

**Little River Band of Ottawa Indians**

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

**Resolution # 05-1214-685**

*Authorizing Ogema to Sign Class Member Election of Benefits Form to participate in Second Chance Body Armor, Inc. Class Settlement and authorizes Limited Waiver of Sovereign Immunity*

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 Public Safety Department purchased 14 body armor vests from the company Second Chance Body Armor, Inc.; and

WHEREAS, Second Chance Body Armor Inc., was the defendant in a class action suit filed on behalf of the purchasers of vests similar to those acquired by the Tribe, and such class action suit ended in a Class Settlement providing for the establishment of a fund to reimburse purchasers of the cost of the vest purchased; and

WHEREAS, the Tribe qualifies as a member of the class, therefore it is entitled to receive a refund as stipulated in the Settlement; however, in order to exercise this right, the Tribe must file the Class Member Election of Benefits form; and,

WHEREAS, signing the Class Member Election of Benefits form implies an agreement to submit to the jurisdiction of the District Court of Mayes County, Oklahoma for the purposes of enforcing the Stipulation.

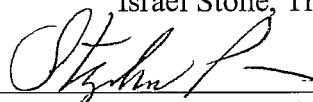
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Ogema to sign the Class Member Election of Benefits Form to request a refund from the Second Chance Body Armor, Inc. Class Settlement;

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes a limited waiver of sovereign immunity to submit to the jurisdiction of the District Court of Mayes County, Oklahoma for the purposes of enforcing the Stipulation regarding the Class Settlement.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, 1 ABSENT, and 1 VACANT at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 14, 2005, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.

  
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Israel Stone, Tribal Councilor

  
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Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court