Resolution #14-1203-382

Ratifying the Tribal Ogema’s Execution of Second Amendment to Lease Agreement with PNC Bank, National Association, for the Lease of Certain Real Property at 375 River Street, Manistee, Michigan

WHEREAS, the status of the Gaá Čhíng Ziibi Daáwaa Anishinabék (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 Little River Band are vested in the Tribal Council at Article IV, Section 7 of the Constitution; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a)(1) of the Constitution to enact ordinances and adopt resolutions to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members and to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a)(4) to provide for the manner of making, holding and revoking assignments of the Little River Band’s land or interests therein; and

WHEREAS, the Tribal Council is authorized under 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 private persons on all matters within the authority of the Tribal Council; and
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WHEREAS, the Tribal Council is authorized under Article IV, Section 7(d) to approve or veto any sale, disposition, lease or encumbrance of Little River Band land, interests in land, personal property or other assets; and

WHEREAS, the executive powers of the Little River Band are vested in the Tribal Ogema at Article V, Section 1 of the Constitution; and

WHEREAS, the Tribal Ogema is authorized under Article V, Section 5(a)(3) to consult, negotiate and execute agreements and contracts on behalf of the Little River Band with private persons or organizations, subject to ratification or approval by the Tribal Council; and

WHEREAS, the Tribal Ogema is authorized under Article V, Section 5(a)(8) to manage the economic affairs, enterprises, property (both real and personal) and other interests of the Tribe consistent with the ordinances and resolutions enacted by the Tribal Council; and

WHEREAS, the Tribe has had a longstanding lease of its real property located at 375 River Street in Manistee with PNC Bank, which generates good will and income towards the best interests of the Tribe and its Members; and

WHEREAS, PNC Bank seeks to extend the term of the lease under the terms and conditions of that lease; and

WHEREAS, the Tribal Ogema has successfully negotiated and concluded Second Amendments to the Lease Agreement.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council approves and ratifies the Tribal Ogema’s execution of the Second Amendments to the Lease Agreement.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Closed Session of the Little River Band of Ottawa Indians Tribal Council held on December 3, 2014, at the Little River Band’s Conference Room in Manistee, Michigan, with a quorum being present for such vote.

[Signature]
Gary DiPiazza, Acting Council Recorder

[Signature]
Sandy Mezeske, Acting Council Speaker

Attest:
Distribution: Council Records, Tribal Ogema, Purchasing and Travel Office