

**Little River Band of Ottawa Indians**

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

**Resolution # 02-0911-10**

*Authorizing the Construction Management Team to Execute a Change Order that increases the contract amount with Davis Construction Company by in an amount not to exceed \$14,000.00 to cover the costs of work related to modifications to the sludge storage tanks necessitated by continued grease buildup in the wastewater treatment system*

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 the permanent casino/resort facilities is in the best, long-term interests of the Tribe and its members; and

WHEREAS, the Tribe had previously entered into an agreement with Davis Construction Company for Phase II elements of the SBR project, a critical element of the community water and wastewater system; 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 (including the community water and wastewater treatment systems) under the above Agreement; and

WHEREAS, the CMT has worked with the SBR Director and discussed the related issues with Davis Construction and determined that modifications to the sludge storage tanks needs to be undertaken in order to help assure that the plant is better to

manage the continued grease buildup within the wastewater treatment system, including the sludge tanks directly involved and further determined that the costs related to the recommended modifications will not exceed a total cost of \$14,000.00; and

WHEREAS, Section D.4d of Resolution No. 01-0110-03 requires the Construction Management Team to present Change Orders to the Agreement, which either: (a) increase the Guaranteed Maximum Price for the project prescribed in the Agreement; or 9b) 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 Construction Management Team has reviewed and recommends the approval of the related Change Order to Davis Construction Company in an amount to exceed \$14,000.00 with the understanding that it is the intent of the CMT to address the costs related to this work with Casino Operations to ascertain whether these costs should belong to the Casino-Resort as this work is required due to the large amounts of grease being introduced into the wastewater treatment system, a problem which has greater possible untoward consequences as the weather gets colder thereby allowing the grease in the system to harden.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves by Resolution the Change Order associated with Davis Construction Company's work as described for additional services not covered in the original scope of work in an amount not to exceed \$14,000.00.

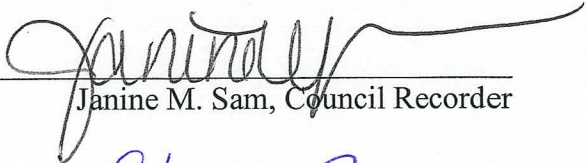
IT IS FURTHER RESOLVED THAT the Tribal Council hereby authorizes the Tribal Ogema or, in his absence, the Tribal Council Speaker, to execute the above mentioned Change Order.


IT IS FURTHER RESOLVED THAT the Tribal Council authorizes an increase in the budget line for Davis Construction Company in the amount of in an amount not to exceed \$14,000.00 and authorizes said payment for the costs of this work through the contingency line of the tax-exempt loan.



**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 1 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Downtown Offices on September 11, 2002, with a quorum being present for such vote.

  
\_\_\_\_\_  
Janine M. Sam, Council Recorder

  
\_\_\_\_\_  
Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court  
Legal Department  
Construction Management Team



**CERTIFICATION OF EXECUTION**

At a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Downtown Offices on September 12, 2002, with a quorum being present for such vote, the Tribal Council adopted Resolution # 02-0911-10.

By my signature, I certify that an original of said Resolution was delivered to the Tribal Ogema for Execution in accordance with Article V, Section 5, (Sub. 2) of the Little River Band of Ottawa Indians Tribal Constitution.

Date delivered to Ogema: 9-13-02 Time: 4:15 PM

Signature of Recorder: [Signature]

Acknowledgement of Receipt by Tribal Ogema: \_\_\_\_\_

Manner of Execution determined by Tribal Ogema:

☐ Copy of Resolution forwarded to Personnel/Department, with instructions for Execution (written instructions attached):

\_\_\_\_\_  
Name Title

☐ Creation of New Regulation or Executive Order Regulation/Executive Order Number: \_\_\_\_\_

☐ Expected date of completion: \_\_\_\_\_

☐ Other: \_\_\_\_\_

☐ Ogema requires additional information from the Tribal Council in order to complete Execution as follows:

Returned to Tribal Council for further action on: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Ogema \_\_\_\_\_