



Little River Band of Ottawa Indians

2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

**Moved to
Open Session
03/16/16**

Resolution # 15-1222-394

*Approval of the Commercial Lease with Manistee Downtown Development Authority and
Rescinding Resolution #15-1216-388*

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 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 Council 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, contracts and leases on behalf of the Little River Band with governments, political subdivisions and private parties subject to authorization and ratification by Tribal Council; and

WHEREAS, the Tribe owns real-estate property located at 294 River Street, Manistee, Michigan.

WHEREAS, the Tribal Council approved Resolution #15-1216-388, which needs to be rescinded and amended.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council approve the Commercial Lease with Manistee Downtown Development Authority for the real-estate property located at 294 River Street Suite #2, Manistee, Michigan and authorized the Ogema to execute such lease; and

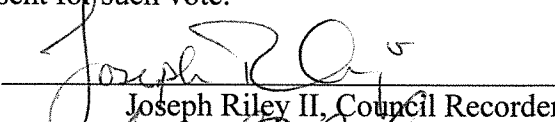
IT IS FURTHER RESOLVED, that the Tribal Council authorized a limited waiver of immunity for actions on for specific performance of this agreement in (the Little River Band of Ottawa Indians Tribal Court), provided that such waiver applies only to damages addressed in the lease document.

IT IS FURTHER RESOLVED, that the Tribal Council rescind Resolution # 15-1216-388.


IT IS FURTHER/FINALLY RESOLVED, that the Tribal administrator for this agreement shall be the Commerce Department.

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 ABSENT, at a Special Closed Session of the Little River Band of Ottawa Indians Tribal Council held on December 22, 2015, at the Little River Band Tribal Council Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Joseph Riley II, Council Recorder



Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema