



Little River Band of Ottawa Indians

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

moved to
open
3-26-03

Resolution # 03-0319-79

Authorizing the Tribal Ogema, or in the absence of, the Tribal Council Speaker to Execute a Software License Agreement with Data Com, Inc. and Agreeing to a Limited Waiver of Sovereign Immunity in Such 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.); 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 Tribe has, since July 1999, conducted Class III gaming operations on its Reservation at an interim gaming facility, known as "Little River Casino Resort"; and

WHEREAS, during its meeting held on March 10, 2003, the Business Board of Little River Casino Resort ("Resort") approved the Software License Agreement with DataCom, Inc., which License allows the Resort to use DataCom's computer accounting and player tracking software; 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, DataCom, Inc. has requested a limited waiver of sovereign immunity from the Tribe to allow disputes arising under the License to be resolved through binding arbitration, enforceable solely in the Tribal Courts, as provided in the Amendment to the License; 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 DataCom, Inc. for the specific purpose of enforcement and/or interpretation of the License 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 Software License Agreement with DataCom, Inc., and agrees to the limited waiver of sovereign immunity and consents to have disputes between the Tribe and DataCom, Inc., which arise under the License to be 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 Software License Agreement 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 6 FOR, 0 AGAINST, 0 ABSTAINING, and 3 ABSENT, at a Closed Session of the Little River Band of Ottawa Indians Tribal Council held on March 19, 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
Little River Casino Resort