



**Little River Band of Ottawa Indians**

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

**Resolution #02-0821-02**

*Approving Change Order # 34 in an Amount not to Exceed \$83,000.00 to Cover Costs Associated with Completing the Community Wastewater Treatment System Project*

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 tax-exempt financing for the construction of the Community Wastewater Treatment System (SBR Facility) wherein there exists a contingency line that can be utilized to manage the costs; 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, with a Change Order, could proceed with the arrangements to complete the necessary work through its subcontractors; and

WHEREAS, Davis Construction is aware of the issues 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, all of this work is a project need that must be addressed in order to bring the SBR Plant into full operation; 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 the needed work with the Utility Director, Davis Construction and Advantage Electric (with expected follow-up discussions with VEC Engineering regarding shared cost possibilities; 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 costs related itemized in the attachments to this resolution; and

WHEREAS, the Tribe is now reasonably assured of having approximately \$380,000.00 to \$400,000.00 infused into the SBR facility as a result of now being able to draw down grant funds specifically for this overall project element, which would therefore cover the costs related to this Change Order and also reduce the overall cost of the project.

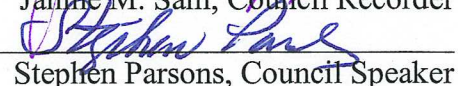
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves Change Order # 34 as presented by the Construction Management Team, which does not change the guaranteed maximum price of the Community Wastewater Treatment System Project.

#### 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, 2 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Downtown Offices on August 21, 2002, with a quorum being present for such vote.

Attest:

  
Janine M. Sam, Council Recorder

  
Stephen Parsons, Council Speaker

CC: Dale Magoon, Accounting  
CMT & Owner's Representative  
Davis Construction (via CMT)