



Little River Band of Ottawa Indians

375 River Street

Manistee, MI 49660

(231) 723-8288

Resolution # 02-1120-05

Authorizing the Tribal Ogema to Execute a License Agreement with the American Society of Composers, Authors and Publishers (ASCAP)

WHEREAS, the Tribe'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.); and

WHEREAS, the Tribe adopted a new 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 is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council created a Business Board and delegated authority to make business decisions on behalf of the Tribe's gaming enterprises during the term of the Management Agreement; and

WHEREAS, the Little River Casino and Resort engages artists to perform in the casino and conference locations, as well as plays music in public locations throughout the casino and resort area which is subject to protection under one of three licensing authorities; and

WHEREAS, the Business Board has negotiated agreements with all three licensing authorities, including ASCAP which is part of this resolution; and

WHEREAS, the ASCAP license requires the Tribe to agree to application of the laws of the State of New York which, as a result of federal, state, and U.S. Supreme Court decisions have left open the question of implied waivers of sovereign immunity within contracts unless specifically denied; and

WHEREAS, the Constitution requires the Tribal Council to adopt a resolution specifically waiving sovereign immunity of the Tribe; and

WHEREAS, the ASCAP license does not require the Tribe to waive sovereign immunity and the Tribal Council does not desire to do so, but does agree to the application of the laws of New York;

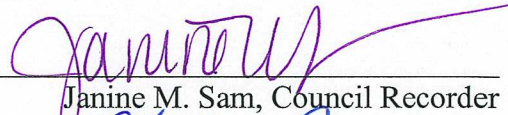
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the ASCAP license agreement and authorizes the Tribal Ogema to sign such agreement.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby does not waive the sovereign immunity of the Tribe by acceptance of the application of the laws of New York as a part of this license agreement and does not interpret the application of the laws of New York as having accepted or approved such waiver of sovereign immunity.

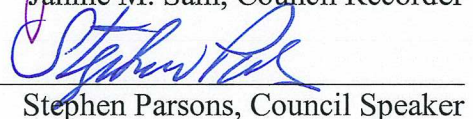
CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Closed Session of the Little River Band of Ottawa Indians Tribal Council held on November 20, 2002, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.

Attest:



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department