Little River Band of Ottawa Indians
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution # 14-0528-160

Authorization of the Little River Band of Ottawa Indians’ Settlement of Fiscal Year 2006 through 2011 Contract Support Cost Claims Against the Indian Health Service and Directing Deposit of Settlement Funds in Separate Restricted Account to Fund Development of a Tribal Pharmacy

WHEREAS, the status of the Gaa Ching Ziibi Daawaa Anishinaabe (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 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, the Indian Health Service has offered to settle all said claims in return for a compromise 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, with the payment to come from the U.S. Treasury and not from IHS; and
WHEREAS, the Tribal Council has reviewed and approved the form of proposed settlement documents to be executed in this matter, including a draft Settlement Agreement, a draft Notice of Appeal to the Civilian Board of Contract Appeals, and a draft Joint Stipulation of Dismissal of said appeal,

NOW, THEREFORE BE IT RESOLVED, that the Little River Band of Ottawa Indians Tribal Council authorizes the Tribal Ogema and the Sonosky Chambers law firm to take all actions necessary to conclude and implement the settlement as described herein, including authorization to conclude and execute a settlement agreement and associated pleadings and other papers necessary to carry out this Resolution.

IT IS FURTHER RESOLVED that upon finalization and execution of all documents relating to this settlement, Sonosky Chambers shall submit the final documents to Tribal Council for ratification and retention in Council’s records.

IT IS FINALLY RESOLVED that upon receipt of the settlement funds, all funds shall be deposited into a separate, restricted account and used only for the development of a Tribal pharmacy.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with __ FOR, __ AGAINST, __ ABSTAINING, and __ ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on May 28, 2014, at the Government Center Conference Room in Manistee, Michigan, with a quorum being present for such vote.

[Signed]
Sandy Mezeske, Council Recorder

Virgil Johnson, Council Speaker

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