



Little River Band of Ottawa Indians

PO Box 314

Manistee MI 49660-0314

(616) 723-8288

Resolution No. #99-1120-01

**Authorizing the Business Board of Little River Casino
to Execute Sales and Security Agreement with
Casino Data Systems for the Purchase of 27 Slot Machines and
Agreeing to Binding Arbitration and a Limited Waiver of
Sovereign Immunity**

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.)(hereinafter "Little River Act"); 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.)(hereinafter "IGRA"), which permits Indian tribes to operate Class II and III gaming activities on lands held in trust for the Tribe; and

WHEREAS, the Tribe has determined that the development an addition to its Interim Class III gaming facility will allow the Tribe to generate additional revenues, which are needed to establish an effective tribal government and to provide necessary services and jobs for tribal members, pending completion of the Tribe's "permanent" casino resort facilities; and

WHEREAS, the General Manager and Business Board of Little River Casino have recommended the acquisition of twenty-seven (27) slot machines from Casino Data Systems for installation in the Casino addition; and

WHEREAS, Casino Data Systems requires a waiver of immunity from the Tribe, in order enforce compliance by the Tribe with the payment obligations agreed to by the parties in that Sales and Security Agreement; and

WHEREAS, pursuant to the Management Agreement for the Casino, the General Manager of Little River Casino is authorized to execute contracts on behalf of the Casino, subject to Tribal Council approval of any waivers of Tribal immunity contained in such contracts; and

WHEREAS, the Tribal Council understands that the contract terms proposed by Casino Data Systems would include an agreement by the Tribe to have disputes arising under such agreement submitted to binding arbitration and the Tribe would further agree to a waiver Tribal sovereign immunity from suit in federal courts in the State of Nevada for purposes of compelling arbitration or enforcing decisions of the arbitrators; and

WHEREAS, the Tribal Council has determined that the specific waiver of sovereign immunity requested by Casino Data Systems for the specific purpose of enforcement and/or interpretation of that Agreement is in furtherance of important Tribal purposes and tribal business enterprises and that such waiver is authorized by and is consistent with Article XI, Section 1 of the Tribe's Constitution.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the General Manager for Little River Casino, Tom Davis, together with one Tribal representative of the Casino's Business Board, to execute a Sales and Security Agreement with Casino Data Systems for the purchase of 27 slot machines, as described in the contract documents;

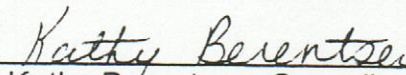
IT IS FURTHER RESOLVED THAT the Tribal Council, by authorizing the General Manager and Business Board to execute that Agreement, expressly agrees to waive its sovereign immunity from suit for the sole purpose of enforcement and/or interpretation of the terms of the Agreement as provided in the dispute resolution of Attachment A to that Agreement.

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, 2 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council on November 20, 1999, in Manistee, Michigan. A quorum of the Tribal Council being present for such vote.


Charles Fisher, Council Recorder

Attest:


Kathy Berentsen, Councilor

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