

**Little River Band of Ottawa Indians**

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

Resolution No. #02-0213-02

**Authorizing the Construction Management Team to  
Execute Bulletin No. 42 and to Process Corresponding Change  
Orders to the Design/Build Agreement with Cunningham-Limp Company  
and Approving a Modification to the Capital Budget for the Little River Casino  
Resort Expansion Project to Re-Allocate \$126,160 for This Purpose**

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

WHEREAS, the Tribe has pursuant to Resolution No. #01-0303-02, authorized execution of a Design/Build Agreement, dated March 1, 2001, with Cunningham-Limp Company for design and construction of the Tribe's Permanent Casino/Resort (hereafter the "Agreement"); 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 Agreement; and

WHEREAS, the Tribe has, pursuant to Resolution No. #01-0303-01, approved a Capital Budget for the Little River Casino Resort Expansion, which budget included a Line Item for completion of the surveillance system for the Expansion; and

WHEREAS, Section D.4.d. of Resolution No. #01-0110-03 requires the Construction Management Team to present Changer Orders to the Agreement, which either: (a) increase the Guaranteed Maximum Price for the Project prescribed in the Agreement; or (b) would require use of any portion of the Contingency Allowance in the capital budget for the Project; 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 have presented, and are recommending approval of Bulletin No. 42, which would require execution of a Change Order for additional work associated with design and construction of a trellis over the "pit" on the gaming floor at a cost of \$126,160.00 and which would be paid by re-allocating \$126,160.00 from the Surveillance System Line Item in the Capital Budget to the Construction Cost under the Design/Development Agreement with Cunningham-Limp Development Company.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves Bulletin No. 42 and authorizes the Construction Management Team to process a corresponding Change Order incorporating the changes approved in that Bulletin to add the Work associated with construction of the trellis over the gaming tables at a cost of \$126,160.00.

IT IS FURTHER RESOLVED that the Tribal Council authorizes an incremental increase in the guaranteed maximum price in Design/Development Agreement with Cunningham-Limp Company in the amount of \$126,160.00 and approves a modification to Capital Budget approved on March 3, 2001 to re-allocate \$126,160.00 from the Surveillance Line in the Capital Budget to the Construction Line to fund the cost of such incremental work.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 3 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. A quorum of the Tribal Council 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 a modification to the 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  
Accounting Department (ATTN: Dale Magoon)  
Tribal Court  
Legal Department  
Cunningham-Limp Company