

**Little Traverse Bay Bands of Odawa Indians
7500 Odawa Circle
Harbor Springs, MI 49740**

TRIBAL RESOLUTION # 072723- 01

**Limited Waiver of Sovereign Immunity of the Little Traverse Bay Bands of Odawa Indians
to Enter into a Memorandum of Understanding with the Michigan Department of Health
and Human Services for After-Hours Coverage on Trust Lands**

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians (“LTBB” or “Tribe”), and its citizens are vested with inherent sovereignty and the right to self-governance;

WHEREAS the LTBB 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 of which are the Treaty of Detroit of 1855 (11 Stat. 621) and the Treaty of Washington of March 28, 1836 (7 Stat. 491);

WHEREAS on February 1, 2005, LTBB Tribal Citizens adopted a Tribal Constitution, which provides in Article XVIII, section A:

The Little Traverse Bay Bands of Odawa Indians, including all subordinate entities, shall be immune from suit except to the extent that the Tribal Council clearly and expressly waives its sovereign immunity, and officials and employees of the Tribe acting within the scope of their duties or authority shall be immune from suit.

WHEREAS Binagek, the LTBB Department of Human Services (“Binagek”), has negotiated a Memorandum of Understanding (“MOU”), attached hereto and incorporated by reference, under which the Michigan Department of Health and Human Services (“MDHHS”) will respond to after-business-hours emergencies and provide on-call protective services to adults and children residing on LTBB trust lands in Charlevoix and Emmet Counties; and

WHEREAS the MOU requires a waiver of sovereign immunity for the sole purpose of resolving in a Michigan state court of competent jurisdiction any dispute that arises out of the MOU between LTBB and MDHHS.

THEREFORE, BE IT RESOLVED, that by this resolution the Tribal Council hereby approves the MOU between the Binagek and the MDHHS.

BE IT FURTHER RESOLVED that the Tribal Council expressly waives sovereign immunity to the benefit of MDHHS and no other party for the limited and sole purpose of enforcing the MOU in conformance with the dispute resolution and governing law provisions therein, provided, that this waiver shall terminate upon termination of the MOU by either party.

CERTIFICATION

As the 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 on July 27, 2023 at which a quorum was present, by a vote of 5 in favor, 0 opposed, 0 abstentions, and 4 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima				X
Tamara Munson	X			
William Ortiz	X			
Aaron Otto	X			
Melissa Pamp	X			
James Pontiac				X
Leroy Shomin				X
Marcella Reyes				X
Emily Proctor	X			

Date: 07/28/23

Emily Proctor
Emily Proctor, Legislative Leader

Date: 07/28/2023

Marcella R. Reyes
Marcella Reyes, Tribal Council Secretary

Received by the Executive Office on 7-28-2023 by Isabel Worthington

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: 8-01-2023

Regina Gasco Bentley
Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on

08.03.2023

by Isabel Worthington