

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

CERTIFIED MOTION # 042020-01

Request for Funding from the Bureau of Indian Affairs
Attorney Fees & Litigation Support Program FY 2020

- WHEREAS** the Waganakising Odawak, known in English as Little Traverse Bay Bands of Odawa Indians is a nation of citizens with inherent sovereignty and right to self-governance;
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians (“LTBB”) is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe;
- WHEREAS** the LTBB Constitution recognizes that as a Tribe *“We will work together in a constructive, cooperative spirit to preserve and protect our lands, resources and Treaty Rights, and the right to an education and a decent standard of living for all our people.”*;
- WHEREAS** the territory of the LTBB shall encompass all lands and waters within the Reservation as defined in Article III of the Tribal Constitution: *“Unless otherwise specified in this Constitution “Reservation” means all lands within the boundaries of the reservations for the Little Traverse Bay Bands of Odawa Indians as set out in Article I, paragraphs third and fourth of the Treaty of 1855, 11 Stat. 621, plus any lands set out in Articles Second and Third of the Treaty of March 28, 1836, 7 Stat. 491, . . .”*
- WHEREAS** on August 15, 2015, the Tribe initiated a lawsuit against the State of Michigan asking the United States District Court, Western District of Michigan, to recognize the Reservation as defined in Article III of the Tribal Constitution and that those Treaty boundaries have not been changed or diminished over time, and to enjoin the State from its improper exercises of authority within the Reservation (“the Litigation”).
- WHEREAS** on August 15, 2019 the United States District Court, Western District of Michigan ruled in favor of the State of Michigan.
- WHEREAS** the Tribal Council approved the Enjinaaknegeng (Legal) Department to retain the law firm of Kanji & Katzen, PLLC to represent LTBB in its appeal of the August 15, 2019 ruling of the Federal District Court for the Western District of Michigan in *LTBB v Whitmer, et al*, case no. 1:15-cv-850.



WHEREAS LTBB has made the significant commitment to funding the legal fees associated with the Litigation; however, federal litigation support funding is necessary to allow the LTBB to maximize its use of attorneys, and expert witnesses and services during the appellate process, all of which are essential to succeeding in the Litigation.

WHEREAS the Bureau of Indian Affairs has announced availability of funds through the Attorney Fees & Litigation Support Program FY 2020 to Tribes.

THEREFORE, BE IT RESOLVED that the LTBB Tribal Council authorizes and approves the request to the Bureau of Indian Affairs for Attorney Fees & Litigation Support funds to maintain the engagement and/or continued use of attorneys, expert witnesses and document management, as well as the use of document/litigation support software, all of which Kanji & Katzen PLLC shall coordinate for the Litigation.

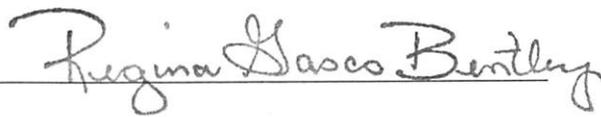
FURTHER RESOLVED, that the LTBB Tribal Chair, Vice Chair, Executive Directors, or another designee from the Tribal Chair is authorized to execute any documents necessary to apply for, receive, and administer funds under the grant.

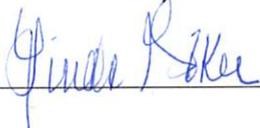
CERTIFICATION

Received by the Executive Office on 4/19/2020 by 

The Executive concurs and recommend this action of the Tribal Council.

Date: 4/19/2020


Executive, Tribal Chair/Vice-Chair

Received by the Legislative Office on 04.09.2020 by 

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Certified Motion was duly approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians by a phone poll of the Tribal Council held April 20, 2020 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, 0 absent as recorded by this certification as an official action on behalf of Little Traverse Bay Bands of Odawa Indians.

Date: 4/23/2020


Emily Proctor, Legislative Leader

Date: 4/23/2020


Julie Shananaquet, Secretary