



Little River Band of Ottawa Indians
375 River Street
Manistee MI 49660

Resolution No. #01-1114-01

**Ratification of the September 18, 2001 Memorandum of Agreements with
the Indian Health Services for the Construction of Sanitation Facilities for
the Dontz Road Development (Project BE-01-D07).**

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. ' 1300k et seq.)(hereinafter "Little River Act"); and

WHEREAS, the Tribe adopted a 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, pursuant to Article V, Section 5(a)(3) of the Tribal Constitution, the Tribal Ogema is authorized to consult, negotiate, and execute agreements and contracts on behalf of the Tribe with federal, state, and local governments and other tribal governments, or with private persons or organizations. Agreements and contracts reached must be approved or ratified by the Tribal Council to be effective; 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 the Tribal Ogema; and

WHEREAS, the Tribe has determined that the development of the permanent sanitation facilities is in the best, long-term interests of the Tribe and its members; and

WHEREAS, the Indian Health Service received a request for assistance from the Tribe with providing sanitation facilities for a 180-unit housing development and an existing Tribal economic development, which is planned to expand, under Public Law 86-121; and

WHEREAS, the Tribe has been working with Jon Anderson of the Indian Health Service in developing the sanitation facilities; and

WHEREAS, in order for Indian Health Service to continue working with the Tribe on these projects, a Memorandum of Agreement has been signed by the Tribal Ogema; and

WHEREAS, the Indian Health Service shall provide construction support to the Tribe on this project for services, including but not limited to the following: engineering design and development of the plans and specifications of the recommended facilities, less the wastewater treatment plant; assistance to the Tribe in obtaining the necessary environmental clearances; assistance to the Tribe in the solicitation of bids and review of the bids received; review and approval of shop drawings, payment requests and change orders; intermittent site visits of all sanitation facilities; final inspection of the facility and conveyance system when completed to detect possible construction deficiencies. A punch list of these deficiencies, if any, will be compiled and submitted to the Tribe; IHS shall certify applicable design and construction contract payment requests and provide copies to the Tribe; IHS will designate a Project Engineer to manage the Project on behalf of the Tribe, as described in the Agreement and the Approved Project Summary.

WHEREAS, the Memorandum of Agreement (Project BE-01-D07) for the Construction of Sanitation Facilities for the Dontz Road Development, includes a \$ 30,0000 contribution from the Tribe; and

WHEREAS, the IHS presented the Memorandum of Agreement to the Tribal Attorney's Office on September 18, 2001 and asked that they be executed by September 20, 2001; and

WHEREAS, the Tribal Ogema has signed these agreements; and

WHEREAS, the Tribal Council has determined that ratification of the Memorandum of Agreements will advance important Tribal purposes for the development of tribal Housing and economic endeavors.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the Memorandum of Agreement (Project BE-01-07) executed by the Tribal Ogema with IHS, dated September 18, 2001.

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, 1 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on November 14, 2001, in Manistee, Michigan. A quorum of the Tribal Council being present for such vote.



Janine Sam, Council Recorder



Steven Parsons, Council Speaker

Attest: