



Little River Band of Ottawa Indians

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

Resolution No. #02-0925-07

**Authorizing Execution of a Second Amendment to the Owner's Representative
Contract with Bay Shores Construction & Land Development**

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 the absence of, 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 and Owner's Representative entered into an Agreement dated as of January 10, 2001 (the "Agreement") under which the Band retained the Owner's Representative to perform certain services in connection with design, construction and equipping of a permanent casino, hotel, conference center, RV park and related facilities (the "Project").

WHEREAS, the Band's Construction Management Team and the Owner's Representative wish to amend the Agreement as provided below to delete certain Articles in the Agreement to clearly define the limited scope of continued services to be provided by the Owner's Representative under the Agreement after August 31, 2002.

WHEREAS, the Band and Owner's Representative also wish amend the Agreement to prescribe the Owner's Representative's responsibilities to Owner complete those tasks necessary to make final payment to the Design/Builder and all Subcontractors on the Project, to complete those services described in Article 14 of the Agreement, and to complete a financial close-out and audit of the Project; and

WHEREAS, the Band and the Owner's Representative also wish to amend the Agreement to delete Article 13 of the Agreement and to replace that Article with the compensation terms provided for in a Second Amendment; and

WHEREAS, the Bay Shore Construction and the Construction Management Team have requested approval of a second amendment to the Owner's Representative which incorporates the terms described above; and

WHEREAS, the Tribal Council has determined that approval of the Second Amendment to the Agreement with Bay Shore Construction will ensure that the Owner's Representative services are completed in the most cost-effective manner, consistent with Project objectives.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Tribal Ogema, or in the absence of, the Tribal Council Speaker, to execute a Second Amendment to the Agreement with Bay Shores Construction and Land Development Company in form presented with this Resolution.

IT IS FINALLY RESOLVED THAT the Tribal Council authorizes use of the Contingency Allowance in the Capital Budget, if necessary, to fund the cost of such incremental work.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 5 FOR, 2 AGAINST, 2 ABSENT, and 0 ABSTAINING, at a Closed Meeting portion of a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band's Downtown Offices located at 375 River Street in Manistee, Michigan on September 25, 2002. A quorum of the Tribal Council being present for such vote.


Janine M. Sam, Council Recorder


Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema (Attn: Dale Magoon)
Legal Department
CMT/Bay Shore Construction