



Little River Band of Ottawa Indians

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

Resolution #02-0206-04

Authorizing the Construction Management Team to Execute Change Order #28 to modify the existing Little River Band of Ottawa Indians Contract with Davis Construction Company to include the addition of the work related to the construction of two components of the community water system: 1) the Pump House, and 2) the Hydropneumatic Tank Storage Building at an additional cost not to exceed \$201,971.00 as per the specifications provided by John Anderson, IHS.

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.); and

WHEREAS, the Tribe adopted a new 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 is authorized under article IV, Section 7 to "exercise the inherent powers of the Little River Band by establishing laws and through the enactment of ordinances and adoptions of resolutions not inconsistent with this Constitution...to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members"; and

WHEREAS, the tribe has determined that the development of permanent casino/resort facilities is in the best, long-term interests of the Tribe and its members; and

WHEREAS, the Tribe has secured tax exempt financing for the overall community water and wastewater project elements which are both important components of the overall construction effort; and

WHEREAS, the Tribe has an existing Contract with Davis Construction Company for the Phase II construction of the SBR (Wastewater Treatment Plant) and also were the low bidder for both the Pump House and Hydropneumatic Tank Storage Building; and

WHEREAS, the Tribe has, pursuant to Resolution No. #01-0110-03, created a Construction Management Team to manage the construction of the Permanent Casino-Resort project under the above Agreement; and

WHEREAS, the Construction Management Team is required to present Change Orders that increase the costs of construction contracts; and

WHEREAS, pursuant to Article IV, Section 7 (i)(2) of the Tribal Constitution, the Tribal Council is authorized to manage funds within the exclusive control of the Band, pursuant to appropriations or budgets authorized by the Tribal Council; and

WHEREAS, the Construction Management Team and the Owner's Representative are recommending approval of Change Order #28 for the completion of the work described and which will increase the costs in the original contract with Davis Construction by \$201,971.00 which will be paid from funds available to the tribe through the tax exempt financing agreement with Miller-Schroeder.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves by Resolution Change Order #28 to complete the construction of the Pump House and Hydropneumatic Tank Storage Building which will assure a complete water delivery system and which were not in the original scope of work as per the existing Contract with Davis Construction Company.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby authorizes the Tribal Ogema or, in his absence, the Tribal Council Speaker, to execute a Change Order #28 as described in this Resolution.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes the associated increase in our contract with Davis Construction Company in an amount not to exceed \$201,971.00 for the work necessary to complete the construction of the remaining water system needs, i.e., the Pump House and Hydropneumatic Tank Storage Building.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 2 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 6, 2002, with a quorum being present for such vote.



Council Recorder



Attest: Council Speaker

CC: Dale Magoon, Accounting
CMT
Owner's Representative