

Little River Band of Ottawa Indians

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

Resolution # 05-0427-172

Authorizes proposed amendment to Memorandum of Agreement between the Tribe and Indian Health Services regarding the Project Management segment as it applies to the Water Tower and Water Main Projects

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(a) (4) and (c) to manage the properties of the Tribe; and

WHEREAS, the Housing Commission had identified a housing project and received dedication of the property for a housing subdivision titled Aki Maadiziwin by the Tribal Council; and

WHEREAS, the Little River Casino Resort has identified a master plan and received dedication of that master plan for the Resort's property by the Tribal Council; and

WHEREAS, the Tribal Council has dedicated infrastructure in water and sewer utilities to both projects by resolution; and

WHEREAS, the Housing Commission, Housing Department and the Little River Casino Resort have identified additional long and short term needs in water utility services; and

WHEREAS, Indian Health Services through a Memorandum of Agreement dated October 15, 2001 properly approved by Tribal Council, committed funds to provide assistance to the Tribe to complete the construction of sanitation facilities, comprising the construction and erection of a water storage facility and the remaining water main expansion projects; and

WHEREAS, a segment of Indian Health Services funding is allocated to cover engineering services to manage the projects funded; and

WHEREAS, currently, due to personnel retirements, Indian Health Services is not in a position to have readily available an engineer to perform the project management contracted, so has allowed the Tribe to hire a project manager engineer to take over that segment of their contractual obligations; and

WHEREAS, the Tribe has contacted Mr. Jonathan Anderson, president of Kewegnong Engineering Services, Inc., retired Indian Health Services engineer, who is willing to enter into a consulting agreement with the Tribe to perform Indian Health Services management of the projects; and

WHEREAS, the amendments to the Memorandum of Agreement provides for the administration by the Tribe of the project management for the construction of the water storage facility and the remaining portion of water main expansion authorizing the availability of funds for the Tribe to directly hire or contract for construction management functions described in the attached schedule of amendments, and at the cost authorized in such amendment agreement; and

WHEREAS, Mr. Anderson on behalf of Kewegnong Engineering Services, Inc., has agreed to engage his services based on the same terms outlined for the engineer in the contracts between the Tribe and the respective contractors for each of the water storage facility and the water main expansion projects; and

WHEREAS, that it is extremely urgent that engineering services be available to the tribe within the next week when contractors for the water storage facility as well as the water main expansion will begin their work; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Ogema to sign the amendment to the Memorandum of Agreement between the Tribe and Indian Health Services regarding the Project Management segment of the agreement relating to the water storage facility and the water main expansion construction projects.

IT IS FURTHER REOLVED THAT the Tribal Council requests the Ogema to forward a contract to engage the services of Kewegnong Engineering Services, Inc. (the Contractor) on a temporary basis as a substitute party of the Indian Health Service's engineer in the contracts awarded to build the water storage facility and the water main expansion for Tribal Council approval within the next 30 days, and before any payments should be issued to the Contractor.

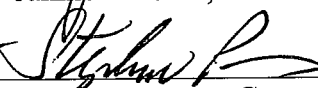
IT IS FINALLY RESOLVED THAT the Tribal Council identifies that at this time no general revenue funds shall be appropriated or utilized for purposes of payments due under the Memorandum of Agreement amendments until such time the Ogema submit for approval the engineering services contract referred to in such Memorandum of Agreement amendments.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on April 27, 2005, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.

Attest:


Janine M. Sam, Council Recorder


Stephen Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Tribal Court