



Little River Band of Ottawa Indians

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

Resolution No. #02-0123-03

**Authorizing the Tribal Ogema, or in his absence, the Tribal Council Speaker to
Execute an Agreement with Davis Construction, Inc. for
Phase II Construction of the Little River Waste Water Treatment Plant
in an Amount Not to Exceed \$1,862,000.00 and Consenting to Have Disputes Resolved
in the Commercial Division of the Tribal Court**

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, 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 Tribal Ogema; and

WHEREAS, the Little River Band of Ottawa Indians intends to develop a community water and waste water treatment system, which will include transmission lines, sewer mains and lift station adjacent to Dontz Road and on Tribal trust lands near Little River Casino Resort; and

WHEREAS, the Tribe's Construction Management Team, in consultation with the Tribe's Legal Department and VEC Engineering, P.L.L.C., have prepared contract specifications and terms, which were included in the bid package to which Davis Construction, Inc. responded; and

WHEREAS, the contract specifications included in the bid package to which Davis Construction, Inc. has agreed included a dispute resolution process by which the parties would attempt to mediate any disputes and by which the Tribe would agree to have disputes resolved in the Commercial Division of the Tribal Courts; and

WHEREAS, the CMT, with the assistance of the Legal Department, will prepare the final terms of the Agreement with Davis Construction, Inc., which will include the following documents: a AIA A101, A201 General Conditions, Bid Specifications, the contractor's Bid, and Supplemental Conditions to the Contract; and

WHEREAS, Article IX, Section 1 of the Constitution preserves the Tribe's immunity from suit except as authorized by resolution or in furtherance of tribal business enterprises; and


WHEREAS, the Tribal Council has determined that execution of a contract with Davis Construction, Inc. will advance important Tribal purposes and tribal business enterprises.

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 an Agreement for Construction Services (AIA form A101 and A201, as modified), with Davis Construction, Inc. for Phase II work necessary to complete the construction of the Tribal waste water treatment plant for an amount not to exceed \$1,862,000.00.

IT IS FINALLY RESOLVED THAT the Tribal Council consents to the jurisdiction of the Commercial Division of the Tribal Court to resolve disputes with Davis Construction, Inc., arising under the Agreement, as provided in Article 12, Section 7.6 of the A101 and 4.4 of the A201, as modified by the Supplemental Conditions to the Contract.

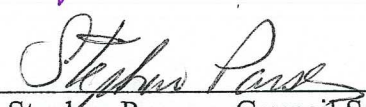
CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 1 ABSENT, and 1 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Downtown Offices located at 375 River Street on January 23, 2002, in Manistee, Michigan. A quorum of the Tribal Council being present for such vote.



Janine M. Sam, Council Recorder

Attest:



Stephen Parsons, Council Speaker

Distribution: Council Record
Tribal Ogema (w/copy to Dale Magoon)
Legal Department
Tribal Court
Davis Construction, Inc.