Resolution # 14-1008-319

Approval of Agreement with Forest County Potawatomi Insurance for the Administration of Section 506 Medicare-Like Rate Re-pricing and Recovery for the Little River Band of Ottawa Indians Government Operations, its entities and Tribal Health Services Operations

WHEREAS, the status of the Gaá Čhíng Ziibi Daáwaa Anišhinaábek (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, pursuant to Article IV, Section 7(i) (2) of the Constitution, has the power to manage any funds within the exclusive control of the Tribe and to appropriate such funds for the benefit of the Tribe and its' members; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by Tribal Ogema on behalf of the Little River Band of Ottawa Indians; and
WHEREAS, the Ogema has negotiated a Section 506 Medicare-Like Rate Re-pricing and Recovery Agreement with Forest County Potawatomi Insurance Department to provide Medicare-Like Rate Recovery and Re-pricing of Contract Health, Extended Health Assistance Program Service and self-funded insurance claims for the Little River Band of Ottawa Indians Tribal Government and its entities, Little River Band of Ottawa Indians member beneficiaries and the Little River Health Services Operations; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians does hereby approve the Section 506 Medicare-Like Rate Re-pricing and Recovery Agreement with Forest County Potawatomi Insurance Department for the benefit of the Little River Band of Ottawa Indians and its membership, for the Health Services and Government Operations and its entities, including the Little River Tribal Clinic, and authorizes the Tribal Ogema to execute the contract; and

IT IS FINALLY RESOLVED THAT nothing in this resolution to approve this contract with Forest County Potawatomi Insurance Department shall be identified as authorization of a waiver of sovereign immunity of the Tribe.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 3 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on October 8, 2014, at the Little River Band’s Conference Room in Manistee, Michigan, with a quorum being present for such vote.

Sandra Mezeske, Acting Council Speaker

Gary DiPiazza, Acting Council Recorder

Attest:

Distribution: Council Records
Tribal Ogema