

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL RESOLUTION # 051709-08

Limited Sovereign Immunity Waivers in Odawa Casino Resort Contracts

WHEREAS the Waganakising Odawak, known as the Little Traverse Bay Bands of Odawa Indians, is a nation of citizens with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States, the most recent being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS to foster and enhance Tribal governmental operations and programs, the general welfare of the Tribe and its members, and Tribal economic development, the LTBB operates a class III gaming operation under the name Odawa Casino Resort;

WHEREAS the Odawa Casino Resort must enter into a variety of contracts on an almost daily basis to function effectively;

THEREFORE BE IT RESOLVED THAT the Tribal Council expressly authorizes the Odawa Casino Resort, as an LTBB entity, to waive its common law immunity to suit in the Tribal Court of the Little Traverse Bay Bands of Odawa Indians, including the enforcement of arbitration, when entering into contracts for up to \$750,000, to the specific limited extent specified in the contracts it negotiates that are essential to the operation of the gaming and ancillary enterprises. This authorization only applies to the Odawa Casino Resort and assets under its direct control. Any contracts that allows for any other jurisdiction other than Tribal Court must have prior approval by Tribal Council. Any contracts for \$750,000 or more must have prior approval by Tribal Council.

FURTHER BE IT RESOLVED THAT this Resolution shall be effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto and shall expire 24 months from the date of enactment.

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CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held May 17, 2009 at which a quorum was present, by a vote of 7 in favor, 1 opposed, 0 abstentions, 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	<u> </u>	<u> </u>	<u> </u>	<u> X </u>
Melvin L. Kiogima	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Dexter McNamara	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Marvin Mulholland	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Rita Shananaquet	<u> </u>	<u> X </u>	<u> </u>	<u> </u>
Alice Yellowbank	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Gerald V. Chingwa	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Regina Gasco Bentley	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Beatrice A. Law	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Date: May 17, 2009

Beatrice A. Law, Legislative Leader

Date: May 17, 2009

Regina Gasco Bentley, Secretary

Received by the Executive Office on May 18, 2009 by Lisa Flynn

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: May 20, 2009

Frank Ettawageshik, Tribal Chairperson