



Little River Band of Ottawa Indians

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

moved to
open
1-21-04

Resolution # 03-0507-117

Approval of Memorandum of Understanding with Manistee Gaming

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; 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 Tribe entered into a Tribe-State Gaming Compact with the State of Michigan in 1998; and

WHEREAS, the Tribe has engaged a management contractor under a management agreement which was recently amended (*Second Amended and Restated Management Agreement*) which sets forth the responsibilities between the parties; and

WHEREAS, the application of Indian preference as set forth in the management agreement requires the management contractor to comply with applicable federal and tribal laws regarding Indian preference, over which the Tribal Council and the management contractor have expressed differences of interpretation regarding the existing law; and

WHEREAS, it is the opinion of the Tribal Council, notwithstanding the opinion to the contrary expressed by the legal counsel for the management contractor, that application of the specific Indian preference categories adopted by the Tribe can and should be utilized at the Little River Casino Resort; and

WHEREAS, both parties have determined that interpretation and application of the Tribe's Indian Preference Ordinance regarding the specific Indian preference categories should be captured and set forth in a Memorandum of Understanding to the management agreement;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the attached Memorandum of Understanding which is intended to set forth the agreement between the parties of the application of the Tribe's Indian Preference Ordinance regarding the specific Indian preference categories set forth therein which shall be effective upon signing by both parties.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby authorizes the Tribal Council Speaker to enter into the Memorandum of Understanding and to cause such agreement to be forwarded to the Management Contractor's representative for signature.

IT IS FURTHER RESOLVED THAT the Tribal Council is of the opinion that this Collateral Agreement is of an interpretive nature and not an amendment to the Management Agreement, however, the Tribal Council does direct the Tribe's legal counsel to forward the executed Memorandum of Understanding to the National Indian Gaming Commission for filing.

IT IS FURTHER RESOLVED THAT Resolution #03-0430-115, which contemplated approval of this agreement pursuant to a Collateral Agreement to the *Second Amended and Restated Management Agreement* is hereby revoked.

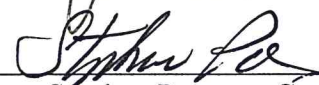
CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 2 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on May 7, 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