



Little River Band of Ottawa Indians

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

Resolution # 03-1203-405

Ratification of the Memorandum of Understanding and Authorizing the Ogema to Execute the Agreement and Authorizing a Limited Waiver of Sovereign Immunity

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 Little River Band's treaty reservation includes land located in Manistee County and Mason County, Michigan and such lands constitute "Indian lands" under IGRA.

WHEREAS, Sandra Hamilton has filed a workers' compensation claim before the Bureau of Workers' & Unemployment Compensation for adjudication and resolution a claim for work related injury allegedly arising out of the claimant's employment with the Tribe.

WHEREAS, pursuant to Article IX, Section 1 of the Constitution provides that the Band "shall not waive or limit the right of the Little River Band to be immune from suit, except as authorized by tribal ordinance or resolution or in furtherance of tribal business enterprises."

NOW, THEREFORE, BE IT RESOLVED, that the Little River Band of Ottawa Indians, hereby waives on a limited basis its sovereign immunity only to the extent of applicable workers' compensation insurance policy or coverage by the Michigan Property & Casualty Guaranty Association and for claims for injuries which occurred on or after September 1, 2000 and on or before April 14, 2002, and consents to the jurisdiction of the Bureau of Workers' & Unemployment Compensation for adjudication and resolution of the above-referenced workers' compensation claim. Any damages awarded against the Tribe shall not constitute a lien upon or be collectable from any other income or assets of the Tribe. Nothing herein shall subject the Tribe to any liability, penalties, or fees (including attorneys' fees) not covered by an applicable workers' compensation insurance policy.

BE IT FURTHER RESOLVED, that nothing herein shall be considered a waiver of the Tribe's sovereign immunity (including the sovereign immunity of any Tribal official, employee or agent) except as expressly set forth herein.

BE IT FURTHER RESOLVED, that the Ogema and Tribal Attorney's office are hereby directed to tender the defense of this matter to the insurance company or the Michigan Property & Casualty Guaranty Association, as appropriate, with direction to defend the interests of the Tribe as the insured to the extent described herein.

BE IT FURTHER RESOLVED, that the Tribal Council ratifies the Memorandum of Understanding and authorizes the Ogema to execute that document.

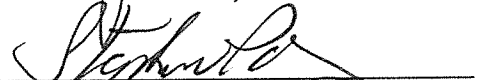
CERTIFICATE OF ADOPTION

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 Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on December 3, 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