



Little River Band of Ottawa Indians
375 River Street
Manistee MI 49660
(231) 723-8288

Resolution # 03-0205-33

*Ratification of Tax Agreement Between the Little River Band
of Ottawa Indians and the State of Michigan*

WHEREAS, the Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994, possessing inherent sovereignty, and federal statutory and common law rights of self-governance over the Tribe, its members, its territory, and all persons (natural and corporate) within its territory; and

WHEREAS, based upon the Band's inherent sovereignty as interpreted by Federal common and statutory law, certain federal and state taxes do not apply to the Band, its members or within the Band's Indian Country;

WHEREAS, it is essential to the economic well being of the Band, its members and persons doing business within the Band's Indian Country that the exemptions and immunities from certain federal and state taxes be fully recognized; and

WHEREAS, all of Michigan Tribes/Band expressed their common interest through a joint resolution adopted in March 2000 at the Three Fires Conference held on the Isabella Reservation, and jointly participated in nearly two (2) years of negotiations with the State of Michigan to attempt to resolve a number of legal issues taxation; and

WHEREAS, the Tribal Council did, pursuant to Resolution No. #00-0724-07, designate the Tribal Ogema and the Band's General Counsel, as the Tribe's representatives to the inter-tribal work group charged with developing Tribal positions and conducting negotiations with the State of Michigan; and

WHEREAS, Resolution No. #01-0321-__ provided that the Tribal Council must first approve or ratify any agreement reached for resolving the taxes addressed by the parties through negotiations; and

WHEREAS, the Tribal Ogema has presented a proposed Tax Agreement Between the Little River Band of Ottawa Indians and the State of Michigan, dated December 20, 2003, and recommended that such Agreement be ratified by the Tribal Council; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 of the Constitution of the Little River Band of Ottawa Indians ("Tribal Constitution"), is invested with the legislative powers of the Band, including the power to authorize and ratify

agreements with other Indian tribes on all matters within the authority of the Tribal Council; and

WHEREAS, the Tribal Ogema, pursuant to Article VI, Section 5(a) of the Tribal Constitution, is authorized to consult, negotiate and execute agreements on behalf of the Band, provided such contracts are approved and ratified by the Tribal Council; 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, Tribal Council believes that the Agreement negotiated and presented for ratification reasonable accommodates and recognizes the rights of Band and Band members to be free from certain taxes in accordance with federal law; and

WHEREAS, the Tribal Council also wishes to acknowledge that these negotiations have, by necessity, involved compromises by the Band of certain legal principles and that the Band would be agreeing, consistent with that Agreement, to certain procedures which make it more difficult for Tribal members to fully enjoy their right to be free from certain State laws and taxes.

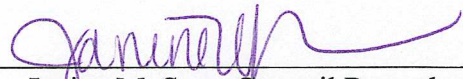
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council hereby ratifies the Tax Agreement between the Little River Band of Ottawa Indians and the State of Michigan, dated December 20, 2002, which has been executed by Ogema Jonnie J. Sam, II, on behalf of the Band and by Governor John Engler and State Treasurer Douglas Roberts on behalf of the State of Michigan.

IT IS FURTHER RESOLVED THAT in ratifying the Tax Agreement, the Tribal Council expressly provides a limited waiver of its sovereign immunity as described in Section I.G. of the Tax Agreement, Provided That such limited waiver shall be limited to the extent expressly provided in the Tax Agreement and effectiveness of such limited waiver shall be subject to the conditions more fully prescribed in Sections I.G., XII(F), XIV and LV(C) of the Tax Agreement.

IT IS FINALLY RESOLVED THAT the Tribal Council hereby directs the Tribal Ogema to take all necessary measures to inform Tribal members and persons doing business within the Agreement Area, as defined in the Agreement, of the terms, conditions and obligations contained in the Tax Agreement and to implement all necessary steps to bind Tribal members and Tribal Entities to the terms of the Agreement.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 5, 2003, at the Little River Band's Community Center 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
Tribal Court
Legal Department
MI Attorney General Office
MI Treasury Department