

Little River Band of Ottawa Indians

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

Resolution # 05-0105-1

Ratification of Contract with Great Lakes Environmental Center and Limited Waiver of Sovereign Immunity

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 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 is authorized under Article IV, Section 7(b) to ratify contracts, and under Article XI to take action regarding the sovereign immunity of the Tribe; and

WHEREAS, the Ogema has presented a contract with Great Lakes Environmental Center to provide for water sampling services which contains indemnification clauses which include potential damages, as well as interest on late payments; and

WHEREAS, the Tribal Council has reviewed the contract and determined that it is necessary in order to carry out the governmental responsibilities toward managing and protecting the natural resources of the Tribe;

NOW THEREFORE IT IS RESOLVED THAT, the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the agreement with Great Lakes Environmental Center in an amount not to exceed \$16,000 which ends on September 20, 2005.

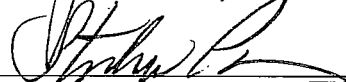
IT IS FURTHER RESOLVED THAT, the Tribal Council hereby provides for a limited waiver of sovereign immunity under the Indemnification clause of the contract and authorizes the potential payment of damages related thereto under insurance policies maintained by the Tribe and for no other purpose. A copy of this resolution shall be attached to the contract when presented to the vendor for signature, and maintained with the contract.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on January 5, 2005, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court