Resolution #14-0625-184

Approval of Memorandum of Agreement between the Indian Health Services and the Little River Band of Ottawa Indians for Sanitation Services Project #BE-14-J33

WHEREAS, the status of the Gaá Čhing 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 Tribal Council is authorized under Article IV, Section 7(a) of the Constitution 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 vested with the authority, under Article IV, Section 7(b) of the Constitution, to authorize and ratify agreements negotiated by the Ogema on behalf of the Tribe with the federal government; and

WHEREAS, the Ogema has, through the Members Assistance Department, presented a Memorandum of Agreement with the Indian Health Services (IHS), a federal agency, to provide funding for the construction of sanitation facilities within the Tribes service area; and

WHEREAS, the Memorandum of Agreement requires the Tribe to indemnify the Indian Health Service in the event of damages arising out of the installation of individual sanitation facilities; and
Resolution #14-0625-184
Page 2 of 2

WHEREAS, the Little River Band of Ottawa Indians has successfully administered this program in the past and wishes to continue this program to assist eligible Tribal citizens and their families, specifically ensuring that LRBOI households are utilizing federal funding earmarked for its citizens; and

WHEREAS, the Tribal Council has determined that this Memorandum of Agreement will provide necessary services to individual members such that the potential for liability arising under this agreement is outweighed by the need to provide such services; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the Memorandum of Agreement Between the Indian Health Services and Little River Band of Ottawa Indians, Project #BE-14-J33 and authorizes execution by the Ogema.

IT IS FURTHER RESOLVED THAT the Tribal Council agrees to and accepts the requirement to indemnify the Indian Health Services in the event of damages arising out of individual sanitation facilities installed under this agreement.

IT IS FINALLY RESOLVED THAT this Memorandum of Agreement may only be terminated upon rescission of this Resolution by Tribal Council.

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 Session of the Little River Band of Ottawa Indians Tribal Council held on June 25, 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: Council Records
Tribal Ogema
Accounting
Members Assistance Department