



Little River Band of Ottawa Indians

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

Resolution # 04-0929-388

*Ratification of Contract with WMS Gaming and Authorizing a Limited Waiver of
Sovereign Immunity under the Tribe's Arbitration Ordinance*

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 Tribal Council has adopted the Articles of Organization for the Little River Casino Resort, #04-0922-380 and 04-0721-307, and adopted the enterprise charter for that entity, #04-0728-313; and

WHEREAS, the enterprise charter authorizes the Board of Directors to enter into contracts, provided that the Board of Directors is not authorized to waive the sovereign immunity of the Tribe through contracting which must be done in accordance of Article IX of the Constitution; and

WHEREAS, the Board of Directors has been presented a contract with WMS Gaming to purchase 14 machines to replace existing un-serviceable machines currently being utilized and has approved that purchase and contract; and

WHEREAS, the proposed contract has received legal review through the Little River Casino Resorts legal counsel and no legal matters arise in regards to the contract other than the limited waiver of sovereign immunity addendum; and

WHEREAS, the Tribal Council, under Article IX of the Constitution, is the only entity authorized to waive the sovereign immunity of the Tribe which must be done by resolution; and

WHEREAS, the Tribal Council has reviewed the contracts and request of the Little River Casino Resort and finds that a limited waiver of sovereign immunity as set forth in Attachment A (Model B) to the contact is an appropriate action and in furtherance of the interests of the Tribe;


NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the contract with WMS Gaming to purchase 14 slot machines which replaces existing CDS machines currently on the gaming floor which are no longer serviceable.

IT IS FURTHER RESOLVED THAT, the Tribal Council authorizes and approves the limited waiver of sovereign immunity as specifically set forth in Attachment A (Model B) to the contract regarding governing law and damages. No other actions or parts of this contract shall be construed or interpreted to increase or otherwise apply the waiver of sovereign immunity other than that specifically set forth in Attachment A (Model B).

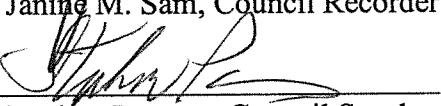
CERTIFICATE OF ADOPTION

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 September 29, 2004, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.

Attest:



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker