

## Little River Band of Ottawa Indians

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

### Resolution # 05-0323-122

#### *Adoption of Amendments to Tribal Seal Ordinance, # 96-100-01*

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 adopted the Tribal Seal Ordinance in 1996, as amended in 1999, which identifies and governs the use of the official Tribal Seal; and

WHEREAS, the Tribal Council has identified amendments as to the use of the Tribal Seal and clarification regarding when, and how, reimbursement of revenues generated from items on which the Tribal Seal appears; and

WHEREAS, the amendments were posted for Public Comment between November 22, 2004, and January 1, 2005, and all comments were received and reviewed at the work session held on January 14, 2005; and

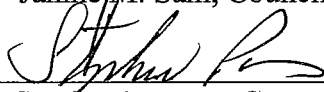
WHEREAS, the Tribal Council has determined that the amendments to the Tribal Seal Ordinance have been presented in conformance with the Administrative Procedures Act - Ordinances and may be presented for adoption;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts, for immediate implementation, the amendments to the Tribal Seal Ordinance, # 96-100-01.

**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, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on March 23, 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

**TRIBAL SEAL ORDINANCE**  
Ordinance # 96-100-01

**Article I. Purpose; Findings**

1.01. *Purpose.* The purpose of this Ordinance is to identify the Tribal Seal of the Little River Band of Ottawa Indians and to set forth authorized uses of the Tribal Seal.

1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds that:

a. the Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility to "...exercise the inherent powers of the Little River Band by establishing laws through the enactment of ordinances and adoption of resolutions not inconsistent with this Constitution:

1. to govern the conduct of members of the Little River Band and other persons within its jurisdiction;

2. to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members[.]" *Article IV, Section 7(a).*

**Article II. Adoption; Amendment; Repeal; Severability**

2.01. *Adoption.* This Ordinance was originally adopted in 1996.

a. This ordinance was amended and recodified on May 27, 1999.

b. This ordinance was further amended by resolution # 05-0323-122.

2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.

2.03. *Severability Clause.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**Article III. Definitions**

3.01. *Definitions.* For purposes of this Ordinance, certain terms are defined in this Article. The word "shall" is always mandatory and not merely advisory.

3.02.

**Article IV. Official Seal**

4.01. *Official Seal of the Tribal Government.* The Little River Band of Ottawa Indians shall have a Seal, which shall be the official Seal of the government of the Little River Band of Ottawa Indians.

4.02. *Description.* The Seal of the Tribe shall be a circular landscape comprised of a winding river, bordered by a pine tree, to the right of which two (2) adult eagles fly, around which landscape shall be a circle braided with the four sacred colors and from which nine feathers hang. The written name under which the Tribal government was reaffirmed under Public Law 103-324, together with the September 21, 1994 date of reaffirmation, shall be located around the circumference of the Seal.

4.03. *Meaning of Seal.* The winding river and pine tree depicted on the Seal of Tribe honor the riverine and woodland traditions and history of the Little River Ottawa people. The two (2) adult eagles represent the balance and different strengths brought to the Tribe's families and community

by the male and female, as well as ones who bring our people's prayers to the Creator. The circle with the four sacred colors represents the balance of life: the four races of people, the four periods of our lifetimes, the four seasons of nature, etc. The nine feathers represent the nine historic Grand River Ottawa Bands, from whom the members of the Tribe descend.

4.04. *Official Dies of the Seal.* The official dies of the Tribal Seal shall not be transported outside of Tribal lands but shall remain at the seat of the Tribal government at the office of the Recorder of the Tribal Council.

#### **Article V. Limitation on the Use of Facsimiles, Reproductions or Impressions**

5.01. *Use in Connection with Private Communications Prohibited.* No facsimiles, reproductions or impressions of the Tribal Seal, with or without the wording associated with the Seal, shall be used in any private communications or documents, including but not limited to: private communications by employees of the Tribal government, stationary, envelopes, facsimiles, and electronic documents, which are unconnected with authorized, official functions or communications of the Tribe.

5.02. *Use in Connection with Subdivisions or Enterprises of the Tribal Government.* The Tribal Seal, including duly adopted variations of the Tribal Seal, may be used in connection with documents and communications of such subdivision or enterprise of the Tribal government, provided such document, correspondence or communication clearly identifies the identity of the subdivision or enterprise and such correspondence or communication is authorized by the governing body or officials of such subdivision or enterprise.

5.03. *Commercial Use of Tribal Seal or Like Reproductions.*

a. *Use in Connection with Official Functions or Enterprises of the Tribe.* No facsimiles, reproductions or impressions of the Tribal Seal, with or without the wording associated with the Tribal Seal, shall be used in connection with the sale of merchandise or for any other commercial purpose associated with any official function or enterprise of the Tribe unless such use has been authorized by resolution of the Tribal Council. The authorizing resolution shall identify whether profits derived from the sale of merchandise or other commercial use of the Tribal Seal in any form shall be accounted for and turned over to the general fund of the Tribe.

b. *Use in Connection with Private Commercial Activities.* No facsimiles, reproductions or impressions of the Tribal Seal, with or without the wording associated with the Tribal Seal, shall be used for personal gain or profit, including merchandise offered for sale, or for any other commercial purpose unless such use has been specifically authorized by Resolution of the Tribal Council.

5.04. *Limited Personal Use of Tribal Seal by Tribal Members Permitted.* Nothing in this Ordinance shall prohibit any Tribal Member from making or having made, a facsimile, reproduction or impression of the Tribal Seal made for his/her personal use or as a gift to another Tribal member; provided that nothing in this subsection 5.04 shall authorize any person to use the Tribal Seal in any manner prohibited in subsection 5.01.

5.05. *Recorder of the Tribal Council; Custodial and Other Duties.* The Recorder of the Tribal Council shall have the custody of the Tribal Seal and copies of all records and papers in the Recorder's office, certified by the Recorder, and authenticated by the Tribal Seal shall be evidence in all cases equally, and with the like effect, as the originals.

5.06. *Use in Connection with Electronic Imaging.* Nothing in this ordinance shall prohibit any

Tribal member from obtaining or distributing electronic photographs which contain a variation of the Tribal Seal; provided that nothing in this section shall authorize any person to use the electronic photographed Tribal Seal in any manner prohibited in this Article.

#### **Article VI. Civil Offenses; Penalties**

6.01. Any Indian or non-tribal member who violates this ordinance shall be liable for a civil fine not to exceed \$5,000 for each violation thereof. The amount of any such civil fine may be recovered in a civil action in the Tribal Court. All fines recovered shall be deposited in the general fund of the Tribe.

6.02. In enforcing the civil infraction provisions of this ordinance, the Tribal Ogema or the Tribal Prosecutor shall proceed in the name of the Tribe against a person for violation of such provision by civil complaint. The Tribal Ogema or Prosecutor in such action shall have the burden of showing, by preponderance of the evidence, that such person violated the provisions of this ordinance.

6.03. All property bearing facsimiles, reproductions or impressions of the Tribal Seal produced or manufactured in violation of this ordinance, or monies derived from the sale of such property, shall be subject to seizure by order of the Tribal Court.

6.04. The Tribal Court shall have jurisdiction over all violations of this Ordinance.