

**Little River Band of Ottawa Indians**

1762 U.S. 31 South
Manistee MI 49660
(231) 723-8288

ORIGINAL

Resolution No. #01-0303-D1

Approving Capital Budget for Little River Casino Resort Expansion

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.)(hereafter "Little River Act"); 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, 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 of the permanent casino/resort facilities is in the best, long-term interests of the Tribe and its members; and

WHEREAS, casino/resort facilities will include: expanded casino floor, "back of the house", offices, restaurants, hotel, RV Park and related infrastructure improvements; and

WHEREAS, the Tribal Ogema, in consultation with the Tribe's Controller, Project Accountant, and the Chief Financial Officer for Little River Casino Resort, has prepared a capital budget proposal for all costs associated with the proposed Little River Casino Resort (the "Resort") Expansion, including the costs associated with development and construction of the community water and wastewater treatment facilities serving the Resort; and

WHEREAS, the Tribal Council, pursuant to Article IV, 7(i)(2) of the Constitution, has the power to manage any funds within the exclusive control of the Tribe and to appropriate such funds for the benefit of the Tribe and its members; and

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WHEREAS, the Tribal Council, pursuant to Resolution No. #00-1111-06, appropriated \$8 Million Dollars in General Funds to be used in connection with development activities required to complete the proposed expansion of the Casino Resort facilities (the "Project"); and

WHEREAS, the terms of Resolution No. #00-1111-06, require any allocation or use of funds under that appropriation to be approved by Resolution of the Tribal Council until such time as Capital Budget is approved for the Project.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts the Capital Project Budget for the Casino Resort Permanent Facility project, dated February 20, 2001, as identified in Attachment I to this resolution; and

IT IS FURTHER RESOLVED THAT the Tribal Council hereby authorizes the Construction Management Team (CMT) to expend budgeted funds for Project Hard Costs, Water/Sewer Project Costs and Pre-Development Costs as approved in the Capital Project Budget and in accordance with the procedures, authority and limitations prescribed in Resolution No. #01-0110-03, as amended, and in accordance with any accounting procedures which may be now or hereinafter set forth; and

IT IS FURTHER RESOLVED THAT the limitations on spending authority imposed by Resolution No. #00-1111-06 is hereby repealed.

IT IS FINALLY RESOLVED THAT the Tribal Council finds that the Capital Project Budget Narrative contains proprietary information and that the Budget document for the Casino Resort Permanent Facility project shall be a confidential, non-public document which may not be released or viewed without approval of the Tribal Council, and that the Tribal Ogema is requested to create a Capital Project Budget Narrative-Public version for viewing by the Tribal membership or other approved persons.

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CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 1 AGAINST, 1 ABSENT, and 0 ABSTAINING, at a Special Session of the Little River Band of Ottawa Indians' Tribal Council held for this purpose at the Little River Band Community Center on March 3, 2001, in Manistee, Michigan, with a quorum being present for such vote.

Lisa McCatty
Lisa McCatty, Council Recorder

Attest:

Joan Spalding
Joan Spalding, Council Speaker

Presentation of Resolution Approving Budget and Appropriating Tribal Funds to Tribal Ogema:

Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution approving the Capital Project Budget and modifying the Operating Budget for the Tribal Government for Fiscal Year 2001 and appropriating Tribal funds has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 3-7-01

Signature of Council Recorder: Lisa McCatty

Action by the Tribal Ogema: X Approved Disapproved (attach comments)

Date: 3-7-01

Signature of Ogema: Joan Spalding

Distribution: Tribal Council Records
Tribal Court
Tribal Ogema/Accounting Department (Attn: Dale Magoon)
Legal Department
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