



**Little River Band of Ottawa Indians**

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

Resolution No. #02-0515-17

**Authorizing the Tribal Ogema, or in the absence of, the  
Tribal Council Speaker to Execute a Multi-Gaming Agreement with  
Anchor Games and Consenting to Have Disputes Arising  
Under That Agreement Resolved by Binding Arbitration in Accordance  
with Section 4 of the Additional Terms and Conditions to 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, 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 Director of Gaming Operations for Little River Casino Resort has presented a proposed Appendix to a Multi-Game Agreement, dated 3/10/99, with Anchor Games to add one (1) Big Wheel of Gold gaming device to the schedule of devices covered by that Agreement and to add that machine to the gaming floor at Little River Casino Resort's new facilities; and

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WHEREAS, the Tribal Council did previously authorize execution of a Multi-Game Agreement with Anchor Games, dated March 10, 1999, with lease/participation slot machines placed at Little River Casino Resort; and

WHEREAS, the Legal Department has, in connection with the Appendix for the Big Wheel of Gold machine, presented an Attachment (A) - Additional Terms and Conditions, which would amend certain terms and conditions in the Multi-Game Agreement, dated March 10, 1999; and

WHEREAS, among other things, Anchor Games would agree to amend the terms of the limited waiver of sovereign immunity applicable to that Multi-Game Agreement (the "Agreement") to allow disputes arising under the Agreement to be resolved through binding arbitration, enforceable in the Commercial Division of the Tribal Court or in the United States District Court for the Western District of Michigan, which agreement is reflected in Section 4 of the Additional Terms and Conditions; 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 Anchor Games 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 Big Wheel of Gold Appendix, dated 1/23/02, together with Attachment A - Additional Terms and Conditions amending the terms of the Multi-Game Agreement, dated March 10, 2002, with Anchor Games.

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 Anchor games which arise under that agreement decided by arbitration, including the limitation on recourse provisions contained in that Agreement, and would further provide for enforcement of arbitration awards in the Commercial Division of the Tribal Court in accordance with the Tribal Arbitration Code or in the United States District Court for the Western District of Michigan.



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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 6 FOR, 2 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on May 15, 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  
Anchor Games