Resolution # 14-0910-280

Approval and authorization to execute Non Disclosure Agreement with Capital One, National Associations

WHEREAS, the status of the Gaā Čhing Ziibi Daâwaa Aniýhinaábek (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 Ogema of the Little River Band of Ottawa Indians is authorized under Article 5(a) to consult, negotiate and execute agreements and contracts on behalf of the Little River Band with federal, state and local governments and other tribal governments, or with private persons or organizations. Agreements and contracts reached must be approved or ratified by Tribal Council to be effective; and

WHEREAS, Chairperson of the Little River Casino Board of Directors for the Little River Casino Resort, an enterprise of the Little River Band of Ottawa Indians, has received a non-disclosure agreement for the purpose of setting forth terms that will apply to the treatment of certain confidential and/or proprietary information of the Tribal government for the purpose of evaluating possible financing transactions with the Enterprise; and
WHEREAS, it is in the interest of the Little River Band of Ottawa Indians to retain the highest degree of financial information to procure optimal financing arrangements for the proposed renovations of the Enterprise, and

WHEREAS, Capital One, National Association has the demonstrated capacity, expertise and unique experience with the financing of Native American Gaming and Resort properties, and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians approves the non-disclosure agreement with Capital One, National Association setting forth terms that will apply to the treatment of certain confidential and/or proprietary information for the purpose of evaluating possible financing transactions; and.

BE IT FURTHER RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema to execute said non-disclosure agreement and

BE IT FURTHER RESOLVED THAT nothing in this Agreement By and Between the Little River Band of Ottawa Indians and Capital One, National Association shall be construed to be a waiver of sovereign immunity except as follows: only to the limited extent necessary to permit Contractor to seek an order directing specific performance of payment of monies due and owing under this contract in the Tribal Court of the Little River Band of Ottawa Indians, as provided in the Agreement.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on September 10, 2014, at the Little River Band’s Government Center in Manistee, Michigan, with a quorum being present for such vote.

Sandy Mezeske, Council Recorder

Virgil Johnson, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema