



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
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Resolution #02-0417-05

Approving the Execution of a Purchase Order for Landscaping Services and the Use of Contingency Funds in an Amount not to Exceed \$25,000.00 to cover the Additional Landscaping Needs to Address Concerns Related to the SBR Facility's Location (Across from the Casino-Resort Hotel).

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, 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 Tribal Council has established a both a Construction Management Team and the Owner's Representative to oversee the project as well as a process by which the project and its budget are managed; and

WHEREAS, the Tribe has secured tax exempt financing for the Community Water and Wastewater Systems which are critical components of the overall Casino-Resort expansion; and

WHEREAS, separate Contingency Funds are available to this portion of the overall project's financing package; and

WHEREAS, the Tribe had approved a basic landscaping plan (associated with Phase I) of the SBR facility's construction, and

WHEREAS, this basic plan has been determined to be inadequate to address expressed concerns related to the SBR facility's location (proximity to the hotel and resort); and

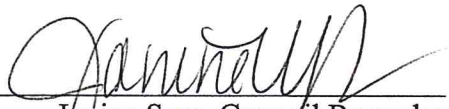
WHEREAS, being aware of the above noted concerns, the CMT arranged for three landscaping bids to address additional landscaping considerations and recommended the low bidder as the source to address these needs; and

WHEREAS, the low bid was \$17,688.00 which was developed without a full landscaping plan and because there is a possible need for adjustments to the proposal (in terms of the actual number of trees and/or sizes) so as to assure the existing landscaping needs were adequately addressed, an additional separate allowance (contingency) is also established to cover the costs of these possible needs.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the use of Contingency Funds to cover the related costs for additional landscaping in the area of the SBR in an amount not to exceed \$25,000.00.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 1 AGAINST, 0 ABSTAINING, and 1 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on April 17, 2002, with a quorum being present for such vote.


Janine Sam, Council Recorder

Attest:


Stephen Parsons, Council Speaker

CC: Dale Magoon, Accounting
CMT
Owner's Representative