



**Little River Band of Ottawa Indians
Tribal Council**
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Moved to
Open Session
01/07/15

Resolution #15-0107-004

Authorizing the Tribal Ogema's Execution of Agreement with the Au Sable Institute

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 legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(a)(1) and (2) to exercise the inherent powers of the Tribe by establishing laws through the enactment of ordinances and adoption of resolutions to govern the conduct of Tribal Members and others within the Tribe's jurisdiction and to promote, protect and provide for the public health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(b) to authorize and ratify agreements and contracts negotiated by the Tribal Ogema on behalf of the Little River Band with political subdivisions or private parties on all matters within the authority of the Tribal Council; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(i)(2) to manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit of the Tribe and its members; and

WHEREAS, the executive powers of the Tribe are vested in the Tribal Ogema according to Article V, Section 1 of the Constitution; and

WHEREAS, the Tribal Ogema is authorized to consult, negotiate and execute agreements and contracts on behalf of the Little River Band with governments, political subdivisions and private parties subject to authorization and ratification by Tribal Council.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council authorizes and approves the Tribal Ogema's execution of the Agreement with the Au Sable Institute.

IT IS FURTHER RESOLVED, that the payment agreed to by this Agreement shall be paid solely out of grant funds available from the Bureau of Indian Affairs Great Lakes Restoration Initiative, known as Grant Program 4086.

IT IS FURTHER RESOLVED, that modifications or amendments to this Agreement, including but not limited to payments beyond those contemplated in the original Agreement, shall be subject to negotiation and execution by the Tribal Ogema and approval or ratification by Tribal Council Resolution.

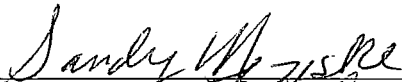
IT IS FURTHER RESOLVED, that the Tribal Council hereby enters a limited waiver of this Tribe's inherent sovereign immunity in the Little River Band of Ottawa Indians Tribal Court, subject to the choice of law paragraph within the Agreement, for actions limited to specific performance of the Agreement.

IT IS FURTHER RESOLVED, that nothing about the waiver of immunity effected by this Resolution shall operate to authorize damages collectible from the Little River Band of Ottawa Indians.

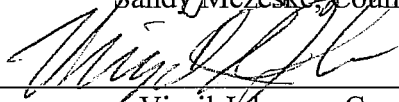
IT IS FINALLY RESOLVED, that termination of this agreement prior to expiration on behalf of the Little River Band of Ottawa Indians shall only be initiated and effective upon written recommendation of the Tribal Ogema and approval by Tribal Council Resolution.

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 January 7, 2015, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Sandy Mezeske, Council Recorder



Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Natural Resources Department
Legislative Legal Department