



Little River Band of Ottawa Indians

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

Resolution # 04-0811-336

*Authorizing Execution of Escrow Agreement for Funds
Appropriated for "Let Voters Decide - Yes" Ballot Committee Activities,
Consenting to Binding Arbitration to Resolve Disputes Under that Agreement
and Appointing Designated Agents to Act on the Tribe's Behalf Under that Agreement*

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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; 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, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Tribal Constitution, the Tribal Ogema, or in his/her absence, the Tribal Council Speaker, is authorized to represent the Tribe in its relations with other organizations and manage the economic affairs/enterprises of the Tribe, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by the Tribal Ogema; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (i)(2) of the Constitution, has the power to manage any funds within the exclusive control of the Tribe and to appropriate such funds for the benefit of the Tribe and its members; and

WHEREAS, the Little River Band of Ottawa Indians recognizes that it must commit financial resources to participate in broad-based efforts to respond to efforts by various interest groups to expand commercial gaming in the State

WHEREAS, the Tribe will be contributing funds towards efforts to place a ballot initiative to limit the expansion of gaming in the State of Michigan on the November 2004 ballot; and

WHEREAS, the Tribal and other parties participating in that effort have agreed to establish an escrow account to hold funds committed toward that effort and have negotiated an Escrow Agreement with Capitol National Bank to serve as Escrow Agent; and

WHEREAS, the Tribe is required to designate two (2) individuals to serve as the Tribe's "Designated Agents" with authority to direct the Escrow Agent to release funds from the account and to carry out other responsibilities on the Ballot Question Committee.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes execution of the Escrow Agreement with Capitol National Bank defining the procedures for holding and releasing funds contributed by the Tribe and other Major Donors for expenses related to the ballot initiative.

IT IS FURTHER RESOLVED THAT in authorizing execution of the Escrow Agreement, the Tribal Council agrees to a limited waiver of immunity and consents to binding arbitration for the limited purpose of resolving disputes that may arise under the terms of the Escrow Agreement in accordance with the terms of Section 12 of that Agreement, including consenting to the jurisdiction of the Federal District Court for the Western District of Michigan for the specific purpose of enforcing the terms of the arbitration provisions in Section 12.

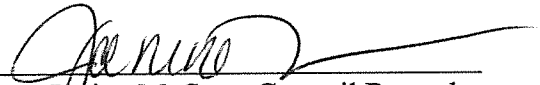
IT IS FINALLY RESOLVED THAT the Tribal Council appoints the following individuals to serve as the Tribe's Designated Agents and authorizes those individuals to act on behalf of the Tribe under the Escrow Agreement and to serve as the Tribe's representatives on the Ballot Question Committee Board of Directors responsible for approving budget and contracting actions related to operation of the Ballot Question Committee:

Pamela Medahko, Councilor
Lee Sprague, Ogema

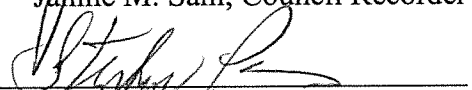
PROVIDED THAT the Tribal Ogema shall only be authorized to authorize the release of funds from the escrow account or approve other actions taken by the Ballot Committee on behalf of the Tribe when he has been authorized by the Councilor Medahko by written proxy.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 1 AGAINST, 1 ABSTAIN, and 1 ABSENT, at the Closed Meeting portion of a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band's Conference Room on August 11, 2004, in Manistee, Michigan. A quorum of the Tribal Council being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Record
Tribal Ogema
Legal Department
Capitol National Bank