



Little River Band of Ottawa Indians

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

Resolution # 08-1029-372

Rescinding Resolution #05-0223-92 granting powers to the Little River Casino Resort

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. '1300k et seq.); and

WHEREAS, the Tribe adopted a 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 is authorized under Article IV, Section 7(i)(2) to manage any funds within the exclusive control of the Tribe; and

WHEREAS, under Article V, Section 5(a) of the Constitution, the Tribal Ogema has the constitutional power and duty to oversee the administration of the Tribal government in accordance with the laws, resolutions and motions of the Tribal Council and to enforce the laws and resolutions of the Tribal Council; and

WHEREAS, under Article IV, Section 7, the legislative powers of the Tribe are vested in the Tribal Council; and

WHEREAS, under Article IV, Section 6(g)(l), the Tribal Council=s powers are exercised through action by ordinance, resolution or motion; and

WHEREAS, under Article IV, Section 7(c) and (d)the Tribal Council is delegated responsibility and authority regarding land and assets; and

WHEREAS, under Article IV, Section 7(a)(4), the Tribal Council is responsible for making, holding, and revoking assignments of Tribal property; and

WHEREAS, under Article IV, Section 7(f), the Tribal Council is delegated authority to create subordinate organizations and to delegate to those subordinate organizations the power to manage the affairs and enterprises of the Tribe; and

WHEREAS, under Article V, Section 5(a)(8), the Tribal Council is delegated authority to set forth , by ordinance, how the Ogema may manage the economic affairs, enterprises and property of the Tribe; and

WHEREAS, creating the Little River Casino Resort as a subordinate organization and identifying how that economic enterprise may be managed is an important governmental function and authority exercised by the Tribal Council for the benefit of the members and the Tribe.

WHEREAS, this action is a corrective action in regards to resolution # 05-0223-92, which resolved, *inter alia*, to:

- (1) "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;" and
- (2) authorize the Resort "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;" and
- (3) authorize the Resort "to sell, convey, pledge, lease or exchange, transfer or otherwise 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;" and
- (4) create the Resort "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 assigned to the Resort for the exclusive use of the Resort."

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby rescinds Resolution # 05-0223-92, and all powers granted to the Resort by that Resolution revert back to the Tribal Council.

IT IS FURTHER RESOLVED THAT pursuant to Article XI, Section 1, of the Constitution, only the Tribal Council may "waive or limit the right of the Little River Band to be immune from suit," and only Tribal Council, in consultation with the Ogema,

may determine when to sue in the name of the Resort and/or permit suit against itself in the name of the Resort.

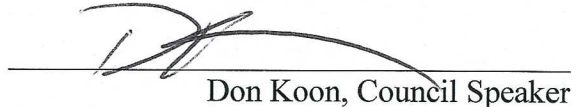
IT IS FURTHER RESOLVED THAT the Resort may enter into contracts with individuals and corporations in any amount up to and including \$500,000.00 without Tribal Council approval; provided that, the Resort may not enter into any contracts for legal counsel and other associated professional activities, construction contracts, or contracts for part-time or full-time personnel in any amount, nor may it enter into any form of contract or agreement or initiate negotiations with any municipality, nation, Indian tribe, state or body politic, without the approval of the Tribal Council.

IT IS FINALLY RESOLVED THAT the Resort is a legal entity wholly owned by the Tribe, but distinct and separate from the Tribe; provided that, the activities, transactions, obligations, liabilities and property are of the Tribe and not of the Resort.

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 Session of the Little River Band of Ottawa Indians Tribal Council held on October 29, 2008, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.


Loretta Beccaria, Council Recorder


Don Koon, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema