



Little River Band of Ottawa Indians

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

Resolution No. #02-0717-08

Approving a Modification to the Capital Budget for the Little River Casino Resort Expansion Project to Re-Allocate \$91,010 from the Contingency Line to the Project Administration Line Item for Additional Fees and Expenses Under the Owner's Representative Agreement with Bay Shores Construction & Land Development

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 authorized execution of an Agreement, dated February 1, 2001, with Bay Shores Construction & Land Development, Inc. for Owner's Representative services in connection with the 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 Project Administration that included a line item in the amount of \$250,000.00 for fees and expenses incurred for Owner's Representative services under the Agreement; and

WHEREAS, the Tribal Council did, by Resolution, approve a Modification of the Capital Budget to re-allocated funds from the Contingency Line to the Project Administration Line for additional fees and expenses associated with the Owner's Representative services; and

WHEREAS, Section D.4.d. of Resolution No. #01-0110-03 requires the Construction Management Team to request Tribal Council approval for any Change Orders, 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 Owner's Representative's billings for fees for Basic Services and reimbursable services under the Agreement have, and will, exceed the \$375,000.00 budgeted for such purposes; and

WHEREAS, the Construction Management Team, in consultation with the Project Accountant, is requesting approval of a modification to the Capital Budget to re-allocate an additional \$91,010.00 from the Contingency Line in the Capital Budget to the Project Administration portion of the Budget to cover additional fees and expenses charged to the Owner's Representative Agreement during the period June 2002 through August 2002.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves a modification to Capital Budget approved on March 3, 2001 to re-allocate and additional \$91,010.00 from the Contingency Line in the Capital Budget to the Project Administration portion of the Budget to fund additional fees and expenses charged by the Owner's Representative from June 1, 2002 through August 31, 2002.

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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 portion of the Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band's Downtown Offices on July 17, 2002, in Manistee, Michigan. A quorum of the Tribal Council being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

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 has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 7/18/02

Signature of Council Recorder: 

Action by the Tribal Ogema: Approved Disapproved (attach comments)

Date: 7/19/02

Signature of Ogema: 

Distribution: Tribal Council Records
Accounting Department (ATTN: Dale Magoon)
Construction Management Team
Tribal Court
Legal Department
Bay Shore Construction & Land Development