



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

CONFIDENTIAL

ORIGINAL

Resolution No. #01-0822 - 03

Authorizing the Tribal Ogema, or in the absence of, the Tribal Council Speaker to Execute a Contract with U.S. Filter for Treatment Equipment for the Wastewater Treatment Plant in the Amount of \$487,597.00, and Agreeing to 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 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 Tribal Council and Tribal membership has determined that restoration of the Tribe's historic reservation land base and other lands within the Tribe's historic territory is a critical priority;

WHEREAS, the Tribal Council has determined that it is critical to expand its economic endeavors and address the needs for tribal housing on its current land holdings called the "Dontz Road" and "Casino" properties;

WHEREAS, this expansion needs the appropriate infrastructure, including a water tower and waste water treatment system to be built in order to fulfill these needs;

WHEREAS, the Tribe has determined that a Water and Waste Water Development Team is necessary to manage the development of the water and wastewater treatment systems to manage both projects to allow for the projects to be completed in a timely and financially responsible manner; and

WHEREAS, the Construction Management Team will be responsible for monitoring the design and construction of these projects in accordance with the agreement developed between the Tribal Council and the Team.

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 XI, Section 1 of the Constitution, has the power to waive the sovereign immunity of the Tribe by resolution in furtherance of tribal business enterprises.

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 the Tribal Ogema, or in the absence of, the Tribal Council Speaker, to execute a Contract with U.S. Filter based on the March 7, 2001 Invitation to Bid and including the May 17, 2001 and August 16, 2001 changes and inclusions to the contract, which authorizes U.S. Filter to build treatment equipment for the Wastewater Treatment Plant for the Little River Band of Ottawa Indians;

IT IS FURTHER RESOLVED that in approving the U.S. Filter contract, the Tribal Council agrees to a limited waiver of sovereign immunity and consents to have disputes between the Tribe and U.S. Filter, which arise under that Agreement be resolved as provided in Section 13.2. This section requires that a dispute between the Tribe and U.S. Filter is submitted in writing to the engineer, Tom Krasovec of VEC Engineers, who must render a written decision regarding the dispute. The written decision is final, but subject to appeal to the Tribal Court within thirty (30) days.

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

SERVING KENT, LAKE, MANISTEE, MASON, MUSKEGON, NEWAYGO,
OCEANA, OTTAWA AND WEXFORD COUNTIES

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Ø ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 22, 2001, at the Little River Band Community Center in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder

Attest:



Steven Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Legal Department
Construction Management Team