



**Little River Band of Ottawa Indians**

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

Resolution No. #02-0612-07

**Authorizing the Tribal Ogema, or in the absence of, the  
Tribal Council Speaker to Execute a Master Agreement  
(No. 59PPX5TS) with Achieve Global, Inc. and Consenting to Have Disputes  
Arising Under That Agreement Resolved by Binding Arbitration in  
Accordance with Section 21 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 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 Tribal Ogema has presented a proposed Master Agreement with Achieve Global, Inc. for the purchase of software and training services to be used in connection with the Office of Professional Development and Training; and

WHEREAS, AchieveGlobal, Inc. has requested a limited waiver of sovereign immunity from the Band to allow disputes arising under the Master Agreement to be resolved through binding arbitration, enforceable in the Commercial Division of the Tribal Court, which agreement is reflected in Section 21 of the Master 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

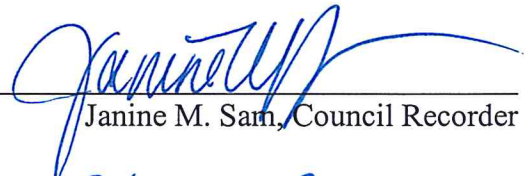
WHEREAS, the Tribal Council has determined that the specific waiver of sovereign immunity requested by AchieveGlobal, Inc. for the specific purpose of enforcement and/or interpretation of that Master Agreement is in furtherance of important Tribal purposes and tribal business enterprises and that such 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 Master Agreement (#59PX5TS) with AchieveGlobal, Inc..

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 AchieveGlobal, Inc., which arise under that agreement decided by arbitration, which agreement to arbitrate would be enforceable 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 6 FOR, 0 AGAINST, 3 ABSENT, and 0 ABSTAINING, at a Closed Meeting portion of a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on June 12, 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

  
Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema (cc: Matthew Stratton)  
Tribal Court  
Legal Department  
AchieveGlobal, Inc.

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FAX (231) 723-8532