Resolution # 14-0618-181

Ratification of Settlement Agreement Resolving Fiscal Year 2006 through 2011 Contract Support Cost Claims Against the Indian Health Service

WHEREAS, the status of the Gaá Čhíng Ziíbi Daáwaa Aníshínaábek (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 Little River Band has asserted certain claims arising out of the failure of the Indian Health Service (IHS) to pay the Band’s contract support costs due in fiscal years 2006, 2007, 2008, 2009, 2010 and 2011; and

WHEREAS, by Resolution No. 14-0528-160, adopted May 28, 2014, the Council approved a settlement of the foregoing claims providing for payment by the federal government to the Little River Band of Ottawa Indians of $950,000, plus interest to run from September 28, 2012 to the date of payment, and authorized the Ogema to execute a Settlement Agreement with the Indian Health Service implementing said settlement; and

WHEREAS, the Ogema on June 16, 2014 executed a Settlement Agreement consistent with Resolution No. 14-0528-160; and

WHEREAS, Resolution No. 14-0528-160 included a provision requiring submission of the executed Settlement Agreement to the Council for ratification; and
WHEREAS, once the Settlement Agreement is ratified by the Council it will be forwarded to the Indian Health Service for execution by the Acting Director and thereafter forwarded directly to the U.S. Department of the Treasury for payment,

NOW THEREFORE BE IT RESOLVED, that the Council hereby ratifies the Settlement Agreement attached to this Resolution and executed by the Ogema on June 16, 2014.

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, and 1 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on June 18, 2014, at the Little River Band’s Government Center in Manistee, Michigan, with a quorum being present for such vote.

Sandy Mozeske, Council Recorder

Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department  
Sonosky Chambers