



Little River Band of Ottawa Indians
375 River Street
Manistee, MI 49660
Phone (231) 723-8288
Fax (231) 723-8020

Resolution #02-0417-11

Authorizing the Construction Management Team to Execute a Change Order related to Bulletin #50 to provide for the necessary construction modifications at the bus drop-off entry area to accommodate an automated third cage that was not provided in the base contract scope of work at a cost not to exceed \$5,599.00.

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, pursuant to Resolution #01-0303-02, authorized the execution of a Design/Build Agreement, dated March 1, 2001, with Cunningham-Limp for the design and construction of the Tribe's permanent Casino-Resort; and

WHEREAS, the Tribe has, pursuant to Resolution #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 Tribe has, pursuant to Resolution #01-0110-03, approved a Capital Budget for the Little River Casino Resort Expansion, which budget included a contingency allowance in the amount of \$2,700,000.00; and

WHEREAS, Section D.4d of Resolution #02-0110-03 requires the Construction Management Team to present Change Order to the Agreement, which either: (a) increase the Guaranteed Maximum Price for the project prescribed in the Agreement; or 9(b) would require the 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 are recommending approval of the expenditure of the additional funds to cover the construction costs of the third cage, which requires approval by resolution and authorizes the execution of a Change Order to increase the project cost by \$5,050.00 for the construction considerations associated with necessary modifications to accommodate the equipment related to the third cage which would be paid from the Contingency Allowance in the Capital Budget.

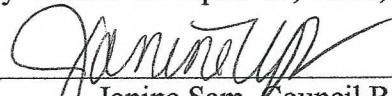
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves of the construction modifications for the third cage and further authorizes the CMT to process a Change Order to provide for this work in an amount not to exceed \$5,599.00.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby authorized the Tribal Ogema, or in his absence, the Tribal Council Speaker, to sign the related Change Order.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes an incremental increase in the guaranteed maximum price in the Agreement in the amount of \$5,599.00 and further authorizes the use of the Contingency Allowance in the Capital Budget to fund the costs of the work described.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 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