

**Interlocal Agreement for the Formulation  
of the  
Northeast Nebraska Enterprise Zone Association  
under the  
Nebraska Enterprise Zone Act**

1. Nothing in this agreement shall be interpreted or otherwise construed as a surrender of tribal sovereignty, in whole or in part. In the event any term or provision of this Agreement shall be in conflict with any laws or statutes of the Omaha Tribe of Nebraska or the Winnebago Tribe of Nebraska, now or in the future, this Agreement shall automatically be deemed amended to conform to such laws and statutes.

2. Parties. The parties to this Agreement for the Formation of the Northeast Nebraska Enterprise Zone Association are the Omaha Tribe of Nebraska, the Winnebago Tribe of Nebraska, the Village of Walthill, and the Village of Winnebago that are signatories hereto.

3. Recitals. This Agreement is based upon certain understandings and in furtherance of certain purposes, as follows:

3.1 Nebraska law permits two or more public agencies to enter into agreements to form Enterprise Zones to manage, market, coordinate and mediate enterprise zone activities in areas of distress exhibiting high levels of unemployment, poverty, and population loss.

3.2 The signatories hereto have identified a targeted geographic area and determined that there is a need to establish an Enterprise Zone to attack the conditions of economic distress identified in Section 2.1 hereof.

3.3 The Omaha Tribe of Nebraska, the Winnebago Tribe of Nebraska, the Village of Walthill, and the Village of Winnebago desire to enter into an agreement for the purposes of establishing such an enterprise zone.

3.4 The Northeast Nebraska Enterprise Zone Association is an Association formed by the Omaha Tribe of Nebraska, the Winnebago Tribe of Nebraska, the Village of Walthill, and the Village of Winnebago to stimulate and contribute to the improvement of the Omaha and Winnebago Indian Reservations, the Village of Walthill, and the Village of Winnebago, including the reduction of unemployment, poverty, and population loss for the ultimate benefit of The Omaha Tribe of Nebraska, the Winnebago Tribe of Nebraska, the Village of Walthill, the Village of Winnebago, and the citizens of the State of Nebraska.

4. Definitions.

4.1 Enterprise Zone or Zone shall mean the Northeast Nebraska Enterprise Zone Association.

4.2 Agreement shall mean this agreement creating the Northeast Nebraska Enterprise Zone Association

4.3 Public Agency shall mean those parties as defined in section 23-2203 (1987 Supp)

4.4 Act shall mean the Enterprise Zone Act.

4.5 Association shall mean the Enterprise Zone Association appointed to realize the goals and objectives of the established enterprise zone.

4.6 Department shall mean the Nebraska Department of Economic Development

5. Creation. The undersigned public agencies hereby jointly create the Northeast Nebraska Enterprise Zone under the provisions of the Act as allowed by the enabling legislation of the State of Nebraska.

6. Purposes. The purpose of this Agreement is to recognize the boundaries of the targeted geographic area forming the zone and to establish an Enterprise Zone Association Board whereby members may fund and coordinate some or all of their enterprise zone activities as may be agreed to by such Public Agencies and the Association.

7. Powers. The Enterprise Zone Association shall select its own officers and may exercise such other additional authority as may be granted to it by the Omaha Tribe of Nebraska, the Winnebago Tribe of Nebraska, the Village of Walthill, and the Village of Winnebago. No governmental powers or authorities have been delegated to the Enterprise Zone Association Board.

8. Participation. The Public Agencies, with a portion of the geographic area within their subdivision boundaries, hereby agree to participate in the Enterprise Zone as set forth herein, on the terms and conditions described in this agreement.

8.1 This Agreement shall become effective upon the determination of the Department that the parties are committed and the Agreement shall continue until terminated as provided herein.

8.2 A public agency may not withdraw from participation during the ten-year period following designation by the Department.

8.3 If the Enterprise Zone fails to receive designation at the conclusion of the application periods specified in the Act, the Enterprise Zone Association is dissolved.

9. Plan of Management.

9.1 Enterprise Zone Association and Association Board. The Enterprise Zone Association shall be governed by an Enterprise Zone Board consisting of seven (7) members who are appointed by the Public Agencies that are signatories hereto. A vacancy on the Board shall be filled by appointment in the same manner as specified above. The person appointed to fill a vacancy shall serve for the remainder of the term of the vacating Board member.

9.2 Membership of the Board.

To promote security and continuity, appointments to the enterprise zone association will initially be staggered: three terms at three years; two terms at two years; and, two terms at one year. At the completion of each initial term, all subsequent appointments will extend for a period of three years. Each Board member shall have one vote. If a Board member fails to complete the full term of his appointment, the appointing governmental unit will appoint a new board member to fill the remainder of the unexpired term.

Composed of seven members, the participating governmental units agree to the following appointment authority and term schedule:

<u>Appointment Authority</u>	<u>Appointments</u>	<u>3 yr.</u>	<u>2 yr.</u>	<u>1 yr.</u>
Omaha Tribe of Nebraska:	2	1		1
Winnebago Tribe of Nebraska:	2	1		1
Village of Walthill:	1		1	
Village of Winnebago:	1		1	
BIA, Winnebago Agency:	1	1		

The term of office of the initial Enterprise Zone Association Board shall commence May 1, 1994 and conclude according to the aforementioned term schedule. All subsequent terms of office shall commence immediately upon the expiration of the initial terms, and shall be for a period of three years.

9.3 Termination of Board Members. A Board member may be involuntarily terminated according the Board's formally adopted Bylaws and Rules.

9.4 Powers of the Board. The Board shall have the power to:

- a) Approve the Enterprise Zone application to be submitted to the Nebraska Department of Economic Development;
- b) Promote and market the enterprise zone to individuals and groups;

c) Establish a formal line of communication with residents and businesses in the enterprise zone;

d) Act as a liaison between residents, businesses, and the city, village, county or tribal authority for any development activity that may affect the enterprise zone or zone residents, The enterprise zone association may:

1) Initiate and coordinate any community development activities that aid in the employment of enterprise zone residents, improve the physical environment, or encourage the turnover or retention of capital in the enterprise zone. Such additional activities may include recommendations to the city, village, county, or tribal government or department; and,

2) Make recommendations to the city, village, county, tribal government, state agency, or other political subdivision for the establishment of a plan or plans for public improvements or programs; and

3) Make recommendations to the city, village, county, tribal government, state agency, or other political subdivision to remove, reduce, or simplify, in whole or in part, the provision of any resolution, regulation, or ordinance relating to fees or administrative or procedural requirements as they relate to enterprise zones of entities or persons within the boundaries of an enterprise zone.

e) Administer some of or all of the enterprise zone activities as may be agreed to by such Public Agencies and the Association.

f) Maintain minutes of its meetings

g) Create subcommittees

Initiate and conduct such other activities required to realize the goals and objectives of the enterprise zone.

9.5 Inspection and Audit. The participating units of government may audit upon request the records of the Zone Association at any time during the period of this Agreement, and during any extension hereof, insofar as said records may be related to the subject matter of this Agreement.

9.6 Bylaws and Rules of Operation. The Zone Association shall adopt its own bylaws and rules. No provision of the Bylaws, rules, policies, or procedures shall be inconsistent with the terms of this agreement.

9.7 Place of Business. The principal places of business shall be the Omaha and Winnebago Tribal Administrative Buildings. Meetings will be held on the first Tuesday of each month,

at alternative Tribal Administrative Buildings. The first meeting will be held at the Omaha Tribal Administrative Building.

9.8 Professional Services. The participating units of government shall provide administrative support staff and services to the Zone Association as needed.

9.9 No Private Benefit. No part of any earnings or assets of the Zone Association shall inure to the benefit of any private person.

10. Conformity with Law. In the event any term or provision of this Agreement shall be in conflict with any laws or statutes of the participating units of government, or federal and state governments, this Agreement shall automatically be deemed amended to conform to such laws and statutes.

11. Fiscal Year. The Fiscal year shall begin October 1st. of each year, except for the initial fiscal year. The initial fiscal year shall begin on the date the Association commences and end on September 30, 1994.

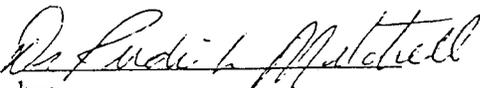
12. Authorizing Action. This Agreement shall become effective only upon:

- a) The execution and delivery of this agreement by an authorized representative of the Zone Association on behalf of the Zone Association; and
- b) A finding by the Department that all parties are signatories to the Agreement that the Association should become operational.

13. Execution of Counterpart. This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document.

**In Witness Whereof**, the parties hereto have executed this Agreement on the dates set forth in the attached resolutions and acknowledged below.

Omaha Tribe of Nebraska  
Public Agency

  
by:

Chairman  
Title:

5-11-94  
Date:



# United States Department of the Interior



## BUREAU OF INDIAN AFFAIRS

Winnebago Agency  
Winnebago, Nebraska 68071

IN REPLY REFER TO:

Tribal Relations

May 23, 1994

Honorable Dr. Rudi Mitchell, Chairman  
Omaha Tribe of Nebraska  
Macy, Nebraska 68039

Dear Chairman Mitchell:

Enclosed is the original of the Omaha Tribe of Nebraska's Resolution No. 94-137. No further action is required of the Bureau of Indian Affairs.

A copy of the Resolution has been retained in our files and copies have been forwarded to our Area Office and Land Operations/EPA Coordinator for informational purposes.

Sincerely,

Nolan J. Solomon  
Acting Superintendent

Enclosure: Original Resolution No. 94-137

cc: Tribal Relations, Winnebago Agency w/co encl.  
Land Operations/EPA Coordinator, Winnebago Agency w/co encl.  
Area Director, Aberdeen Area Office, Attn: Tribal Government Services  
MC 304 w/co encl.

# OMAHA TRIBE OF NEBRASKA

P.O. Box 368  
Macy, Nebraska 68039



RECEIVED

PH (402) 837-5391  
FAX (402) 837-5308

## EXECUTIVE OFFICERS

Dr. Rudi L. Mitchell, Chairman  
Mitchell Parker, Vice-Chairman  
L. Arnie Harlan, Treasurer  
Nate J. Parker, Sr., Secretary

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## MEMBERS

Doran L. Morris, Sr.  
Clyde Tyndall  
Edward W. Webster

B.I.A. - WINNEBAGO, NEBRASKA

## RESOLUTION OF THE OMAHA TRIBE OF NEBRASKA

RESOLUTION # 94-139

- RE:** resolution in support of enterprise zone interlocal agreement
- WHEREAS;** the Omaha Tribe of Nebraska is a federally-recognized Indian Tribe organized under the Indian Reorganization Act of June 18, 1934 (U. S. C., 476, et. seq.), as amended; and,
- WHEREAS;** pursuant to Article IV, Section 1 (f) of the Constitution and Bylaws of the Omaha Tribe of Nebraska, the Omaha Tribal Council is authorized to manage all economic affairs and enterprises of the Tribe; and
- WHEREAS;** the Omaha Tribal Council, to promote human, physical, and financial reinvestment within the proposed enterprise zone, has approved a joint application in conjunction with the Winnebago Tribe of Nebraska, the Village of Walthill, and the Village of Winnebago, to the Nebraska State Department of Economic Development for designation of an enterprise zone; and,
- WHEREAS;** the Omaha Tribal Council, as required by the State of Nebraska's Enterprise Zone Act, LB-725, has reviewed and authorized for signature the attached Interlocal Agreement with the Winnebago Tribe of Nebraska, the Village of Walthill, and the Village of Winnebago for the purpose of establishing an Enterprise Zone.

**NOW, THEREFORE BE IT RESOLVED THAT:** the Omaha Tribal Council of the Omaha Tribe of Nebraska adopts by resolution the terms and provisions of the aforementioned Interlocal Agreement, and establishes the Northeast Nebraska Enterprise Zone Association, which shall enjoy no delegated governmental powers or authority, for the purpose of furthering economic development within the proposed enterprise zone.

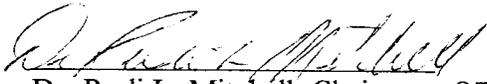
RS

CERTIFICATION

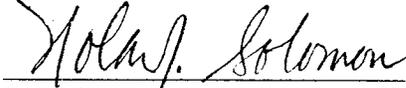
This is to certify that the foregoing Resolution was considered at a meeting of the Omaha Tribal Council of the Omaha Tribe of Nebraska, duly called and held on the 11 day of May, 1994, and was adopted by a vote of 4 FOR, 0 AGAINST, and 3 NOT VOTING or ABSENT. A quorum of 5 as present with the Chairman not voting.

  
Nate J. Parker, Sr., Secretary, OTN

ATTEST:

  
Dr. Rudi L. Mitchell, Chairman, OTN

RECEIVED:

  
 Superintendent, Winnebago Agency

c: Vanessa Parker, Office Manager  
Dept. of Econ. Development