

Little River Band of Ottawa Indians

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

Resolution No. #02-0306-19

Authorizing the Tribal Ogema, or in his absence, the Tribal Council Speaker to Execute an Agreement with Davenport Masonry, Inc. for Stonework and Masonry Services Related to Exterior Signage at Little River Casino Resort in an Amount Not to Exceed \$18,561.86 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 Tribe's Construction Management Team, in consultation with the Facilities staff at Little River Casino Resort, have negotiated a scope of work for the materials and labor for stone work and masonry associated with exterior signs at Little River Casino Resort's facilities; and

WHEREAS, the CMT, in consultation with the Legal Department, has presented a contract document, which include a AIA A105, A205, and Davenport Masonry's January 25, 2002 Proposals, which include dispute resolution under 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, 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 Davenport Masonry, 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 A105 and A205, as modified), dated March 6, 2002, with Davenport Masonry, Inc., for the materials and labor for stone work and masonry associated with exterior signs as described in Davenport Masonry's January 25, 2002 proposals.

IT IS FINALLY RESOLVED THAT the Tribal Council consents to the jurisdiction of the Commercial Division of the Tribal Court to resolve disputes with Davenport Masonry, Inc., which arise under the Agreement, as provided in Article 6 of the A105.

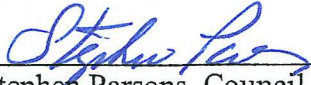
CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 1 FOR, 0 AGAINST, 2 ABSENT, and 0 ABSTAINING, at a Closed Meeting of the Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band's Downtown Offices on March 6, 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 (ATTN: Dale Magoon, Project Accountant)
Legal Department
Tribal Court
Davenport Masonry, Inc.

SERVING KENT, LAKE, MANISTEE, MASON, MUSKEGON, NEWAYGO,
OCEANA, OTTAWA AND WEXFORD COUNTIES
FAX (231) 723-8020