

Little River Band of Ottawa Indians

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

Resolution # 05-0525-216

*Ratification of Memorandum of Agreement Between the Indian Health Service and the
Little River Band of Ottawa Indians*

WHEREAS, the status of the *Gaá Čhing 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 vested with the authority, under Article IV, Section 7(b) of the Constitution, to authorize and ratify agreements negotiated by the Ogema on behalf of the Tribe with the federal government; and

WHEREAS, the Ogema has, through the Grants Department, presented a memorandum of agreement with the Indian Health Service, a federal agency, to provide funding for the construction of sanitation facilities within the Tribe's service area; and

WHEREAS, the memorandum of agreement has received a legal review which identifies concerns regarding the engagement of services to install individual sanitation facilities for member housing within the service area as a potential to waive the sovereign immunity of the Tribe; and

WHEREAS, the memorandum of agreement requires the Tribe to indemnify the Indian Health Service in the event of damages arising out of the installation of individual sanitation facilities; and

WHEREAS, the Tribal Council has determined that this memorandum of agreement will provide necessary services to individual members such that the potential for liability arising under this agreement is in the outweighed by the need to provide such services;

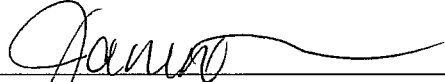
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the *Memorandum of Understanding between the Indian Health Service and the Little River Band of Ottawa Indians*, March 2005, Project # BE-05-D82, and authorizes the Ogema to enter into such agreement.

IT IS FURTHER RESOLVED THAT the Tribal Council agrees to and accepts the requirement to indemnify the Indian Health Service in the event of damages arising out of individual sanitation facilities installed under this agreement.

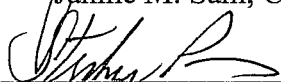
IT IS FURTHER RESOLVED THAT the Tribal Council requires all contracts entered into by the Tribe to provide individual sanitation facilities under this agreement to be presented to the Tribal Council for ratification prior to signature and implementation.

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 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on May 25, 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