



Little River Band of Ottawa Indians

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

Resolution # 05-0824-413

Re-Authorizing Execution and Correction of the Contract with Central Michigan University for Genetic Sampling of Bear Hair for 2005-2006 Ratified by Resolution # 05-0713-312

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, pursuant to Article XI, Section 1, has the authority to waive the Tribe's immunity from suit and consent to the jurisdiction of courts to resolve disputes arising under agreements to which the Tribe is a party; and

WHEREAS, the Conservation Department has requested a contract from Central Michigan University (CMU) to retain staff and interns from CMU to assist with research on bear populations and genetic diversity being conducted by the Department under a grant from the U.S. Fish and Wildlife Service; and

WHEREAS, the Conservation Department's Inland Biologist has presented a form of agreement with CMU that is consistent in form with similar agreements for research projects currently administered by the Department; and

WHEREAS, the form of agreement provides that any disputes arising under the agreement that cannot be amicably resolved by the parties shall be submitted to the Commercial Division of the Tribal Court for resolution; and

WHEREAS, the Tribal Council finds that the purposes of the agreement advance important Tribal interests that will be at issue in implementation of the Tribal rights being litigated in United States v Michigan; and

WHEREAS, the Tribal Council has received notice that the contract ratified by Resolution # 05-0712-312 did not contain the recommended amendments and requires re-authorization by Tribal Council with the amendments incorporated;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians authorizes execution of the amended Contract with Central Michigan University to assist with research being conducted on bear populations and genetic diversity under a grant from the U.S. Fish and Wildlife Service.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes a limited waiver of sovereign immunity and consents to the jurisdiction of the Commercial Division of the Tribal Court and the Tribal Court of Appeals to resolve any disputes that may arise under this agreement. This waiver and consent is specific to Central Michigan University.

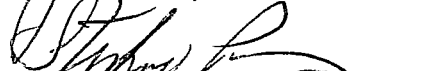
IT IS FURTHER RESOLVED THAT the Tribal Council rescinds Resolution # 05-0713-312.

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, 0 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 24, 2005, at the Little River Band's Dome Room 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
Tribal Court