



**Little River Band of Ottawa Indians**

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

**Resolution # 04-0505-187**

*Ratification of Business Associate Agreement with Marsh USA, Authorizing the Ogema to Enter into the Agreement and 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 Tribal Council has been delegated the responsibility to exercise the Tribe's sovereign immunity by Article XI, Section 1 by resolution; and

WHEREAS, the Tribal Council has received a request to ratify a contract necessary to comply with HIPPA privacy laws and regulations in regards to a business relationship with Marsh USA who may need access to protected health information of employees in relation to the group health plan of the Tribe; and

WHEREAS, the Legal Department has reviewed the contract and has identified that language in the contract requires approval by the Tribal Council; and

WHEREAS, the Ogema has identified that this agreement will be required between the Tribe and all vendors performing this service and will be required in substantially similar form;

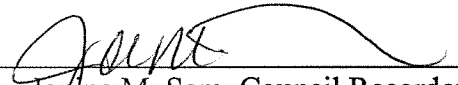
WHEREAS, the Tribal Council has determined that Marsh USA is performing a necessary service and exercises the sovereign immunity powers of the Tribe to ratify this contract;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the Business Associate Agreement with Marsh USA.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby waives the sovereign immunity for the limited purposes as set forth in Section 6, paragraph 2 of the contract and for no other purposes. This waiver of sovereign immunity for the purposes of application of governing law as set forth in section 8(f) is not an acceptance of jurisdiction of the state of Michigan or the State of Indiana and is limited to cases and matters to be brought before the Tribal Court.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on May 5, 2004, at the Little River Band's Downtown Offices in Manistee, Michigan, with a quorum being present for such vote.

  
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Janine M. Sam, Council Recorder

  
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Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court