

Little River Band of Ottawa Indians

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

Resolution # 03-0521-137

Authorizing the Tribal Ogema, or in the absence of, the Tribal Council Speaker to Execute a Confidential Sales & Security Agreement with Bally Gaming, Inc., and Agreeing to a Limited Waiver of Sovereign Immunity in Such Agreement

WHEREAS, the status of the *Gaá Čhíng 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 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, the Business Board of Little River Casino Resort ("Resort") approved the Confidential Sales & Security Agreement ("Agreement") with Bally Gaming, Inc.. ("Bally"), on May 19, 2003 which Agreement provides for the sale and purchase of gaming equipment, as more fully set forth in the Agreement, to the Resort; 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, Bally Gaming, Inc. 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 the Addendum to the Agreement; 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 Bally Gaming, Inc., 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.

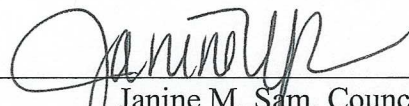
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in the absence of, the Tribal Council Speaker, to execute the Confidential Sales & Security Agreement with Bally Gaming, Inc., and agrees to the limited waiver of sovereign immunity and consents to have disputes between the Tribe and Bally Gaming, Inc., 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 Confidential Sales & Security 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 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on May 21, 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