

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 ODAWA CIRCLE
HARBOR SPRINGS, MI 49740

TRIBAL RESOLUTION 091318-01

Limited Waiver of Sovereign Immunity

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested 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 of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Little Traverse Bay Bands of Odawa Indians Constitution, Article XVIII, Sovereign Immunity, Tribal Immunity from Suit, provides:

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 in accordance with the Constitution, Tribal Council has delegated management of any and all economic affairs and enterprises of the Little Traverse Bay Bands of Odawa Indians to Tribally chartered corporations or other subordinate Tribal entities, or where appropriate, to the Executive Branch;

WHEREAS in accordance with the Constitution, Tribal Chair is to oversee all Tribal Executive departments, boards, commissions and committees created by the Tribal Council;

WHEREAS the Tribal Chair, Tribally chartered corporations or other subordinate Tribal entities, must enter into a variety of contracts on an almost daily basis to function effectively.

THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council expressly authorizes the Tribal Chair, Executive Departments, Tribally chartered corporations or other subordinate Tribal entities, to waive their Constitutional and 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 the amount of the contract but not to exceed \$750,000.00.

FURTHER BE IT RESOLVED this authorization only applies to the assets under the direct control of the Tribal Chair, Executive Departments, Tribally chartered corporations or other subordinate Tribal entities.

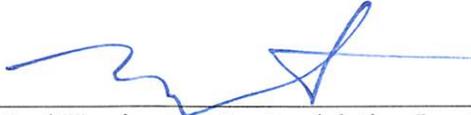
FURTHER BE IT RESOLVED any contracts that allow for any other jurisdiction other than Tribal Court must have prior approval by Tribal Council. Any contracts over \$750,000.00 must have prior approval by Tribal Council.

FINALLY, BE IT RESOLVED that any and all previous authorizations for limited waivers of sovereign immunity, including Certified Motion #091114-03, *Limited Sovereign Immunity Waivers in Odawa Casino Resort Contracts*, are repealed and replaced by this Tribal Resolution.

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 by phone poll of the Tribal Council held on September 13, 2018 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 2 absent as recorded:

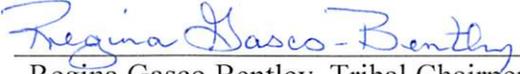
	In Favor	Opposed	Abstained	Absent
Frank Bernard	X			
David Harrington	X			
Dexter McNamara	X			
Emily Proctor	X			
Julie Shananaquet	X			
Shanna Wemigwase				X
Marcella Reyes				X
Tamara Kiogima	X			
Fred Harrington, Jr.	X			

Date: 09.13.18 
 Fred Harrington, Jr., Legislative Leader

Date: 9-17-18 
 Tamara Kiogima, Tribal Council Secretary

Received by the Executive Office on 9-18-18 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: 10-17-18 
 Regina Gasco Bentley, Tribal Chairperson

Tribal Resolution Limited Waiver of Sovereign Immunity
 Secretary Kiogima TK

