



Little River Band of Ottawa Indians

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

Resolution # 03-0910-300

*Authorizing the Tribal Ogema to Execute a Microsoft Open License Value Agreement
with MSLI, GP (Microsoft)*

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 Tribal Council created a Business Board and delegated authority to make business decisions on behalf of the Tribe's gaming enterprises during the term of the Management Agreement; and

WHEREAS, the Business Board of Little River Casino Resort ("Resort") approved the Microsoft Open License Value Agreement ("Agreement") with MSLI, GP on September 2, 2003; and

WHEREAS, the Agreement requires the Tribe to agree to application of the laws of the State of Washington and the federal laws of the United States which, as a result of federal, state, and U.S. Supreme Court decisions have left open the question of implied waivers of sovereign immunity within contracts unless specifically denied; and

WHEREAS, the Constitution requires the Tribal Council to adopt a resolution specifically waiving sovereign immunity of the Tribe; and


WHEREAS, the Agreement does not require the Tribe to waive sovereign immunity and the Tribal Council does not desire to do so, but does agree to the application of the laws of the State of Washington and the federal laws of the United States.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the Agreement and authorizes the Tribal Ogema to sign such agreement.


IT IS FURTHER RESOLVED THAT the Tribal Council hereby does not waive the sovereign immunity of the Tribe by acceptance of the application of the laws of the State of Washington and the federal laws of the United States and does not interpret the application of the laws of Washington and the federal laws of the United States as having accepted or approved such waiver of sovereign immunity.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 2 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on September 10, 2003, at the Little River Band's Downtown Offices 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