



**Little River Band of Ottawa Indians**

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

**Resolution # 05-0309-108**

*Ratification of the Guaranteed Maximum Price, Amendment 1, to the Construction Manager Contract with Chirstman/Kraus Anderson to Complete Phase I of the Little River Casino Resort Expansion Project*

WHEREAS, the status of the *Gaá 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 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 has approved the Little River Casino Resort Expansion Project (*Expansion Project*) which consists of additional hotel rooms, entertainment venue, and conference rooms; and

WHEREAS, the Tribal Council has approved the creation of the Development Committee by resolution # 04-0310-115 and delegated certain responsibilities and authorities to that entity; and

WHEREAS, the Tribal Council has ratified the Architect Contract for the development of the entire Expansion Project with Hnedak Bobo Group, Inc., as amended, which identifies estimated project costs in schedule 1.1.2.2; and

WHEREAS, the Tribal Council has ratified the Construction Manager Contract for the construction of the Expansion Project with Christman/Kraus Anderson, which requires the submission of a Guaranteed Maximum Price for approval by the Tribe for each Phase of the Expansion Project for which they are authorized to proceed; and

WHEREAS, the Tribal Council approved a Final Project Budget by resolution # 04-0630-285 based on the estimated project costs which was subject to finalization upon submission of construction design documents; and

WHEREAS, the Tribal Council approved the Master Site Plan by resolution # 04-0811-334 which sets forth the current and future development plans for the Little River Casino Resort site; and

WHEREAS, the Tribal Council has approved the First Amended Project Budget for the Expansion Project, by resolution # 04-0811-335, based on the schematic design submitted by the Architect in order to clarify the project budget; and

WHEREAS, the Tribal Council received the first draft of the Guaranteed Maximum Price for Phase I from the Construction Manager and approved amendments to the Project Budget for Phase I, by resolution # 05-0223-88, in order to begin Construction Loan funds transfers to make payments to contractors; and

WHEREAS, the Tribal Council has received the final draft of the Guaranteed Maximum Price for Phase I, which is in the form of a First Amendment to the Construction Manager Contract, which has been reviewed by the Development Committee's Technical Representative and Legal Counsel, and has been reviewed and approved by the Development Committee;

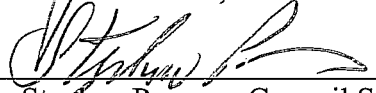
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies "Amendment No. 1 - Guaranteed Maximum Price Phase I" to the Construction Manager Contract between the Tribe and Christman/Kraus Anderson and authorizes the amendment to be entered into.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby identifies that nothing in this resolution or the amendments shall affect the limited waivers of sovereign immunity in granted by resolution # 04-1110-450 adopted the Tribal Council under authority granted in Article XI, Section 1, of the Constitution.

**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, 0 ABSTAINING, and 2 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on March 9, 2005, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.

  
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Janine M. Sam, Council Recorder

  
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Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court