Resolution #14-0813-245

Approving and Authorizing the Ogema to Execute the Memorandum of Understanding with the Michigan Department of Environmental Quality Regarding the US-31 Tribal Sewer Line Extension in Manistee Township

WHEREAS, the status of the Gaá Čhing Ziibi Daâwaa Aníshinaábék (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 Council is invested with the legislative power to authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Little River Band with federal, state and local governments and other Indian tribes or their departments or political subdivisions, or with private persons on all matters within the authority of the Tribal Council; and

WHEREAS, with the concurrent expansion of the Band’s Waste Water Treatment Plant it is in the best interests of the Band to expand its Tribal Sewer Line along the US-31 commercial and residential corridor to M-55 to produce revenues and to promote the economic development of this vital area of interest for the Band; and

WHEREAS, governmental infrastructure projects of this type necessarily involve multi-jurisdictional challenges that are best met by transparent and free dialogue
between nations and units of governments regarding regulatory oversight and compliance; and

WHEREAS, the Band and the State of Michigan, through its Department of Environmental Quality, have agreed that they share a mutual interest in the economic development of this vital area of interest and have expressed an understanding of the unique multi-jurisdictional needs associated with the construction of the Tribal Sewer Line Extension in Manistee Township;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves, and authorizes the Ogema to execute, the Memorandum of Understanding between the Little River Band of Ottawa Indians and the Michigan Department of Environmental Quality regarding the US-31 Tribal Sewer Line Extension in Manistee Township;

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, 1 ABSENT at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 13, 2014, at the Little River Band’s Government Center, in Manistee, Michigan, with a quorum being present for such vote.

Sandy Mezeske, Tribal Council Recorder

Virgil Johnson, Tribal Council Speaker

Attest:

Distribution: Tribal Council
              Tribal Ogema
              HR Department