



**Little River Band of Ottawa Indians
375 River Street
Manistee MI 49660
(231) 723-8288**

Resolution No. #02-0403-03

**Authorizing the Tribal Ogema, or in his absence, the Tribal Council Speaker to
Execute Michigan's Public Safety Communications System (MPSCS) Membership
Agreement and Consenting to Have Disputes Resolved the Process Described in
Section V.B. in that Agreement**

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, 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, 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, pursuant to Article IX, Section 1 of the Constitution provides that the Band "shall not waive or limit the right of the Little River Band to be immune from suit, except as authorized by tribal ordinance or resolution or in furtherance of tribal business enterprises"; and

WHEREAS, the Band's Public Safety Department desires to purchase communications equipment, which will allow law enforcement officers providing conservation and general law enforcement services to utilize Michigan's Public Safety Communications System, which is administered by the State Michigan, through the Michigan State Police Communications Division; and

WHEREAS, utilization of Michigan's Public Safety Communications System will require the Band to enter into a Membership Agreement with the State of Michigan, by the Michigan State Police; and

WHEREAS, the Michigan Public Safety Communications System Membership Agreement includes a dispute resolution process by which disputes arising under the Agreement will be resolved through a consultation process and final resolution, if necessary, by the Division Commander of the Michigan State Police's Communications Division; and

WHEREAS, the Tribal Council has determined that execution of the Membership Agreement with Michigan's Public Safety Communications System will advance important Tribal purposes.

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 Michigan's Public Safety Communications System Membership Agreement with the State of Michigan, acting through the Michigan State Police.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes designation of the Band's Director of Public Safety as the Band's Relationship Manager for purposes of Section V.A. of that Agreement and for receiving notices under Section X of the Agreement.

IT IS FINALLY RESOLVED THAT the Tribal Council consents to have disputes concerning the parties' non-performance under the Agreement resolved through the dispute resolution process described in Section V of that Agreement; provided, the Band's agreement to have disputes pertaining to non-performance under this Agreement resolved through the process described in Section V shall not be construed as waiving the Band's immunity from suit in any state or federal court, nor shall such agreement be construed as waiving the Band's immunity from suit for damages as reserved in Article XI of the Band's Constitution.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 3 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Community Center on April 3, 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
Legal Department
Tribal Court
Director of Public Safety
Michigan State Police