



Little River Band of Ottawa Indians

Resolution # 01-0425-09 Adopting Amendments to the Arbitration Code

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.); 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 has continued to review the Arbitration Code in regards to notice and jurisdiction; and

WHEREAS, the Tribal Council has determined that amendments are necessary to clarify the notice requirements set forth in section 4.03(c) and the Tribal Court jurisdiction set forth in section 10.02 as set forth in concerns expressed by third parties to which the Arbitration Code would apply; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby amends the Arbitration Code adopted in April, 2001, as set forth below:

4.03. *Application to Tribe.* Notwithstanding anything in section 4.01 to the contrary – [..]

c. *Filing.* Prior to commencing any arbitration to which the Tribe is a party, the parties commencing arbitration must file a written statement notifying the Tribal Court of the commencement of arbitration, *provided that, where the Tribe has waived the jurisdiction of the Tribal Court pursuant to section 10.02, such filing shall not be required.* The Tribal Court shall notify the parties within 14 days of receipt of notice of commencing arbitration under this section whether the Tribal Court has jurisdiction in regards to the matter.

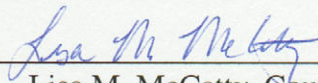
10.02. *Tribe As a Party.* By resolution, the Tribal Council may agree to waive Tribal Court jurisdiction or to give priority to some other venue in circumstances where it is in the interest of the public health, peace, morals, education, and general welfare of the Little Rive Band and its members to do so. Such resolution shall specifically state that the Tribal Council is waiving Tribal Court jurisdiction or is giving priority to some other venue, and, if applicable, is waiving the *notice requirement of section 4.03(c) and the requirement of exhaustion of Tribal remedies*; provided that, in any case where the Tribal Council is giving priority to some other venue, the Tribal Court shall in all circumstances be identified as the venue that comes after the first priority of venues.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby makes the implementation of these amendments effective immediately upon adoption.

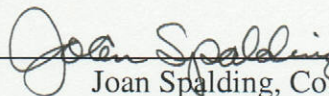
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CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 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 April 25, 2001, with a quorum being present for such vote.



Lisa M. McCatty, Council Recorder



Attest: _____
Joan Spalding, Council Speaker