

**Little River Band of Ottawa Indians**

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

**Resolution # 05-0223-92**

*Amending the Charter of Little River Casino Resort to Clarify Contracting Authority and Limited Waiver of the Tribe's Sovereign Immunity Granted to the Chartered Enterprise*

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 Tribe is entitled to the protections and benefits accorded federally-recognized Indian tribes under federal law, including those under the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2701 et seq.) ("*IGRA*"), which permits Indian tribes to operate Class II and Class III gaming activities on lands held in trust for the Tribe; and

WHEREAS, the Tribe has determined that the establishment and operation of a Class II tribal gaming enterprise under the IGRA will assist the Tribe generate the revenues needed to establish an effective tribal government, provide necessary employment opportunities services for tribal members and promote tribal self sufficiency; and

WHEREAS, the Tribe and the State of Michigan have entered into a Tribal-State Gaming Compact ("*Compact*") providing for the conduct of Class III gaming activities by the Tribe on its Reservation Lands in Manistee County, which Compact was approved by Resolution of the Michigan Legislature and approved by the Assistant Secretary-Indian Affairs; and

WHEREAS, the Elders of the Tribe have recommended that the Tribe's gaming enterprise be conducted and do business under the name "Little River Casino Resort" which has been authorized under resolution # 99-0314-07; and

WHEREAS, the Tribal Council has determined that re-authorized the enterprise charter of the Little River Casino Resort by resolution #04-0728-313; and

WHEREAS, the Tribal Council has determined that the business activities of the Little River Casino Resort require a clarification of the contract authority and the independence of the enterprise by clarifying the application of the Tribe's inherent sovereign immunity and its application to the chartered enterprise;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council, acting under its inherent sovereign governmental authority under Article IV, Section 7(a) of the Constitution, and in accordance with the federal policies enumerated in IGRA, hereby amends the Enterprise Charter of the Little River Casino Resort, as a distinct instrumentality created, wholly-owned and controlled by the Tribe, for the purpose of operating a Class II and Class III gaming resort on the Tribe's Reservation, and is entitled to all of the privileges and immunities of the Tribe except as provided in this resolution, and in resolution # 04-0728-313.

IT IS FURTHER RESOLVED THAT the Tribal Council, in accordance with Article XI of the Constitution, does hereby grant a limited waiver of sovereign immunity to the Resort to sue in the name of the Resort, and to permit suit against itself in the name of the Resort in courts of competent jurisdiction. Nothing in this grant of waiver of sovereign immunity shall be deemed a waiver, or, to permit the Resort to waive, the sovereign immunity of the Tribe.

IT IS FURTHER RESOLVED THAT the Resort shall have the authority to enter into and make contracts of every kind and nature with any person, form, association, corporation, municipality, nation, Indian tribe, state or body politic, without the approval of the Tribe.

IT IS FURTHER RESOLVED THAT the Resort shall have the authority to sell, convey, pledge, lease or exchange, transfer or otherwise of all or any part of its designated assets in accordance with Tribal law and this charter; provided that, the Corporation has no authority to sell, mortgage or lease as lessor any property of the Tribe without the express consent of the Tribal Council given in the specific instances.


IT IS FURTHER RESOLVED THAT the Little River Casino Resort is created as a legal entity, wholly owned by the Tribe, but distinct and separate from the Tribe. The activities, transactions, obligations, liabilities and property are of the Resort and not of the Tribe. Provided that, this excludes trust property assigned to the Resort for the exclusive use of the Resort.

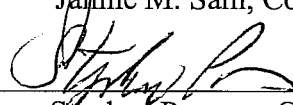
IT IS FINALLY RESOLVED THAT nothing in this Enterprise Charter, and no action taken by the Resort pursuant to this Enterprise Charter, shall be construed as permitting, recognizing, or granting the State of Michigan any regulatory jurisdiction or taxing jurisdiction over the property or activities of the Resort or its employees located within the boundaries of the Tribe's Reservation.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 4 FOR, 3 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on February 23, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.

Attest:

  
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Janine M. Sam, Council Recorder

  
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Stephen Parsons, Council Speaker

Distribution: Council Records  
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