



**LITTLE RIVER CASINO RESORT
BOARD OF DIRECTORS**

U.S. 31 & M 22
2700 Orchard Highway
Manistee, MI 49660

Resolution #10-1220-059

*Ratifying Collective Bargaining Agreement Between the
Little River Casino Resort, an economic enterprise of the Little River Band of Ottawa
Indians, a federally recognized Indian Tribe and Sovereign Nation, and
The United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union, AFL-CIO, CLC*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of: the Treaty of Chicago [August 29, 1821; 7 Stat 218], the Treaty of Washington [March 28, 1836; 7 Stat 491], the Treaty of Detroit [July 31, 1855; 11 Stat 621] with the United States, as reaffirmed by federal law in P.L. 103-324 (108 Stat 2156), enacted September 21, 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is empowered by Article IV, Section 7(a) of the Constitution to establish laws through the enactment of ordinances and adoption of resolutions; and

WHEREAS, the Tribal Council is empowered by Article IV, Section 7(f) of the Constitution of the Tribe to create subordinate organizations and to delegate to such organizations the power to manage the enterprises of the Tribe; and

WHEREAS, the Tribal Council adopted the Gaming Enterprise Board of Directors Act of 2010, Ordinance #10-80-03, by Tribal Council Resolution on August 25, 2010, which Ordinance became effective on September 24, 2010; and

WHEREAS, Article I, Section 1.01 of the Gaming Enterprise Board of Directors Act provides that the purpose of the Act is to establish a Gaming Enterprise Board of Directors to provide monitoring, oversight, and direction regarding the management of the Tribe's gaming enterprises, including the Little River Casino Resort, which operate to generate Tribal Government revenues pursuant to the Indian Gaming Regulatory Act; and

WHEREAS, Article VIII, Section 8.04 of the Gaming Enterprise Board of Directors Act requires that the Board of Directors shall act only by Resolution when: (1) committing funds for; (2) approving Collective Bargaining Agreements for; and (3) authorizing a waiver of the sovereign immunity of the Little River Casino Resort in accordance with Article X of the Ordinance; and

WHEREAS, Article X, Section 10.02 of the Gaming Enterprise Board of Directors Act authorizes the Board to execute Collective Bargaining Agreements for the Resort on behalf of the Tribe, and further authorizes the Board to execute a waiver of the Resort's sovereign immunity consistent with those waivers identified in Article XVI of the Fair Employment Practices Code; and

WHEREAS, Article X, Section 10.04 of the Gaming Enterprise Board of Directors Act requires that the Board only waive the sovereign immunity of the Resort by Resolution which identifies the precise waiver(s) and any limitation(s) to the waiver and the forum and choice of law which will govern claims or disputes; and

WHEREAS, the Little River Casino Resort, as an economic enterprise of the Little River Band of Ottawa Indians, is subject to all Tribal laws enacted and adopted by the Tribal Council, and further enjoys all governmental immunities bestowed upon a sovereign Indian Nation; and

WHEREAS, the Tribal Council adopted the Fair Employment Practices Code, Ordinance Number 05-600-03, and from time to time has approved amendments to that Ordinance; and

WHEREAS, Article XVI of the Fair Employment Practices Code sets forth comprehensive provisions which govern Labor Organizations and Collective Bargaining activities within the governmental operations of the Tribe, including the Little River Casino Resort; and

WHEREAS, the Little River Casino Resort and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (the "Union") have been engaged in negotiating an initial Collective Bargaining Agreement with the Resort Security

Officers Bargaining Unit in accordance with Article XVI of the Fair Employment Practices Code; and

WHEREAS, the Little River Casino Resort and the Union have conducted all negotiations; elections; dispute and impasse resolution; and bargaining processes related to the initial Collective Bargaining Agreement in accordance with Tribal Law, and specifically in accordance with Article XVI of the Fair Employment Practices Code and other procedures agreed upon by the Resort and the Union; and

WHEREAS, the Collective Bargaining Agreement between the Little River Casino Resort and the Union was approved by a majority vote of the Security Officer Bargaining Unit on December 16, 2010; and

WHEREAS, the Board of Directors and the Tribe recognize and acknowledge that the Collective Bargaining Agreement approved on December 16, 2010 is the first Collective Bargaining Agreement in the United States to have been the product of a union election and labor contract negotiation process governed solely by Tribal law; and

WHEREAS, the Board of Directors believes that it is in the best interests of the Tribe and its Resort to ratify and approve the Collective Bargaining Agreement between the Little River Casino Resort and the Union, and to delegate its authority to execute the Collective Bargaining Agreement to the General Manager of the Resort.

NOW THEREFORE IT IS RESOLVED that the Little River Casino Resort Board of Directors hereby approves and ratifies the Security Officers I, II, and III Collective Bargaining Agreement between the Little River Casino Resort and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC (the "Union").

IT IS FURTHER RESOLVED that the Little River Casino Resort Board of Directors specifically delegates its authority to execute the Collective Bargaining Agreement to the Resort General Manager, and authorizes execution upon adoption of this Resolution.

IT IS FURTHER RESOLVED that the Board of Directors authorizes the limited waiver of sovereign immunity of the Resort which authorizes employee grievances to proceed to Level Four arbitration, and provides further that costs of arbitration shall be divided equally between the parties.

IT IS FURTHER RESOLVED that the Board of Directors authorizes the limited waiver of sovereign immunity of the Resort which allows for claims of discrimination based upon Union activities arising under Article 16.15(a)(2) of the Fair Employment Practice Code to proceed to Level Four arbitration.

IT IS FINALLY RESOLVED that the above Resolves reflect the only waivers of sovereign immunity contained in the Agreement, and that no other waivers exist as a matter of law on behalf of either the Resort or the Tribe, other than waivers duly and expressly enacted by the Tribal Council under the Constitution and laws of the Tribe.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Little River Casino Resort Board of Directors with 4 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session Meeting of the Board of Directors held on December 20, 2010, at the Little River Casino Resort's Executive Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Chairperson/Vice-Chairperson

Distribution: Tribal Council
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Resort Board of Directors Records
LRCR General Manager

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**WAS MOVED FROM CLOSED TO OPEN SESSION BY
VOTE OF THE LITTLE RIVER CASINO RESORT
BOARD OF DIRECTORS ON DECEMBER 20, 2010**