

**Little River Band of Ottawa Indians**

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

Resolution No. #02-0717-11

**Authorizing the Tribal Ogema, or in his absence, the Tribal Council Speaker to Execute a Professional Services Agreement with Nealis Engineering, Inc. for Consulting Services Related to inspections for the interim casino modifications, SBR plant, the well pump house, and hydro-pneumatic building in an amount not to exceed \$3,500 without prior written approval of the Tribal Council and consenting to have disputes resolved in the Commercial Division of the Tribal Court.**

WHEREAS, the Band'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 Band 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 Band's Constitution, the Tribal Ogema, or in his/her absence, the Tribal Council Speaker, is authorized to represent the Band in its relations with other organizations and manage the economic affairs/enterprises of the Band, in a manner consistent with the Band's 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 Band's Construction Management Team (CMT), in consultation with the Owner's Representative retained for the Casino Resort expansion project, has recommend retainage of a consultant, Nealis Engineering, Inc., to provide plumbing, mechanical, (HVAC), and electrical construction inspections for the interim casino modifications, SBR plant, the well pump house, and hydro-pneumatic building in accordance with Nealis Engineering's Scope of Work dated July 15, 2002 and incorporated into the Professional Services Contract; and

WHEREAS, the CMT, in consultation with the Legal Department, has presented a Professional Services Agreement, which incorporates the Description of Services and which would further provide that any dispute arising under the Agreement would be resolved in the Commercial Division of the Tribal Courts; and

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OCEANA, OTTAWA AND WEXFORD COUNTIES  
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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 Nealis Engineering, 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 a Professional Services Agreement with Nealis Engineering, Inc. to provide plumbing, mechanical, (HVAC), and electrical construction inspections for the interim casino modifications, SBR plant, the well pump house, and hydro-pneumatic building in accordance with Nealis Engineering, Inc.'s Scope of Work proposal dated July 15, 2002 and incorporated by reference into the Contract.

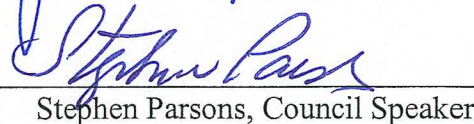
IT IS FURTHER RESOLVED THAT this contract shall not exceed the amount of \$3,500 without prior written approval from the Tribal Council.

IT IS FINALLY RESOLVED THAT the Tribal Council consents to the jurisdiction of the Commercial Division of the Tribal Court to resolve disputes with Nealis Engineering, Inc., arising under the Agreement, as provided in Professional Services Agreement.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with    FOR,    AGAINST,    ABSENT, and    ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Community Center 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:

Distribution: Council Record  
Tribal Ogema  
Construction Management Team (cc: Dale Magoon)  
Nealis Engineering, Inc.  
Legal Department