



**Little River Band of Ottawa Indians**

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

**ORIGINAL**

Resolution No. #01-0421-01

**Extending Preliminary Notice to Proceed Under Design/Build Agreement  
with Cunningham-Limp Company for Preliminary Work Through  
May 31, 2001 and Increasing the Tribe's Commitment of Funds for Such  
Preliminary Work by \$4,500,000. in accordance with  
Article 12 of Part of 2 of the Design/Build Agreement**

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 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 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, the Tribe has pursuant to Resolution No. #01-0303-02, authorized execution of a Design/Build Agreement, dated March 1, 2001, with Cunningham-Limp Company for design and construction of the Tribe's Permanent Casino/Resort (hereafter the "Agreement"); and

WHEREAS, pursuant to Section 2.10 of Part 2 of that the terms of the Agreement, the Tribe and Cunningham-Limp have agreed to commence certain preliminary work and limited the Tribe's aggregate liability under the Agreement to an amount not to exceed \$10,000,000.00 for work to be completed or obligated through April 30, 2001, unless the April 30, 2001 deadline is extended in accordance with Article 12, of Part 2, in the amount provided in that Article ; and

WHEREAS, representatives of the Tribe and Cunningham-Limp have, pursuant to Section 12.1.1 of Part 2 of the Agreement, negotiated terms by which the work would continue through May 31, 2001 and by which the Tribe would agree to pay for incremental costs of work, fees and expenses under the Agreement in an amount not to exceed \$4,500.00.00; and

WHEREAS, the Tribal Council did, pursuant to Resolution No. #00-1220-13, approve the Operating Budget for Fiscal Year 2001, which Budget included an appropriation of \$13,500,000.00 in projected gaming revenues to equity contributions for development costs associated with permanent casino resort project; and

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

WHEREAS, under the terms of the Agreement, the Tribe has agreed to a limited waiver of sovereign immunity and agree to submit disputes arising under that Agreement to arbitration in accordance with the procedures described in Article 6 of Part 1 Agreement; 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 the absence of, 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 Tribal Ogema.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes execution of an addendum to the Design/Build Agreement with Cunningham-Limp Company to extend the deadline by which the Tribe may terminate the Agreement under Section 12.1.1 of Part 2 to, and including, May 31, 2001.

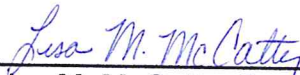


IT IS FURTHER RESOLVED that the Tribal Council affirms its commitment of \$4,500,000.00 toward additional work to be completed or obligated by Cunningham-Limp through May 31, 2001, and agrees to pay for such incremental cost of work, fees and expenses incurred by Cunningham-Limp Company through May 31, 2001.

IT IS FURTHER RESOLVED that the Tribal Council affirms that its maximum liability to Cunningham-Limp under this addendum to the Agreement shall not exceed the amount of \$14,500,000.00, which is the sum of \$10,000,000.00 plus the incremental amount of \$4,500,000.00 authorized by this Resolution for purposes of the limitation on recourse provisions of Section 6.9 of Part 1 of the Agreement, provided that such incremental amounts shall be obligated by the Tribe commencing May 1, 2001, payable in installments of \$1,000,000.00 per month payable over the 4 months there following.

#### CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 2 AGAINST, 0 ABSENT, and 0 ABSTAINING, at a Special Session of the Little River Band of Ottawa Indians Tribal Council called for this purpose at the Little River Band Community Center on April 21, 2001, in Manistee, Michigan. A quorum of the Tribal Council being present for such vote.



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Lisa M. McCatty, Council Recorder

Attest:

  
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Joan Spalding, Council Speaker

Distribution: Tribal Council Records  
Accounting Department (ATTN: Dale Magoon)  
Tribal Court

Legal Dept  
Cunningham Limp

Miller Shroeder

SERVING KENT, LAKE, MANISTEE, MASON, MUSKEGON, NEWAYGO,  
OCEANA, OTTAWA AND WEXFORD COUNTIES  
FAX (231) 723-8020