

Little River Band of Ottawa Indians

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

Resolution # 04-0310-114

Ratification of Contracts with ALLTEL, Authorizing a Limited Waiver of Sovereign Immunity, and Authorizing the Ogema to Enter Into the Contracts

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 Tribal Council is authorized under Article IV, Section 7(b) to authorize and ratify agreements negotiated by the Ogema; and

WHEREAS, the Tribal Council is authorized under Article XI, Section 1, to provide waivers of the Tribe's sovereign immunity by ordinance or resolution to further governmental activities; and

WHEREAS, the Ogema has identified a vendor to provide a wide range of mobile telephone services at a savings to the Tribe in both cost and management of the services through a single source vendor; and

WHEREAS, the Ogema has negotiated a limited waiver of sovereign immunity amendment to the vendor's form contracts which identified that conflicts will be arbitrated and presented through the Commercial Division of the Tribal Court in accordance with the Tribe's Arbitration Ordinance; and

WHEREAS, the Tribal Council has reviewed the contracts and addendums and finds that the documents are an appropriate action of the government;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the form contract with ALLTEL, MSA003 (01.03) and the Addendum to the Agreement(s).


IT IS FURTHER RESOLVED THAT the Tribal Council hereby authorizes a limited waiver of sovereign immunity for the purposes of arbitration as set forth in the Addendum and as may be enforced in the Commercial Division of the Tribal Court as set forth in the Addendum, and for no other purposes.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on March 10, 2004, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.



Lisa M. McCatty, Acting Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court