



**Little River Band of Ottawa Indians**

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

Resolution No. #02-0403-09

**Authorizing the Tribal Ogema, or in the absence of, the  
Tribal Council Speaker to Execute a Sales Order with  
Sodak Gaming and Consenting to Have Disputes Arising  
Under That Agreement Resolved by Binding Arbitration in Accordance  
with Section 5 of Additional Terms and Conditions to that Sales Order**

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 is entitled to the protections and benefits accorded federally-recognized Indian tribes under federal law, including those under the Indian Gaming Regulatory Act of 1988 (25 U.S.C. §2701 et seq.)(hereinafter "IGRA"), which permits Indian tribes to operate Class II gaming activities on lands held in trust for the Band; 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 XI, Section 1 of the Constitution provides that the Tribal Council "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 Tribal Council and the Tribal Ogema have previously approved a Capital Budget for the Casino Resort Expansion Project, which includes estimated budget requirements for the FF&E required for the Casino Resort Expansion; and

WHEREAS, the Tribal Council has previously delegated to the Construction Management Team certain responsibilities regarding bidding and contracting for the FF&E portion of the Casino Resort Expansion Budget; and

WHEREAS, the Construction Management Team and Director of Gaming Operations for Little River Casino Resort have negotiated the purchase of labor and equipment from Sodak Gaming to install the slot accounting/player tracking system on new machines and recommended approval of a Sales Order with Sodak Gaming in a form recommended by the Band's Legal Department; and

WHEREAS, Sodak Gaming has requested a limited waiver of sovereign immunity from the Band to allow disputes arising under the Sales Order to be resolved through binding arbitration, enforceable in the Commercial Division of the Tribal Court, which agreement is reflected in Section 5 of the Additional Terms and Conditions described in Attachment A to that Sales Order; and

WHEREAS, the Tribal Council has adopted the Arbitration Code, Ordinance #01-300-02, governing the approval of contracts which include arbitration provisions; and

WHEREAS, the Tribal Council has determined that the specific waiver of sovereign immunity requested by Sodak Gaming for the specific purpose of enforcement and/or interpretation of that agreement is in furtherance of important Tribal purposes and tribal business enterprises and that such waiver is authorized by and is consistent with Article XI, Section 1 of the Tribe's Constitution.

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 the Sales Order, including Attachment A - Additional Terms and Conditions, with Sodak Gaming to purchase labor and equipment from Sodak Gaming to install the slot accounting/player tracking system on new machines described in that Agreement for a cost not to exceed \$145,330.00.

IT IS FINALLY RESOLVED THAT the Tribal Council agrees to a limited waiver of sovereign immunity and consents to have disputes between the Tribe and Sodak Gaming, which arise under that agreement decided by arbitration, including the limitation on recourse provisions contained in Section 5.3 of the Additional Terms and Conditions to that Sales Order, and would further provide for enforcement of arbitration awards in the Commercial Division of the Tribal Court in accordance with the Tribal Arbitration Code.




**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on April 3, 2002, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.

  
Janine M. Sam, Council Recorder

Attest:

  
Stephen Parsons, Council Speaker

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department  
Sodak Gaming