



## Little River Band of Ottawa Indians

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

### Resolution # 05-0323-125

*Authorizing an Encumbrance in the Amount of \$15,000.00 from  
the Professional Services Line in the Legal Department Budget for Fiscal Year 2005  
to be Paid to the Chippewa-Ottawa Resource Authority to Cover Litigation-Related Costs  
Associated with United States v Michigan*

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aníšhinaábek* (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 Little River Band of Ottawa Indians reserved certain property 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, management and protection of the Band's treaty-reserved property interests in the fisheries of the treaty-ceded waters of the Great Lakes, is a critical priority of the Band and it is the responsibility of the United States, as Trustee for the Band and other 1836 Treaty Bands/Tribes; and

WHEREAS, the Chippewa-Ottawa Resource Authority (CORA) currently administers a number of litigation support contracts with the Bureau of Indian Affairs from which various litigation-related costs are paid, including expert witness fees, document copying and deposition charges, in the ongoing litigation activities in United States v Michigan; and

WHEREAS, the funds received by CORA under litigation support contracts will be insufficient to cover the expenses associated with those activities during Fiscal Year 2005 and CORA's Board of Directors is requesting each of the member Tribes to contribute \$15,000.00 in Tribal funds to supplement the Bureau of Indian Affairs funds to cover these expenses; and

WHEREAS, the Legal Department is requesting authorization to obligate \$15,000.00 in funds under the Professional Services item in the Legal Department Budget to be paid to the Chippewa-Ottawa Resource Authority to cover non-attorney, litigation expenses in the United States v Michigan litigation; and

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

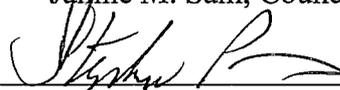
NOW THEREFORE BE IT RESOLVED, that the Tribal Council authorizes the obligation of \$15,000.00 from the Professional Services Line in the Legal Department's FY 2005 Program Budget to be paid to the Chippewa-Ottawa Resource Authority to cover non-attorney litigation related expenses in accordance with the revised litigation expense budget approved by CORA's Board of Directors and for expenses approved by CORA's Board of Directors.

**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 March 23, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest: