



Little River Band of Ottawa Indians

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

Resolution No. #02-0213-01

Approving Capital Budget for Little River Band Community Water Supply and Waste Water Treatment Facilities Project for Purposes of the Tax-exempt Loan

WHEREAS, the Band'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 Band 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 Band has determined that the development of community, public water supply and waste water treatment facilities to serve the Band's housing, governmental and enterprises on that portion of the Band's Reservation near the Band's gaming resort facilities; and

WHEREAS, the Tribal Council has, pursuant to Resolutions No. #01-1618-02 and #01-0622-02, authorized and ratified a tax-exempt financing to finance or reimburse the Tribe for the payment of costs related to the project administration, development, design, construction, equipping and operation of the public water supply system and waste water treatment facilities; and

WHEREAS, the Band's Project Accountant, in consultation with the Construction Management Team and Owner's Representative, has prepared a capital budget proposal for all costs associated with the proposed public water supply system and waste water treatment facilities, which capital budget has been reviewed with the Tribal Ogema; 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 Band and to appropriate such funds for the benefit of the Band and its members; and

WHEREAS, completion of the design, construction, equipping and initial operations of the public improvements planned will be funded through a combination of Tribal equity, grant funding and proceeds from the tax-exempt financing; and

WHEREAS, the Tribal Council has previously approved contracts for expenditures for design, equipment and construction services in furtherance of the completion of the public improvements planned, including without limitation, services provided by: VEC Engineering, PLLC, Indian Health Services, Design Plus, Inc., U.S. Filter Jet Tech Products, A.J. Venaklasen, Davis Construction and Bay Shores Construction and Land Development; and

WHEREAS, the Tribal Council wishes to approve a final capital budget specifically for purposes of the public project to be financed with proceeds from the Tax-exempt loan approved..

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts the Tax-Exempt Capital Project Budget for the Little River Band Public Water Supply and Waste Water Treatment Facilities project, dated February 13, 2002, 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 Tax-Exempt Project Hard Costs, Design/Development Costs, Project Administration, and Operating 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 all costs relating to the design, development, construction, equipping, or administration of the project to develop the water and waste water treatment facilities, including those identified in this Resolution, which have been approved or expended prior to the date of this Resolution shall be allocated to the Tax-Exempt Project Budget as described in Attachment I.

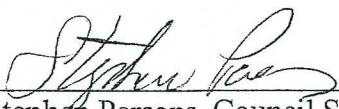
IT IS FINALLY RESOLVED THAT the Tribal Council agrees to appropriate, by separate resolution, undesignated general funds as equity towards the Tax-Exempt Project in an amount sufficient to fully fund the Tax Exempt Project Budget in combination with Tax-Exempt Loan proceeds and grant funds.

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 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians' Tribal Council held at the Little River Band Community Center on February 13, 2002, in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder

Attest: 

Stephen Parsons, Council Speaker

Presentation of Resolution Approving Budget:


Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution approving the Tax-Exempt Capital Project Budget and modifying the Operating Budget for the Tribal Government for Fiscal Year 2002 has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 2/14/02

Signature of Council Recorder: 

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

Date: 2/14/02

Signature of Ogema: 

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