



Little River Band of Ottawa Indians

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

Resolution No. #02-0206-07

Authorizing the Tribal Ogema, or in his absence, the Tribal Council Speaker to Execute a Bulk Service Agreement with the Charter Communications, Granting Charter Communications a License to Access Reservation Lands to Install and Maintain Equipment and Consenting to Have Disputes Resolved in the Commercial Division of the Tribal Court

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

WHEREAS, representatives of Little River Casino Resort have negotiated a Bulk Service Agreement with Charter Communications to provide cable services to the RV Park, Hotel and Casino facilities at Little River Casino Resort; and

WHEREAS, the terms of that agreement require the Band to grant Charter Communications a license to access Reservation lands in order to install, service and maintain the equipment needed to deliver the services being purchased; and

WHEREAS, the terms of that agreement further provide that the Commercial Division of the Tribal Courts shall have exclusive jurisdiction over disputes arising under that agreement; and

WHEREAS, Article IX, Section 1 of the Constitution preserves the Band's immunity from suit except as authorized by resolution or in furtherance of tribal business enterprises; and

WHEREAS, the Tribal Council has determined that execution of a contract with Charter Communications will advance important governmental purposes and tribal business enterprises.


NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in his absence, the Tribal Council Speaker, to execute a Bulk Service Agreement (including Exhibit B-License to Enter Lands of the Band and the Bulk Rate Addendum), dated January 24, 2002, with Charter Communications, to provide cable services to the RV park, hotel and casino at Little River Casino Resort.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the grant of a license to Charter Communications access the Band's Reservation lands for the purpose of installing, servicing and maintaining the equipment required under the Agreement.

IT IS FINALLY RESOLVED THAT the Tribal Council consents to the jurisdiction of the Commercial Division of the Tribal Court to resolve disputes with Charter Communications arising under that Bulk Service Agreement.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 1 AGAINST, 2 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band's Downtown Offices on February 6, 2002, in Manistee, Michigan. A quorum of the Tribal Council being present for such vote.



Janine M. Sam, Council Recorder

Attest:



Stephen Parsons, Council Speaker

Distribution: Council Record
Tribal Ogema
Little River Casino Resort
Legal Department
Tribal Court
Charter Communications