



Little River Band of Ottawa Indians
1762 U.S. 31 South
Manistee MI 49660
(231) 723-8288

RESOLUTION NO. #00-0626-02

APPROVAL OF CONSULTING CONTRACT WITH KERBY, BAILEY & ASSOCIATES, INC FOR THE
DEVELOPMENT OF A VENDOR REGULATION/PROCESS FOR THE GAMING COMMISSION
AND
AGREEING TO A LIMITED WAIVER OF SOVEREIGN IMMUNITY IN SUCH CONTRACT

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994, with property rights secured to it under the 1836 Treaty of Washington (7 Stat. 491) and the 1855 Treaty of Detroit (11 Stat. 621); and

WHEREAS, the Little River Band of Ottawa Indians is descended from, and is the political successor to, Grand River Ottawa Bands which were signatories of the 1836 Treaty of Washington (7 Stat. 491), as reaffirmed under P.L. 103-324, enacted on September 21, 1994; and

WHEREAS, the Little River Band of Ottawa Indians reserved certain territorial rights and other attributes of sovereignty under the 1836 Treaty. These treaty based rights were confirmed, in part, by United States v. Michigan, 471 F.Supp 192 (W.D. Mich. 1979); *affirmed*, 653 F.2d 277 (6th Cir. 1981); *certiorari denied*, 454 U.S. 1124, 102 S.Ct. 971 (1981), and reaffirmed by P.L. 103-324 section 5, and are protected by the United States Constitution (Art. 1, §8, cl. 3 and Art. 6, cl. 2); and

WHEREAS, the maintenance and preservation of the Tribe's treaty rights is a critical priority of the Tribe; and

WHEREAS, it is the responsibility of the Tribal Council to protect Tribal members and Tribal property; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7(b) of the Constitution of the Little River Band of Ottawa Indians ("Tribal Constitution"), has the power to authorize and ratify agreements and contracts negotiated on behalf of the Tribe; and

WHEREAS, the Tribal Ogema, pursuant to Article VI, Section 5(a) of the Tribal Constitution, is authorized to negotiate and execute contracts on behalf of the Tribe, provided such contracts are approved and ratified by the Tribal Council; and

WHEREAS, the Little River Gaming Commission, in consultation with the Tribal Attorney, negotiated a Consulting Contract with Kerby, Bailey, & Associates, Inc. to develop a Gaming Commission regulation (and process) pertaining to the licensing of vendors for the Little River Casino Resort; and

WHEREAS, the Tribal Council finds that negotiation and execution of such an agreement is in the best interests of the Tribe.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, Robert Guenthardt, to negotiate and execute a Consulting Contract with Kerby Bailey, & Associates, Inc., upon the recommendation of the Tribal Attorney.

IT IS FURTHER RESOLVED THAT the Tribal Council, in authorizing the execution of such Consulting Contract, expressly agrees to a limited waiver of sovereign immunity, and consents to the jurisdiction of the Tribal Courts of the Little River Band of Ottawa Indians, for the limited purpose of permitting enforcement of such Consulting Agreement by Kerby Bailey, & Associates, Inc.

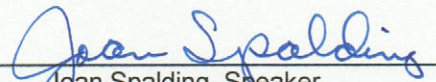
Certificate of Adoption

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at a Regular Session of the Tribal Council held at the Little River Band Community Center in Manistee, Michigan on June 26, 2000, by a vote of 8 in favor, 1 opposed, 0 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 6/26/00


Charles Fisher, Council Recorder

Attest:


Joan Spalding, Speaker