Resolution #14-1022-333

Authorizing the Purchase of Employee Health Benefit Plans through the Office of Personnel Management for Fiscal Year 2015

WHEREAS, the status of the Gaá Čhíng Ziíbi 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) 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 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; and

WHEREAS, the Tribal Ogema is authorized under Article V, Section 5(a)(1)(2)(3) and (8) to enforce the laws, oversee the administration and management of the Tribal government, to consult and negotiate on behalf of Little River Band, and to manage the economic affairs and other interests of the Tribe; and

WHEREAS, the United States Government did adopt certain laws including but not limited to: Title 5, U.S.C., Chapter 89; Title 5, Code of Federal Regulations, Parts 890 and 892; the Affordable Care Act, Section 10221(codified as 25 U.S.C. 1647b) which did among other things, enable Tribal Sovereign Nations and Tribal entities meeting specific criteria to participate in the Federal Employee Health Benefit plans through the Office of Personnel Management; and
WHEREAS, section 409 to the Indian Health Care Improvements Act at 25 U.S.C. §1647b sets forth the eligibility criteria for a Tribal entity to participate in the Federal Employee Health Benefit Plans; and

WHEREAS, The Tribal Ogema has determined that the Little River Band of Ottawa Indians meets the eligibility criteria as defined by regulation and code; and

WHEREAS, with the powers granted by Article V Section 5(a)(8) of the Tribal Constitution the Tribal Ogema has identified that it is in the best interest of the Tribal government to change the manner in which it provides healthcare benefits to its employees, thus necessitating a change in employee healthcare benefit and delivery system to appropriately manage economic affairs and other interest of the Tribe,

WHEREAS, the Tribal Ogema is recommending that the Little River Band join the Federal Employee Health Benefit plan through the Office of Personnel Management, with employee benefits to begin effective January 1, 2015, and requests ratification of the necessary agreements by the Tribal Council to move forward on this critical matter to avoid any delay in implementation for the benefit of the Tribe and its employees.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council hereby concurs and authorizes the Ogema to execute the “Agreement by Tribal Employer to Purchase Federal Employees Health Benefits Program Coverage”, to affect purchase of employee healthcare through the Office of Personnel Management benefits for Little River Band of Ottawa Indians eligible personnel.

BE IT FURTHER RESOLVED THAT the Ogema shall be authorized to make any required designations identifying the Tribal Benefits Officer, TIPS Tribal Security Officer, including the Chief Financial Officer, as required to carry out the purchase conditions pursuant to the agreement and hereby approved Memorandum of Understanding with the United States Department of Agriculture, National Finance Center, for the processing of transactions in the Direct Premium Remittance System.

BE IT FINALLY RESOLVED THAT the Ogema is authorized to enter into such agreements under their terms however no terms shall be deemed to constitute a waiver of the sovereign immunity from suit of the Little River Band of Ottawa Indians.
CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 2 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on October 22, 2014, at the 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 Records
Tribal Ogema
Human Resource Department
Accounting Department