



## Little River Band of Ottawa Indians

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

moved to  
open 7/26/06

### Resolution # 05-1130-646

#### *Ratification of Amended Contract with Jeff Battice for Net Removal Services*

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 is vested with the authority under Article IV, Section 7(a)(4) and (c) to manage the properties of the Tribe; and

WHEREAS, the Tribal Council adopted Resolution # 05-0518-213 which ratified a contract with Thomas Battice to remove trap nets, some of which were deteriorating and being pulled in the direction of local government water system infrastructure and were likely to cause significant damage if not immediately removed; and

WHEREAS, the contract was not executed by either the contractor nor the Ogema and as a result the nets continued to deteriorate, pose a hazard to the local community and to boaters and fishermen in the area; and

WHEREAS, the Tribal Council adopted Resolution # 05-1015-519 which ratified a contract with Jeffery Battice to remove the trap nets in a timely manner; and

WHEREAS, amendments to the contract were requested to clarify the application and requirement of insurance to cover the activity being conducted and the Tribe's equipment from further harm which the Tribal Council has reviewed and has determined should be approved; and

WHEREAS, the Tribal Council has received a legal review of the contract and has determined that there are no legal issues regarding ratification of the contract;

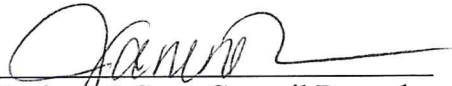
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the amended Trap Net Removal Contract and directs its execution in a timely and expedition manner in order to avoid further damage to the nets, equipment of boaters and fishermen, and loss of additional trap net equipment.


IT IS FURTHER RESOLVED THAT nothing in this resolution shall authorize a waiver of the Tribe's sovereign immunity.

IT IS FINALLY RESOLVED THAT the contractor is prohibited from retaining any fish captured in the trap nets and is not authorized to retain fish for personal or commercial use.

**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, 1 ABSTAINING, 0 ABSENT, and 1 VACANT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on November 30, 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