Resolution # 14-0910-285

Ratification of Contract with Ink Impressions, Inc., and Limited Waiver of Sovereign Immunity for Dispute Adjudication in Tribal Court

WHEREAS, the status of the Gaá Čhíng 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 directed 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 empowered by Article IV, Section 7(a) of the Constitution to establish laws through the enactment of ordinances and adoption of resolutions; and

WHEREAS, the Tribal Council is empowered by Article IV, Section 7(i)(2) to manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit of the Tribe and its Members, subject to all expenditures of funds being made pursuant to appropriations or budgets authorized by resolution or in accordance with ordinances of the Tribal Council; and

WHEREAS, the Tribal Council is empowered by Article XI, Section 1 to waive the right of the Little River Band to be immune from suit in its Courts by resolution; and
WHEREAS, the Tribal Ogema is empowered by Article V, Section 5(a)(3) to consult, negotiate and execute agreements and contracts on behalf of the Little River Band with private persons or organizations, subject to approval or ratification by Tribal Council; and

WHEREAS, the Tribal Ogema, on behalf of the Enrollment Department has submitted to Tribal Council a contract with Ink Impressions, Inc., for that company to provide continuing maintenance and support of its T.E.A.M.S. software to the Enrollment Department; and

WHEREAS, the Contract contains a provision designating the Tribal Court as venue and a choice of Tribal law to the Parties, which serves the interests of the Tribe’s sovereignty; and

WHEREAS, the Tribe deems it is in its best interests to enter a limited waiver of sovereign immunity in Tribal Court for the sole purpose of enforcing the terms and provisions of the Contract, in order to encourage business with its partner and provide recourse in the event of a dispute between the parties.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council approves and authorizes the Tribal Ogema’s execution of the Contract between the Little River Band of Ottawa Indians and Ink Impressions, Inc., for that company to provide continuing maintenance and support of its T.E.A.M.S. software to the Enrollment Department.

IT IS FINALLY RESOLVED, that the Tribal Council authorizes a limited waiver of sovereignty for the purposes of enforcing the rights and obligations imposed by this Contract between these parties in the Tribal Court 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 _5 FOR, _4 AGAINST, _ ABSTAINING, and _ ABSENT, at a Closed Session of the Little River Band of Ottawa Indians Tribal Council held September 10, 2014 at the Little River Band’s Lodge in Manistee, Michigan, with a quorum being present for such vote.

Sandy Mazeske, Council Recorder
Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Enrollment Department