



Little River Band of Ottawa Indians

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

Resolution # 03-0827-274

Authorizing Execution of Second Amendment to the Consulting Contract with James McClurken & Associates

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 Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

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, authorize execution of Consulting Contract with McClurken & Associates to perform ethnohistorical work related to the Band's treaty Reservations; and

WHEREAS, the Tribal Council did, pursuant to Resolution No. #02-0710-07, authorize execution of a First Amendment to the Consulting Contract with McClurken & Associates to expand the scope of work associated with that project; and

WHEREAS, the scope of work related to that contract, as amended, has required substantially more billable hours to complete the research, analysis and report writing than was anticipated when the original Amendment to the Contract was negotiated; and

WHEREAS, the Quest Management as estimated the additional funds necessary to complete the scope of work required from McClurken & Associates during Fiscal Year 2003 will require an additional commitment of \$75,000.00; and

WHEREAS, the Tribal Attorney, in consultation with Quest Management, has prepared a Second Amendment to the Consulting Contract with James M. McClurken & Associates to complete the ethnohistorical and historical research, report drafting, and additional work required to complete the scope of work assigned to McClurken & Associates during this fiscal year; and

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

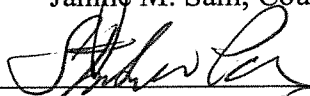
NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in the absence of the Tribal Council Speaker, to execute a Second Amendment to the Consulting Contract with James M. McClurken & Associates to authorize an additional \$75,000.00 in billable work to complete the ethnohistorical research, report writing, preparation of an affidavit and education materials required under the Reservation Boundary Project Plan for Fiscal Year 2003.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 1 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on August 27, 2003, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema (cc: Accounting)
Tribal Court
Legal Department
James McClurken