



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #16-0629-188

Approval to Place hold on Rental Rate Increases for Low Income and Elder Homes at Aki Maadiziwin for July 1, 2016

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) of the Constitution 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 empowered by Article IV, Section 7(a) of the Constitution to establish laws through the enactment of ordinances and adoption of resolutions; and

WHEREAS, the Tribal Council adopted the Administrative Procedures Act, which identifies the processes by which ordinances may be adopted, amended or repealed, and which also identifies processes by which emergency amendments may be authorized; and

WHEREAS, Section 5.01 of the Administrative Procedures Act allows emergency action when an emergency is “imminent and [does] not allow the normal rule making processes to be conducted without causing or resulting in danger to the health, safety or welfare of the Tribe, including injury to person, property, business, or finances;” and

WHEREAS, Section 5.02 of the Administrative Procedures Act requires that a resolution authorizing emergency action clearly state the nature of the emergency and the potential harm that could be caused by a failure to act, and also that it clearly state the amendments or directions which will be taken to avoid or lessen the potential harm; and

WHEREAS, the Tribal Council adopted the Housing Commission Ordinance, #04-700-01, and has adopted amendments to that Ordinance from time to time; and

WHEREAS, the Housing Commission Ordinance delegates the authority to the Housing Commission to annually set rental rates for Tribal Housing Units by resolution; and

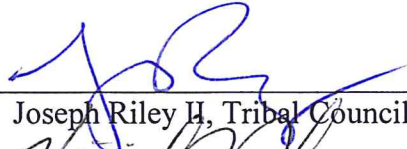
WHEREAS, the Tribal Council approved Resolution #14-0423-118, that increased rental rates for Low Income and Elder Housing Units at Aki Maadiziwin by 2.5% annually over next four (4) years, beginning July 1, 2014, with additional increases of 2.5% to be effective July 1, 2015; July 1, 2016, and July 1, 2017; and

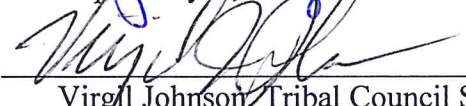
WHEREAS, the Tribal Council wishes to place a hold on the rental rate increases set for July 1st, 2016 until a further investigation can be done; and

NOW THEREFORE IT IS RESOLVED that the Tribal Council of the Little River Band of Ottawa Indians hereby places a hold on rental rate increases for the Low Income and Elder Housing Units at Aki Maadiziwin that are set for July 1, 2016, for 60 days until a further investigation can be assessed.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 2 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Open Session Meeting of the Little River Band of Ottawa Indians Tribal Council held on June 29, 2016, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.


Joseph Riley II, Tribal Council Recorder


Virgil Johnson, Tribal Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Housing Commission
Housing Department Director