

Waiver of Sovereign Immunity

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 the Transition Team on July 23, 2004, for the purposes of managing the transition from a Management Contract managed gaming operation to a Tribal managed gaming operation; and

WHEREAS, the Transition Team recommended the expansion of the Little River Casino Resort in order to increase the number of hotel rooms and develop an

(section 1.3.5) clauses which utilize the American Arbitration Association and Federal Arbitration Act, respectively, for the purposes of conducting the hearings in the event of a dispute; and

WHEREAS, the arbitration clause identifies that the Tribal Court shall be the court of first jurisdiction, followed by the United States District Court for the Western District, and if both courts deny jurisdiction the courts of the State of Michigan, for judicial resolution if either party refuses to participate in arbitration, and purposes of enforcement of an arbitration award; and

WHEREAS, the enforceability of the consent to dispute resolution and arbitration provisions require a waiver of the inherent sovereign immunity of the Tribe for the purpose of permitting or compelling binding arbitration, and for enforcing arbitration awards, pursuant to the specific written rights and duties of the Tribe and Hnedak Bobo Group, Inc., as identified in section 1.3.5 of the contract; and

WHEREAS, the Tribal Council has adopted the Arbitration Code, # 01-300-02, which identifies the processes by which the Tribe authorizes arbitration proceedings and jurisdiction; and

WHEREAS, in accordance with Article XI, Section 1, of the Constitution authorizing the Tribal Council to waive the inherent sovereign immunity of the Tribe, and in accordance with section 4.03 of the Arbitration Code, the Tribal Council has determined that a waiver of sovereign immunity supports the important governmental activity of Expansion Project which is intended to increase revenue from the Little River Casino and Resort of which such revenues support governmental programs which benefit Tribal members; and

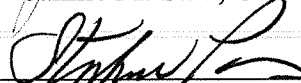
of the Contract, provided, however, that this waiver of sovereign immunity is expressly limited to the terms provided in section 1.3.5 of the Contract and pursuant to section 1.3.5.8 of the Contract recourse for recovery of any damages awarded against the Little River Band of Ottawa Indians in satisfaction of any enforcement proceedings under the Contract is specifically limited to the net revenues of the Little River Casino, or construction financing for the Expansion Project.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 4 FOR, 2 AGAINST, 1 ABSTAINING, and 2 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on June 23, 2004, at the Little River Band's Dome Room 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