



Little River Band of Ottawa Indians

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

moved to
open
7/26/06

Resolution # 05-0216-78

Authorizing Execution of Agreement with John Persell of Tribal Nations Science and Technology for Expert Witness and Consulting in Connection with the Manistee Salt Works Development Corp. v. City of Manistee Litigation and Authorizing an Encumbrance in the Amount of \$35,000.00 from the Professional Services Line in the Legal Department Budget for Fiscal Year 2005

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 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 Tribal Council, pursuant to Article IV, Section 7(b) of the Constitution of the Little River Band of Ottawa Indians ("Tribal Constitution"), has the power to ratify contracts negotiated on behalf of the Band; and

WHEREAS, the Tribal Council has previously approved intervention in the *Manistee Saltworks Development Corporation v. City of Manistee* litigation to defend claims brought by Manistee Saltworks Development Corporation to promote the Band's interests in protecting public health and the environment within the Band's reservation; and

WHEREAS, the Legal Department has identified expert witnesses that are required to assist the Band in protecting its interest in this litigation and requested approval of an Agreement with John Persell of Tribal Nations Science and Technology to retain that firm to provide expert witness and consulting services in connection with the *Manistee Saltworks Development Corporation* litigation; and

WHEREAS, the Legal Department has requested authorization to obligate \$35,000.00 in funds under the Professional Services item in the Legal Department Budget to cover fees and expenses payable to Tribal Nations Science and Technology during Fiscal Year 2005; and

WHEREAS, the Legal Department's FY 2005 Budget requires resolution approval of the Legal Department's request for these purposes.

NOW THEREFORE BE IT RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes execution of the agreement with John Persell of Tribal Nations Science and Technology for expert witness and consulting services related to the *Manistee Saltworks Development Corp. v. City of Manistee* litigation in 2005.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the obligation of \$35,000.00 from the Professional Services Line in the Legal Department's FY 2005 Program Budget to cover fees and expenses associated incurred under that agreement.


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 Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on February 16, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Tammy Kleeman-Brown, Tribal Councilor

Attest:



Stephen Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Tribal Court