



**Little River Band of Ottawa Indians**

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

Resolution #02-0515-04

**Approving the Development of a Change Order to Davis Construction by the CMT Utilizing the Tax-Exempt Contingency Line in an Amount NOT to Exceed \$16,442.00 to Cover the Costs Associated with the Construction of a Retaining Wall Necessary to Assure the Integrity of the Effluent Line to the Drain Field that is currently exposed (by providing a means of covering & insulating it) as it Exits from the SBR Plant: this matter represents work and a cost that was not anticipated in the project's original scope of work.**

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 financing for construction considerations within the related overall construction of the SBR facility that includes a contingency line; and

WHEREAS, Davis Construction has been awarded the contract for the Phase II elements of the construction of the SBR and thereby has an existing agreement with the Tribe and could proceed with the work with a change order; and

WHEREAS, Davis Construction is aware of the problem and also currently on-site and available to undertake this additional work within impacting the established timeline for the delivery of the SBR facility and is thereby considered a sole source for this work; and

WHEREAS, this work is a project need that must be addressed in order to assure the integrity of this system; and

WHEREAS, the Tribal Council has established a project oversight system that includes both a Construction Management Team and the Owner's Representative to oversee the overall project, who have collectively reviewed this matter and recommend that this work be completed and who will also follow-up with discussions with VEC Engineering regarding shared cost possibilities (as this may be considered a design flaw); and

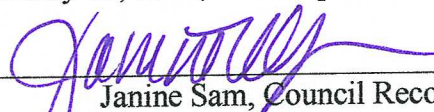
WHEREAS, pursuant to Article IV, Section 7 (i)(2) of the Tribal Constitution, the Tribal Council is authorized to manage funds within the exclusive control of the Band, pursuant to appropriations or budgets authorized by the Tribal Council; and

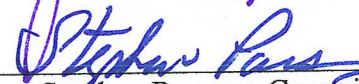
WHEREAS, the Construction Management Team and the Owner's Representative recommend approval of the expenditure of the additional funds to cover the costs of constructing the retaining wall that will adequately alleviate the problem of the exposed effluent line.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the expenditure of an amount not to exceed \$16,442.00 from the Contingency Line of the tax-exempt loan funds to cover the additional cost of the retaining wall that was not included in the project's original scope of work.

#### CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 3 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on May 15, 2002, with a quorum being present for such vote.

  
Janine Sam, Council Recorder

  
Stephen Parsons, Council Speaker

Attest:

CC: Dale Magoon, Accounting  
CMT  
Owner's Representative