



Little River Band of Ottawa Indians

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

Resolution # 04-0908-365

*Authorizing a Limited Waiver of Sovereign Immunity of the Tribe for the Purposes of
Entering Into a Credit Card Transaction Service with The Bankcorp Bank*

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 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, the Little River Casino Resort conducts business through retail sales outlets, as well as by providing hotel and restaurant services; and

WHEREAS, the Little River Casino Resort has determined that providing credit card swipe services in its retail gift store will provide patrons greater access to funds and increase sales and services in the retail gift store; and

WHEREAS, the Little River Casino Resort has identified an appropriate vendor to provide these services and negotiated a contract with that vendor;

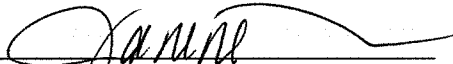
WHEREAS, the vendor, The Bancorp Bank, contract identifies both liquidated damages and court of jurisdiction to hear disputes; and

WHEREAS, the enterprise charter issued for the Little River Casino Resort, whether the current enterprise charter which expires on September 11, 2004, or the new enterprise charter which takes effect on September 12, 2004, does not authorize the enterprise corporation to waive the sovereign immunity of the Tribe;

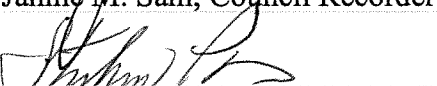
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes a limited waiver of sovereign immunity for the purposes of entering in the credit card swipe services contract with The Bancorp Bank and allowing the Tribe to be sued in the state courts of the State of Delaware in the County of New Castle, limited to damages identified in the contract and limited to the assets of the Little River Casino Resort.

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 September 8, 2004, at the Little River Band's Conference 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