

Little River Band of Ottawa Indians

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

Resolution # 05-0105-6

*Ratification of Contract with Gosling Czubak Engineering Services, Inc., to Provide
Testing for the Little River Casino Resort Expansion Project*

WHEREAS, the status of the *Gaá Čhíng 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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; 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 is authorized under Article IV, Section 7(b) to authorize and ratify agreements negotiated by the Ogema; and

WHEREAS, the Tribal Council created the Development Committee to manage the Little River Casino Resort Expansion Project (*Project*); and

WHEREAS, the Development Committee has determined that testing of construction materials throughout the Project is necessary in order to provide for a quality built and safe facility; and

WHEREAS, the Development Committee has received a proposal from Gosling Czubak Engineering Services, Inc., to provide testing for the project and has identified the costs associated with each testing method;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the contract with Gosling Czubak Engineering Services, Inc., to provide testing for the Little River Casino Resort Expansion Project.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes a limited waiver of sovereign immunity for dispute resolution actions in the Commercial Division of the Tribal Court of the Little River Band of Ottawa Indians. Damages awarded against the Tribe in satisfaction of any enforcement proceedings under the contract shall be awarded only from the following:

(i) repossession of the equipment being sold under the Agreement; provided that any purchase money security interest retained by the vendor shall be immediately discharged upon receipt of the purchase price for the goods and services under this contract; and


(ii) net gaming revenues of the Tribe distributed to the /Tribe.

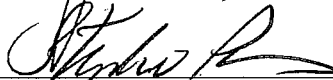
Damages awarded against the Tribe shall not constitute a lien upon or be collectable from any other income or assets of the Tribe, except with the Tribe's consent.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on January 5, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.

Attest:


Janine M. Sam, Council Recorder


Stephen Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Tribal Court