

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

TRIBAL RESOLUTION # 010608-08

Authorization to Enter Into Settlement Agreement in Litigation Involving Gaming Compact Payment
Obligation and to Execute Compact Amendment

- 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 (LTBB or Tribe) 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** Article VIII(C)(2) of the LTBB Constitution delegates to the Chairperson the power "to represent the Little Traverse Bay Bands of Odawa Indians in an ambassadorial capacity" and Article VII(D)(23) delegates to the Tribal Council the power to "approve negotiations with any other governments, businesses or individuals by a majority vote of the Tribal Council;"
- WHEREAS** on December 3, 1998, the LTBB entered into a Class III Gaming Compact with the State of Michigan which was deemed approved by the Secretary of the Interior by publication in the Federal Register on February 18, 1999 at 64 Fed. Reg. 8111, with an amendment deemed approved by publication in the Federal Register on December 10, 2003 at 68 Fed. Reg. 68944;
- WHEREAS** LTBB is a party to a case pending before the United States Court of Appeals for the Sixth Circuit titled *Little River Band of Ottawa Indians and Little Traverse Bay Bands of Odawa Indians, Defendants-Appellants v. State of Michigan and Michigan Economic Development Corporation, Plaintiff-Appellees*, Court of Appeals No. 07-1913, Western District of Michigan Case No. 5:05CV0095 involving whether the State's introduction of Club Keno in October of 2003 ended the Tribe's payment obligation to the State under the Compact;
- WHEREAS** representatives of all of the parties to the litigation have negotiated a proposed Stipulation Settling Lawsuit and Distributing Funds Held in Escrow, and Second Amendment to A Compact Between the Little Traverse Bay Bands of Odawa Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming By the Little Traverse Bay Bands of Odawa Indians to resolve the litigation in lieu of continuing the appeal;

THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians approves the documents titled Stipulation Settling Lawsuit and Distributing Funds Held in Escrow, and Second Amendment to A Compact Between the Little Traverse Bay Bands of Odawa Indians and the State of Michigan Providing for the Conduct of Tribal Class III Gaming By the Little Traverse Bay Bands of Odawa Indians as reviewed at its January 4, 2008 work session or as may be modified without substantially changing the content or intent, and authorizes the Tribal Chairman and/or Legal Counsel, by and on behalf of the Tribe, to execute these documents, and any other documents necessary to complete this process.

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 January 6, 2008 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.				X
Melvin L. Kiogima	X			
Dexter McNamara	X			
Marvin Mulholland	X			
Shirley Oldman	X			
Alice Yellowbank	X			
Gerald V. Chingwa	X			
Regina Gasco Bentley	X			
Beatrice A. Law	X			

Date: _____

Beatrice A. Law, Legislative Leader

Date: _____

Regina Gasco Bentley, Secretary

Received by the Executive Office on _____ by _____

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: _____

Frank Ettawageshik, Tribal Chairperson