

moved to open 7-26-06



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 04-0211-64

*Authorizing Execution of an Agreement with
Northern Environmental Technologies, Inc. for Equipping and Installation of
a Streamside Sturgeon Rearing Facility and Consenting to the Jurisdiction of the
Commercial Division of the Tribal Court for Dispute Resolution*

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 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 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by the Tribal Ogema; and

WHEREAS, the Tribal Council has been presented with a Professional Service Agreement and January 19, 2004 Proposal from Northern Environmental Technologies, Inc., for equipping a cargo trailer to serve as a Streamside Sturgeon Rearing Facility and installing/testing that Facility on Tribal property; and

WHEREAS, the scope of work to be completed, as described in the proposed Agreement and January 19, 2004 Proposal will implement objectives defined in grant documents administered by the Tribe; and

WHEREAS, paragraph 20 of the Agreement provides that any disputes arising under the Agreement would be resolved in the Commercial Division of the Tribal Court; and

WHEREAS, the Tribal Council supports the Natural Resource Department's recommendation to utilize Northern Environmental Technologies, Inc. as a sole source vendor to complete the scope of services in accordance with the terms and conditions prescribed in the attached Professional Services Agreement and Proposal; and


WHEREAS, the Tribal Council believes that it is in the best interests fo the Tribe to consent to the jurisdiction of Tribal Court to permit enforcement of the Agreement with Northern Environmental Technologies, Inc.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema to execute the Professional Service Agreement with Northern Environmental Technologies, Inc. to retain that firm to provide the services defined in the firm's January 19, 2004 Proposal to fabricate and install the Streamside Sturgeon Rearing Facility on Tribally-owned lands within the Manistee Reservation.

IT IS FURTHER RESOLVED that the Tribal Council consents to the jurisdiction of the Commercial Division of the Tribal Court for purposes of resolving disputes that may arise under the agreement with Northern Environmental Technologies, Inc., in accordance with paragraph 20 of that Agreement.

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, 0 ABSTAINING, and 1 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on February 11, 2004, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

cc: Council Records
Tribal Ogema
cc: Accounting Dept.
Legal Department
Northern Environmental Technologies