



**Little River Band of Ottawa Indians**

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

**ORIGINAL**

Resolution No. #01-1017-05

**Approving Budget Modification to the Fiscal Year 2001 Operating  
Budget for the Tribal Government and Appropriating \$10,000.00  
from the U.S. v. Michigan "Fisheries Trust" Fund for  
Earnest Money Deposit on the Purchase of the "Walters Fisheries" Real  
Estate and Business Assets and Authorizing the Tribal Ogema  
to Negotiate the Terms of a Purchase Agreement**

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.)(hereinafter "Little River Act"); 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 Tribal Council, pursuant to Article IV, Section 7(a) of the Constitution, has the power to provide for the general welfare of the Tribe and its members; and

WHEREAS, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Tribal Constitution, the Tribal Ogema, or in the absence of, the Tribal Council Speaker, is authorized to represent the Tribe and manage the economic affairs/enterprises of the Tribe, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by the Tribal Ogema; and

WHEREAS, the Tribal Council, pursuant to Article IV, 7(i)(2) of the Constitution, has the power to manage any funds within the exclusive control of the Tribe and to appropriate such funds for the benefit of the Tribe and its members; and

WHEREAS, the terms of the Consent Decree entered in United States v Michigan are intended to facilitate the Tribe's to use settlement funds to assist Tribal members enter the commercial fishery in waters near the Tribe's Reservation; and

WHEREAS, the Tribal Ogema, together with representatives of the Economic Development Department and Natural Resource Commission, support and are recommending the acquisition of the real estate and business assets of "Walters Fisheries" as an opportunity to acquire a business which will promote the development of commercial fishing operations by Tribal members; and

WHEREAS, the Tribal Council believes that the acquisition of the real estate owned by Ronald and Cynthia Walters and business assets of Walters Fisheries has the potential to afford the Tribe with a unique opportunity to enhance the development of Tribal commercial fishing operations, provide additional employment opportunities for Tribal members, and income to support ongoing economic development of the Tribe and its members; and

WHEREAS, the negotiation and execution of a Purchase Agreement for Real Estate and Business Assets under which the Tribal Ogema pay an earnest money deposit of up to \$10,000.00 toward the purchase price; and

WHEREAS, the appropriation of \$10,000.00 from the General Revenue Fund account to cover the earnest money deposit will require a modification of the Operating Budget for Fiscal Year 2001, which was approved on December 20, 2001.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves a modification of to the Operating Budget for the Tribal Government for Fiscal Year 2001 to include an appropriation of \$10,000.00 from the U.S. v Michigan "Fisheries Trust" Fund to be used to cover the earnest money deposit to paid toward the purchase of the real estate and business assets owned by Ronald and Cynthia Walters and Walters Fisheries (collectively "Walters").

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the Tribal Ogema to negotiate the terms of the Purchase Agreement for Real Estate and Business Assets, together with a consulting agreement, with Walters in consultation with the Tribe's Legal Department and to bring such Agreements back to the Tribal Council for ratification by resolution.



**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, 2 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians' Tribal Council held at the Little River Band Community Center on October 17, 2001, in Manistee, Michigan, with a quorum being present for such vote.

  
Janine M. Sam, Council Recorder

Attest:

  
Stephen Parsons, Council Speaker

Presentation of Resolution Budget Modification and Appropriating Tribal Funds to Tribal Ogema:

Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution modifying the Operating Budget for the Tribal Government for Fiscal Year 2001 and appropriating Tribal funds has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 10/18/01

Signature of Council Recorder: 

Action by the Tribal Ogema:    Approved    Disapproved (attach comments)

Date: 10/22/01

Signature of Ogema: 