retain employment, the following services may be available, depending on eligibility and funding constraints, and are not to be considered entitlements: classroom occupational skills training, on-the-job training, skill upgrading and retaining, entrepreneurial training, job readiness training, and customized training. Employers may receive, at their request and at no cost, assistance in finding qualified workers; the use of interview facilities at service centers; access to the Michigan Talent Bank labor exchange system; labor market information; business retention and expansion services; information on the Americans with Disabilities Act and workplace accommodations; rapid response to mass layoffs and business closings; information and referral to secondary school career preparation activities; and information about training incentives and tax credits.

In addition, the Kent & Allegan Counties WDB agrees that ACSET will:
- Accept referrals of appropriate customers from the Little River Band of Ottawa Indians;
- Refer customers to the Little River band of Ottawa Indians as appropriate;
- Provide written materials about its services for use in tribal offices;
- Maintain communication and coordination with the Little River Band of Ottawa Indians for the purpose of serving mutual customers and keeping each other informed about programs and services available.

Part III

Services to be provided by the Little River Band of Ottawa Indians

The Little River Band of Ottawa Indians agrees to:
- Provide employment and training services to its members as allowed by law and funding levels;
- Accept referrals of appropriate customers from ACSET in Kent & Allegan Counties;
- Refer customers to Michigan Works! ACSET in Kent & Allegan Counties as appropriate;
- Provide written materials regarding its agency and services available in Resource Rooms at the Michigan Works! in Kent & Allegan Counties Service Centers;
- Maintain communication and coordination with ACSET and the Kent & Allegan Counties WDB for the purpose of serving mutual customers and keeping each other informed about programs and services available.

Part IV

Funding of the Services and Operating Costs of the System

Each organization will pay the respective costs of their individual programs. Any space utilized in a Michigan Works! Kent & Allegan Counties Service Center will be charged according to the established cost allocation plan.
Part V

Legal Relationships
Although this MOU uses the term “Partner”, this MOU is not a partnership agreement, nor is the Little River Band of Ottawa Indians a partner of the WDB or ACSET under Michigan law. The term “One-Stop Partner” is used in section 121(b) of the WIA and 20 CFR 662.200 to describe the entities that carry out the programs listed therein and it is not intended to imply or create any duties or liabilities arising from a true partnership relationship.

Part VI

Equal Opportunity Agreement
As a condition to the award of financial assistance from the Department of Labor under Title I of WIA, the Little River Band of Ottawa Indians assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the bases of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity;
Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The Little River Band of Ottawa Indians also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the Little River Band’s operation of the WIA Title I financially assisted activity, and to all agreements it makes to carry out the WIA Title I financially assisted activity. The Little River Band of Ottawa Indians understands that the United States has the right to seek judicial enforcement of this assurance.

Part VII

Duration of Agreement
In accordance with the Workforce Investment Act of 1998, this MOU is entered into this _____ day of _____, 2009, by and between the Kent & Allegan Counties WDB and the Little River Band of Ottawa Indians, as system partners. This MOU shall remain in effect until terminated by the repeal of the Workforce Investment Act of 1998, otherwise by action of law, or unless otherwise terminated by mutual agreement of all parties, under the following conditions:
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Any party may withdraw from this MOU by giving written notice of intent to withdraw at least 120 calendar days in advance of the effective withdrawal date. Notice of withdrawal shall be given to all parties covered by the agreement. Should any partner withdraw, this MOU shall remain in effect with respect to the remaining partners until a new MOU is executed or the end of the duration of this agreement.

Part VIII
Procedure for Amend or Assignment
This MOU may be modified at any time by written agreement of the parties. Such amendments will require the signature of all parties affected by such amendment. Assignment of responsibilities under this MOU by any of the parties shall be effective upon written notice to the other parties. Any assignee shall also commit in writing to the terms of the MOU.

Larry Romanelli, Ogema
Little River Band of Ottawa Indians

Earle S. Irwin, Workforce Development Board Chair
Kent & Allegan Counties WDB

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, 0 ABSTAINING, 3 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 2, 2009, at the Little River Band’s Dome Room in Manistee, Michigan, with a quorum being present for such vote.

[Signature]
Janine M. Sam, Council Recorder

[Signature]
Stephen Parsons, Council Speaker

Attest:

Distribution:  Tribal Ogema
            Tribal Council
            Workforce Development