



## **Little River Band of Ottawa Indians**

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

### **Resolution No. # 01-1114-09**

#### **Authorizing the Tribal Ogema, or in his absence, the Tribal Council Speaker to Execute the First Amendment to the Agreement with Bay Shore Construction to Provide Owner's Representative Services in Connection with the Casino Expansion Project and Community Water/Wastewater Systems Project**

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 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 and community water/wastewater facilities is in the best, long-term interests of the Tribe and its members; and

WHEREAS, the Tribe has previously, pursuant to a Request for Proposal process, selected Bay Shore Construction to provide Owner's Representative services to represent the Tribe in connection with the design/construction the permanent Casino/Resort and the community water/wastewater systems; and

WHEREAS, the Tribe and Bay Shore Construction have previously executed an Owner's Representative Agreement, which addressed services to be provided by Bay Shore Construction; and

WHEREAS, the during the course of the work with Bay Shore Construction it has become necessary to make some modifications to the original contract; and

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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 has determined that the First Amendment to the Agreement for Owner's Representative Services with Bay Shore Construction will advance important Tribal purposes and tribal business enterprises.

NOW THEEFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians herby authorizes the Tribal Ogema, or in his absence, the Tribal Speaker, to execute the First Amendment to Agreement for owner's representative Services with Bay Shore Construction Company, to perform owner's representative services in connection with the design and construction of the permanent Casino Resort and community water/wastewater projects being considered.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 4 FOR, 1 AGAINST, 2 ABSENT, and 0 ABSTAIN, at a Regular Session of the Little River Band of Ottawa Indians tribal Council held at the Little River Band Community Center on November 14, 2001, in Manistee, Michigan. A quorum of the Tribal Council being present for such vote.

  
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Janine Sam, Council Recorder

Attest:

  
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Stephen Parson, Council Speaker