



## **Little River Band of Ottawa Indians**

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

### **Resolution # 05-0427-173**

*Authorizing Execution of a Third Amendment to the Contract with  
James M. McClurken & Associates and Authorizing the Encumbrance  
of \$50,000 from the Professional Fees Line in the Legal Department Budget for  
Fees and Expenses 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 Tribe; and

WHEREAS, the Tribal Ogema, pursuant to Article VI, Section 5(a) of the Tribal Constitution, is authorized to negotiate and execute contracts on behalf of the Tribe, provided such contracts are approved and ratified by the Tribal Council; and

WHEREAS, the Tribal Council has previously approved a Consulting Contract with James M. McClurken & Associates for ethnohistorical services associated with a multi-faceted project designed to reaffirm the Tribe's Reservation Boundaries; and

WHEREAS, the Legal Department has prepared a Third Amendment to the Contract with McClurken & Associates to cover the scope of services required from McClurken & Associates during calendar year 2005; and

WHEREAS, the Legal Department requested authorization to obligate \$50,000.00 in funds under the Professional Services Line in the Legal Department Budget to cover fees and expenses payable to McClurken & Associates during Fiscal Year 2005 under the terms of the Third Amendment; and

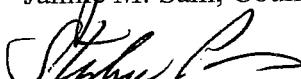
WHEREAS, funds for this purpose were included in Legal Department's FY 2005 Budget for these purposes.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes execution of the Third Amendment to the Contract with McClurken & Associates and authorizes the encumbrance of \$50,000.00 from the Professional Services line in the Legal Department's FY 2005 Program Budget to cover fees and expenses associated with services provided under that Contract.

#### **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 Session of the Little River Band of Ottawa Indians Tribal Council held on April 27, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.

  
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Janine M. Sam, Council Recorder

  
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Stephen Parsons, Council Speaker

**Attest:**

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Purchasing Manager  
Legal Department