



Little River Band of Ottawa Indians

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

Resolution No. #02-0605-09

**Authorizing the Tribal Ogema, or in the absence of, the
Tribal Council Speaker to Execute a Wide Area Network Services Agreement with
Bally Gaming and Systems ("Bally Gaming") and Consenting to Have Disputes
Arising Under That Agreement Resolved by Binding Arbitration in
Accordance with Sections 12 and 13 of 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, 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 proposed to add "Popeye Line" wide area system machines to the gaming floor at Little River Casino Resort's new facilities, which proposal has been presented to and approved by the Business Board for Little River Casino Resort; and

WHEREAS, the Legal Department has, in connection with the above proposal, negotiated amendments to Bally Gaming's Wide Area Network Services Agreement; and

WHEREAS, among other things, Bally Gaming has agreed to the terms of a limited waiver of sovereign immunity applicable to that Wide Area Network Services Agreement (the "Agreement") to allow disputes arising under the Agreement to be resolved through binding arbitration, enforceable in either the United States District Court for the Western District of Michigan or the Commercial Division of the Tribal Court, which agreement is reflected in Sections 12 and 13 of the Agreement; 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 Bally 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 a Wide Area Network Services Agreement with Bally Gaming for the "Popeye Link" gaming machines.

IT IS FURTHER RESOLVED THAT the Tribal Council agrees to a limited waiver of sovereign immunity and consents to have disputes between the Tribe and Bally Gaming, which arise under that agreement decided by arbitration, including the limitation on recourse provisions contained in Section 18 of that Agreement, and would further provide for enforcement of arbitration awards in either United States District Court for the Western District of Michigan or the Commercial Division of the Tribal Court in accordance with the Tribal Arbitration Code, provided that the standards for modification or vacation of an arbitration award shall be those prescribed by the Federal Arbitration Act.

IT IS FINALLY RESOLVED THAT the Tribal Council agrees that the prevailing party in any arbitration proceedings commenced under that Agreement shall be entitled to recover its attorney fees and costs.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 1 FOR, 0 AGAINST, 2 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on June 5, 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:


Steven Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department
LR CR (Attn: Steven Drewes)
Bally Gaming