

Chapter 3. Sovereign Immunity

17.300(11.03)(a) LIMITED WAIVER OF SOVEREIGN IMMUNITY

- A.** WHEREAS the Little Traverse Bay Bands of Odawa Indians (LTBB) generally possesses exclusive jurisdiction over civil actions arising in LTBB Indian Country involving LTBB, its officials, agents and subordinate entities;
- B.** WHEREAS LTBB, its officials, agents and subordinate entities possess sovereign immunity from civil suits, including actions brought in Tribal Court, unless the Tribal Council expressly waives such immunity;
- C.** WHEREAS LTBB carries liability insurance to protect LTBB and promote fairness and justice to all persons on insured properties;
- D.** WHEREAS waiving LTBB's immunity to suit in Tribal Court for personal injury actions on insured properties serves to protect LTBB's sovereignty, jurisdiction, business interests and members of the Tribe and general public;
- E.** WHEREAS this Resolution is not intended to address employment and contract disputes which are the subject of separate LTBB laws, procedures, policies and/or individual contracts;
- F.** THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians waives its sovereign immunity only in LTBB Tribal Court for personal injury actions arising on LTBB properties for which it carries liability insurance, including any actions that may be pending as of the date of this Resolution, to the limits of applicable liability policies in effect. LTBB does not waive its immunity for any damages in excess of its insurance coverage and does not through this Resolution submit to the jurisdiction of any tribal, state or federal Court other than the LTBB Tribal Court.
- G.** FURTHER RESOLVED that this Resolution does not waive the immunity of elected and appointed officials, agents and employees of LTBB.

(Source: TRIBAL RESOLUTION #112303-02)