



Little River Band of Ottawa Indians

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

RESOLUTION NO. #02-0710-07

AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE CONSULTING CONTRACT WITH JAMES McCLURKEN & ASSOCIATES FOR ETHNOHISTORICAL WORK

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994, with property rights secured to it under the 1836 Treaty of Washington (7 Stat. 491) and the 1855 Treaty of Detroit (11 Stat. 621); and

WHEREAS, the Little River Band of Ottawa Indians is descended from, and is the political successor to, Grand River Ottawa Bands which were signatories of the 1836 Treaty of Washington (7 Stat. 491), as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Little River Band of Ottawa Indians reserved certain territorial rights and other attributes of sovereignty under the 1836 Treaty. These treaty based rights were confirmed, in part, by United States v. Michigan, 471 F.Supp 192 (W.D. Mich. 1979); *affirmed*, 653 F.2d 277 (6th Cir. 1981); *certiorari denied*, 454 U.S. 1124, 102 S.Ct. 971 (1981), and reaffirmed by P.L. 103-324 section 5, and are protected by the United States Constitution (Art. 1, §8, cl. 3 and Art. 6, cl. 2); and

WHEREAS, the maintenance and preservation of the Band's treaty rights is a critical priority of the Band; and

WHEREAS, the Tribal Council did, pursuant to Resolution No. #00-0424-07, authorized execution of Consulting Contract with McClurken & Associates to perform ethnohistorical work related to the Band's treaty Reservations; and

WHEREAS, the scope of work related to that original contract has been revised and updated to meet the requirements of the Band's current efforts to reaffirm and reassert its treaty reserved territorial boundaries and jurisdiction; and

WHEREAS, the Tribal Ogema, in consultation with the Band's General Counsel and Quest Management, has negotiated an Amendment to the Consulting Contract with James M. McClurken & Associates to complete the ethnohistorical and historical research related to rights reserved under the 1836 Treaty; and

WHEREAS, the Tribal Council finds that negotiation and execution of such an agreement is in the best interests of the Band.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in the absence of the Tribal Council Speaker, to execute an Amendment to the Consulting Contract with James M. McClurken & Associates to complete the ethnohistorical research and prepare a Reservation Report describing the history of the Band's relationship to its reservations recognized by the 1836 and 1855 Treaties in accordance with project scope described in the Amendment.

Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at a Closed Meeting portion of a Regular Session of the Tribal Council held at the Little River Band's Downtown Offices at 375 River Street in Manistee, Michigan on July 10, 2002, by a vote of 1 in favor, 0 opposed, 2 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: _____


Janine M. Sam, Council Recorder

Attest:


Stephen Parsons, Council Speaker

Distribution: Council Record
Tribal Ogema (cc: Accounting Dept.)
Legal Department
James M. McClurken