



Little River Band of Ottawa Indians

1762 US 31 South
Manistee, MI 49660

Resolution No. #02-0206-*06*

**Modified Acceptance of Grant Funds from U.S. Department of Housing and Urban Development Indian Community Development Block Grants for Wastewater Treatment Facility Infrastructure and for Development of Roads and Utilities at Aki Maadiziwin and Approving a Modification to the Operating Budget for Fiscal Year 2001 in the Amount of \$1,000,000
and Agreeing to the Assurances Regarding Compliance with the National Environmental Policy Act (NEPA) and HUD Environmental Compliance Responsibilities Associated with Acceptance of those Block Grants**

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; and

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, including the rights of affected parties to challenge Federal official's compliance with NEPA by appealing the Federal official's determination in federal court; and

WHEREAS, the Tribal Council must also provide assurances that neither the Band, nor the Tribal Ogema in his official capacity as a Tribal official, will assert a defense of sovereign immunity and consent to the jurisdiction of the Federal Courts, for the enforcement of these responsibilities; and

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 and road/utilities serving the Aki Maadiziwin project 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 \$1,000,000 from HUD for activities associated with the development of the wastewater treatment facility and road/utilities to serve the Aki Maadiziwin project.

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

IT IS FURTHER RESOLVED THAT the Tribal Council, in authorizing the execution of such documents, authorizes 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 associated with the projects to be funded with the grant funds received from HUD.


IT IS FURTHER AGREED THAT the Tribal Council consents to the jurisdiction of the federal courts for the limited purpose of permitting person(s) the right to sue the Tribal Ogema, in his capacity as a federal official, and for the limited purpose of seeking declaratory and injunctive relief for alleged violations of the federal official's responsibilities under 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 HUD's responsibilities for environmental review, decision-making and action that have been assumed by the Tribe. The Tribal Council further agrees that the neither the Band, nor the Tribal Ogema, shall assert the sovereign immunity of the Band, nor that of the Tribal Ogema as an official of the Band, as a defense in such actions.

IT IS FURTHER RESOLVED THAT nothing in this Resolution shall be construed as a waiver of the Little River Band, its Tribal Ogema and other Tribal officials, acting in their official capacities, from suits in the courts of the United States or any state except as expressly provided in this Resolution, and shall not be construed to waive the right of Band or Tribal officials to be immune from damages in any suit.

IT IS FINALLY PROVIDED THAT Resolution No. #01-1219-04 and Resolution No. # 01-1219-05 are hereby repealed and shall be of no further force and effect.

CERTIFICATION OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 1 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 February 6, 2002, in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

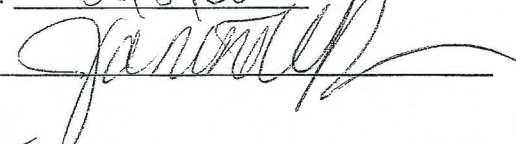
Attest:

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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: 2/8/02

Signature of Council Recorder: 

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

Date: 2/8/02

Signature of Ogema: 