

Little River Band of Ottawa Indians

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

Resolution # 05-0223-90

Directing the Ogema to Attend as the Representative in Actions in Regards to Litigation and Tribe-State Forums and Prohibiting Delegation of these Responsibilities

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 Ogema has requested the Tribal Council to participate in the *Manistee Salt Works Development Corporation v. City of Manistee, et al*, which the Tribal Council approved legal contracts to provide such representation; and

WHEREAS, the Tribe has filed a motion to Intervene in the above matter and the Tribe has been allowed to intervene in this matter; and

WHEREAS, the Ogema has identified in *Ogema v. Tribal Council* that it is the responsibility of the Ogema to represent the Tribe in litigation matters and the Ogema asserts that Tribal Council does not have constitutional authority to act in these matters; and

WHEREAS, the Tribal Council has agreed to allow the Ogema to represent the Tribe in these litigation matters until such time as this issue is finally determined in *Ogema v. Tribal Council*; and

WHEREAS, the Tribal Council finds that the Ogema must represent the Tribe in these matters, and not a representative designated by the Ogema; and

WHEREAS, the Tribal Council has been notified that the Ogema does not intend to participate in the Court Ordered Settlement Conference in the *Manistee Salt Works Development Corporation v. City of Manistee, et al*, and intends to designate the Tribal Assistant Manager as the Tribal representative; and

WHEREAS, the Order regarding the Settlement Conference directs that, "Trial counsel **shall** be present accompanied by ...defendant who are officers or agencies of state government must be represented in person by an individual, in addition to the Assistant Attorney General, with authority to negotiate a settlement;" and

WHEREAS, should the Ogema not attend with the Tribe's legal counsel, the Court may impose sanctions or a citation for contempt of court; and

WHEREAS, the Ogema is required, under Article V, Section 5(a)(1) of the Constitution, to enforce and execute the laws, ordinances and **resolutions** of the Tribal Council, consistent with this Constitution; and

WHEREAS, the Ogema is required, under Article V, Section 5(a)(2) of the Constitution, to **oversee the administration and management of the Tribal government** in accordance with the laws, **resolutions** and motions adopted by the Tribal Council; and

WHEREAS, the Ogema is required, under Article V, Section 5(a)(3) of the Constitution, to **consult, negotiate, and execute agreements...on behalf of the Little River Band** with federal ...governments; and

WHEREAS, the Tribal Council finds that it is in the best interests of the Tribe and it is necessary that the Ogema shall be required to attend the Settlement Conference in *Manistee Salt Works Development Corporation v. City of Manistee, et al*;

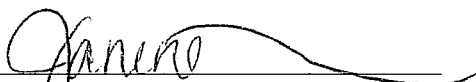
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby directs the Ogema to attend the Settlement Conference ordered in *Manistee Salt Works Development Corporation v. City of Manistee, et al*, and that the Ogema is prohibited from assigning any representative to attend on his behalf.


IT IS FURTHER RESOLVED THAT the Tribal Council prohibits the Ogema from delegating any power granted to the Office of the Ogema under Article V of the Constitution, of the Little River Band of Ottawa Indians, unless expressly authorized by Tribal Law.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on February 23, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.

Attest:


Jarine M. Sam, Council Recorder


Stephen Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Tribal Court