



Little River Band of Ottawa Indians

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

Resolution # 04-0630-286

Further Clarifying and Establishing the Authority of the Development Committee for the Little River Casino Resort Expansion

WHEREAS, the status of the *Gaa' Čhing Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; 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(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council approved the Little River Casino Resort *Expansion Project* which consists of additional hotel rooms, entertainment venue and sports bar; and

WHEREAS, the Tribal Council approved the creation of a Development Committee by resolution # 04-310-115 and delegated certain responsibilities and authorities; and

WHEREAS, the Transition Oversight Committee concluded negotiation of an Architect Contract with Hnedak Bobo Group, Inc. which further identified the delegation of authority related to approval of drawings for development and construction; and

WHEREAS, the Tribal Council has approved the Architect contract by resolution # 04-0623-271; and

WHEREAS, the Tribal Council has determined that it is important to further clarify and identify the authorities and responsibilities delegated to the Development Committee;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby further identifies the responsibilities of the Development Committee as follows.

a. The Tribe's designated representative for purposes of the Expansion Project is the Development Committee, which will engage a separate technical advisor to advise it on project matters. The Development Committee is authorized to take the following actions:

1. To make all decisions regarding construction activities, subject only to limitations set forth below; and
2. To have executory power related to all aspects of the Expansion Project, provided that any changes exceeding the cost figure(s) specified in the Project Budget shall require approval by resolution adopted by the Tribal Council. The Development Committee will have the authority to deviate from line items in the budget as long as the collective impact of such deviations does not cause the cost of the Expansion Project to exceed the aggregate cost specified in the Project Budget identified in Schedule 1.1.2.2 of the Architect Contract and as may be amended from time to time by the Tribal Council.
3. To have executory power related to all aspects of the Final Budget in regards to Project Costs and Other Expenses, provided that any changes exceeding the cost figure(s) specified in the Final Budget shall require approval by resolution adopted by the Tribal Council. The Development Committee will have the authority to deviate from line items in the budget as long as the collective impact of such deviations does not cause the cost of the Final Budget to exceed the aggregate cost specified in the Final Budget, nor the total budget amount within the Project Costs and Other Expenses Categories, as may be amended from time to time by the Tribal Council. The Final Budget is defined by resolution # 04-0630-285, and includes the categories of Expansion Project budget costs - Project Costs, Loan Fees, Other Expenses.

b. The Development Committee consists of Lee A. Sprague, Ogema, Brian Medacco, Councilor, and James B. LaPorte, LRCCR General Manager. The contact person for the Development Committee is James B. LaPorte. The Tribal Council will advise the Architect of any changes in the Development Committee.

c. In addition to the Development Committee review of the Architect's submittals to the Development Committee, Tribal Council shall be required to approve the following:

1. Schematic Design Documents;
2. Project Budget identified in Schedule 1.1.2.2 of the Architect Contract;
3. Change Orders that exceed the approved Project Budget or change the scope of the approved Construction Project;
4. Construction Manager Contract; and
5. Technical Advisor/Representative Contract.

d. Development Committee may approve the following:

1. Design Development Documents;
2. Construction Documents;
3. Award of Construction contracts and subcontracts by Construction Manager for the purposes of identifying and implementing Indian preference guidelines in the Construction Manager contract and in this contract; and
4. Change Orders that do not exceed the approved Project Budget or change the scope of the approved Expansion Project.

IT IS FURTHER RESOLVED THAT all actions of the Development Committee regarding the Expansion Project must be in writing and in one of the following categories.

- a. Change Order as commonly utilized in the construction industry - signed by all three members.
- b. Minutes which contain motions and brief descriptions of discussions - signed by Jim LaPorte.
- c. Memos which identify direction or action that does not rise to the level of a change order but must be memorialized - signed by two members.

IT IS FURTHER RESOLVED THAT all actions which require change orders must be approved by all three Development Committee members. Decisions which identify direction or action that do not rise to the level of a change order, but must be memorialized, must be approved by two of the three members.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby appoints Councilor Kleeman as an alternate to the Development Committee who shall have the authority to vote in the absence of Councilor Medacco or Ogema Sprague during the entire meeting, and shall be required to attend all meetings and may participate in all discussions.

IT IS FURTHER RESOLVED THAT members of the Development Committee are not authorized to attend via telephone conferencing and must attend in person.

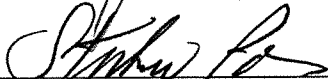
IT IS FINALLY RESOLVED THAT nothing in this resolution, nor in resolution # 04-0310-115 shall authorize, delegate, or otherwise imply, any authority to waive the sovereign immunity of the Tribe through approvals and executions of change orders, requests for bids or proposals, contracts or subcontracts, or other documents or decisions of the Development Committee, whether by the Committee or a member(s) thereof, except as already explicitly set forth in the Architect's Contract approved by resolution # 04-0623-271, and as may be authorized under additional resolutions separately approved by the Tribal Council. Provided that, the actions of the Development Committee shall not be considered a waiver of the sovereign immunity of the Tribe where that action is not within the scope of an approved contract which contains a waiver, or limited waiver, of the sovereign immunity of the Tribe as identified by a resolution adopted by the Tribal Council.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 1 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on June 30, 2024, at the Little River Band's Conference Room in Manistee, Michigan, 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