

ORIGINAL



**Little River Band of Ottawa Indians**  
1762 U.S. 31 South  
Manistee MI 49660  
(231) 723-8288

Resolution No. #00-0513-01

**Authorizing the Tribal Ogema, or in his absence, the  
Tribal Council Speaker to Execute Design Agreement  
with Cunningham-Limp Company and  
Agreeing to Binding Arbitration and a Limited Waiver of  
Sovereign Immunity**

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.)(hereinafter "Little River Act"); and

WHEREAS, the Tribe is entitled to the protections and benefits accorded federally-recognized Indian tribes under federal law, including those under the Indian Gaming Regulatory Act of 1988 (25 U.S.C. §2701 et seq.)(hereinafter "IGRA"), which permits Indian tribes to operate Class II and III gaming activities on lands held in trust for the Tribe; and

WHEREAS, the Tribe has determined that the development alternative conceptual and preliminary design documents will assist the Tribe in making better informed decisions regarding the design and project budget(s) for the permanent casino/resort facilities; and

WHEREAS, the Tribe requires retention of a firm with sufficient technical and administrative expertise to develop the conceptual design documents and construction budget estimates for the permanent casino/resort facilities; and

WHEREAS, the Tribal Council has been satisfied with the performance of Cunningham-Limp Company in completing work on the Interim Casino in a cost-efficient and timely manner and wishes to continue its relationship with Cunningham-Limp Company; and

WHEREAS, the Cunningham-Limp has completed updated, preliminary design and construction budgets for permanent casino/resort facilities; and



WHEREAS, the Business Board and Tribal Council have requested a scope of work, cost estimate and contract proposal from Cunningham-Limp to complete preliminary design work and prepare construction budgets detailing an alternative approach to completion of the permanent casino/resort in order to minimize disruption of operations and reduce development costs; and

WHEREAS, representatives of Cunningham-Limp have presented documentation detailing the costs associated with completing all preliminary design work for both approaches to development of the permanent casino/resort facilities, which costs will not exceed \$234,354.00; and

WHEREAS, Tribal representatives and representatives of Cunningham-Limp Company are completing negotiations of a form of agreement in substantially similar form to the design agreement, incorporated into previous agreements entered into by the Tribe and Cunningham-Limp; and

WHEREAS, the Tribe adopted a 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, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Tribal Constitution, the Tribal Ogema, or in his/her absence, the Tribal Council Speaker, is authorized to represent the Tribe in its relations with other organizations and manage the economic affairs/enterprises of the Tribe, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (b) of the Constitution, has the power to authorize and ratify agreements and contracts negotiated by the chief executive officer of the Tribe; and

WHEREAS, the Tribal Council understands that the agreement negotiated with Cunningham-Limp Company would include an agreement by the Tribe to have disputes arising under such agreement submitted to binding arbitration and the Tribe would further agree to a waiver Tribal sovereign immunity from suit in Tribal and federal courts for purposes of compelling arbitration or enforcing decisions of the arbitrators; and

WHEREAS, the Tribal Council has determined that the specific waiver of sovereign immunity requested by Cunningham-Limp Company for the specific purpose of enforcement and/or interpretation of that Agreement is in furtherance of important Tribal purposes and tribal business enterprises and that such waiver is authorized by and is consistent with Article XI, Section 1 of the Tribe's Constitution.




NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in his absence, the Tribal Council Speaker, to execute a Design Agreement with Cunningham-Limp Company for the preliminary design work and development of construction budgets for the permanent casino/resort facilities, as described in the scope of work proposed by Cunningham-Limp;

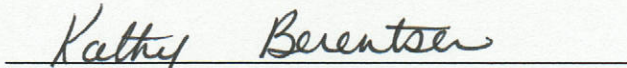
IT IS FURTHER RESOLVED THAT the Tribal Council, by authorizing the Tribal Ogema, or Council Speaker, to execute that Agreement, expressly agrees to waive its sovereign immunity from suit for the sole purpose of enforcement and/or interpretation of the terms of the Agreement as provided in the dispute resolution of portion of such agreement.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 1 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on May 13, 2000, in Manistee, Michigan. A quorum of the Tribal Council being present for such vote.



Charles Fisher, Council Recorder



Attest:

Kathy Berentsen, Councilor