



**Little River Band of Ottawa Indians**

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

Resolution No. #02-0116-02

**Authorizing the Tribal Ogema, or in the absence of, the  
Tribal Council Speaker to Execute a Memorandum of Agreement  
with Manistee Gaming L.L.C. Authorizing the Band to Assess and  
Collect a Gross Gaming Revenue Tax on the Gross Gaming Revenues of  
Little River Casino Resort**

WHEREAS, the Band'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.)(hereinafter "Little River Act"); and

WHEREAS, the Band adopted a 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 Band and Manistee Gaming, L.L.C., have previously entered into a Management Agreement, dated July 15, 1999, and a First Amendment to the Management Agreement, dated August 15, 1999, which Agreement was approved by the National Indian Gaming Commission on September 11, 1999; and

WHEREAS, the Band and Manistee Gaming had previously entered into a Second Amended and Restated Management Agreement dated as of June 7, 2001 (the "Second Amended Management Agreement"), which was submitted to the National Indian Gaming Commission (the "NIGC"); and

WHEREAS, as a result of delays associated with the NIGC review and approval of the Second Amended Management Agreement, the Band and Manager must re-execute and resubmit a Seconded Amended Management to the NIGC; and

WHEREAS, Section 8.2.1.1 of the Seconded Amended Management Agreement permitted the Band to assess and collect a tax on Gross Gaming Revenue of the gaming enterprise; and

WHEREAS, in anticipation of the NIGC's approval of the Second Amended Management Agreement, the Band enacted a Gross Gaming Revenue Tax Ordinance, Ordinance #01-100-05 and approved the Operating Budget for the Tribal Government for Fiscal Year 2002, which Operating Budget included projected revenues to be derived from that Gross Gaming Revenue Tax and appropriation of those revenues to regulatory and oversight purposes contemplated in the Second Amended Management Agreement; and

WHEREAS, the Band and Manager wish to implement the Gross Gaming Revenue Tax contemplated in Section 8.2.1.1 of the Second Amended Management Agreement as provided in that Section and in accordance with the terms of the Gross Gaming Revenue Tax Ordinance effective as of January 1, 2002, in accordance with a Memorandum of Agreement between the Band and Manistee Gaming; and

WHEREAS, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Tribal Constitution, the Tribal Ogema, or in the absence of, the Tribal Council Speaker, is authorized to represent the Tribe in its relations with other organizations and manage the economic affairs/enterprises of the Tribe, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by the Tribal Ogema.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in the absence of, the Tribal Council Speaker, to execute a Memorandum of Agreement with Manistee Gaming, L.L.C., which authorizes the Band to assess and collect a tax on the gross gaming revenues of Little River Casino Resort, which is managed by Manistee Gaming L.L.C., in accordance with the Gross Gaming Revenue Tax Ordinance and Section 8.2.1.1 of the proposed Second Amended Management Agreement.



**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, 1 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on January 16, 2001, at the Little River Band Community Center in Manistee, Michigan, with a quorum being present for such vote.

  
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Janine M. Sam, Council Recorder

Attest:

  
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Steven Parsons, Council Speaker

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department  
Manistee Gaming, L.L.C.