



Little River Band of Ottawa Indians
1762 US 31 South
Manistee, MI 49660

Resolution No. #01-1219-04

Acceptance of Grant Funds from U.S. Department of Housing and Urban Development Indian Community Development Block Grant for Wastewater Treatment Facility Infrastructure and Approving a modification to the Operating Budget for Fiscal Year 2001 in the amount of \$500,000 and agreeing to a limited waiver of sovereign immunity.

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, Stat. 2156 (25 U.S.C., 1300k et seq.); 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 Tribal Council, pursuant to Article IV, Section 7(a) of the Constitution, has the power to provide for the general welfare of the Tribe 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 acceptance of grant funds from the U.S. Department of Housing and Urban Development (HUD) will require a modification of the Operating Budget for Fiscal Year 2001, which was approved on December 20, 2000.

WHEREAS, in order for the Tribe to receive the Indian Community Development Block Grant (ICDBG) funds, the Tribal Council must authorize the Tribal Ogema to assume the status of a Federal official under the National Environmental Policy Act of 1969 (NEPA) and each provision of law designated in 24 CFR 58.5 list of NEPA related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the Tribe. The Tribal Council must provide a limited waiver of sovereign immunity and consent to the jurisdiction of the Federal Courts, for the enforcement of these responsibilities.

WHEREAS, Article IX, Section 1 of the Constitution preserves the Tribe's immunity from suit except as authorized by resolution or in furtherance of tribal business enterprises; and

WHEREAS, the Tribal Council has determined that acceptance of ICDBG funds from HUD to be used for activities associated with the development of the wastewater treatment facility infrastructure will advance important Tribal purposes.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves a modification to the Operating Budget for the Tribal Government for Fiscal Year 2001 to include grant funds in the amount of \$500,000 from HUD for activities associated with the development of the wastewater treatment facility infrastructure.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the Tribal Ogema, or in the absence of, the Tribal Council Speaker to execute any documents necessary to officially accept these grant funds from HUD.

IT IS FINALLY RESOLVED THAT the Tribal Council, in authorizing the execution of such documents, expressly agrees to a limited waiver of sovereign immunity, and consents to the jurisdiction of the Federal courts, for the limited purpose of permitting person(s) the right to sue the Tribal Ogema, who shall assume the status of a Federal official under the NEPA and each provision of law designated in 24 CFR 58.5 list of NEPA related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the Tribe.

CERTIFICATION OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 3 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 December 19, 2001, in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

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Presentation of Resolution Budget Modification to Tribal Ogema:

Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution modifying the Operating Budget for the Tribal Government for Fiscal Year 2001 has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 12/20/01

Signature of Council Recorder: 

Action by the Tribal Ogema: ☒ Approved ☐ Disapproved (attach comments)

Date: 12/31/01

Signature of Ogema: 