



Little River Band of Ottawa Indians

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

moved to
open
3-26-03

Resolution # 03-0219-53

Authorizing the Tribal Ogema, or in the absence of, the Tribal Council Speaker to Execute a Lease with Seng Crane & Excavating, Inc., and Agreeing to a Limited Waiver of Sovereign Immunity in the Lease

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.); 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 Tribe 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 Tribe; and

WHEREAS, the Business Board of the Little River Casino Resort ("Resort"), during its regularly scheduled meeting on January 27, 2003, approved a Lease with Seng Crane & Excavating, Inc., ("Seng") wherein the Resort will lease storage/warehouse space from Seng for one year; and

WHEREAS, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Tribal Constitution, the Tribal Ogema, or in the absence of, the Tribal Council Speaker, is authorized to represent the Tribe in its relations with other organizations and manage the economic affairs/enterprises of the Tribe, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council; 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, Seng has requested a limited waiver of sovereign immunity from the Tribe to allow disputes arising under the Agreement to be resolved through binding arbitration, enforceable solely in the Tribal Courts, as provided in paragraph 28 of the Lease; 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 Seng 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 Lease with Seng and agrees to the limited waiver of sovereign immunity and consents to have disputes between the Tribe and Seng which arise under that Agreement decided by arbitration and enforced in the Tribal Courts.

IT IS FINALLY RESOLVED that the Tribal Council hereby authorizes and directs the Tribal Ogema to forward a copy of this Resolution, together with the executed Lease to the Business Board of Little River Casino Resort.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Closed Session of the Little River Band of Ottawa Indians Tribal Council held on February 19, 2003, 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