

Little River Band of Ottawa Indians

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

Resolution # 05-0928-472

Approving the Request for an amendment to the original contract dated August 21, 2003 between AKT Peerless Environmental Services and the Little River Band of Ottawa Indians for Professional Environmental Consulting Services for the Brownfield Assessment Demonstration Pilot Program in the amount not to exceed \$16,385

WHEREAS, the status of the Gaá Čhíng Zííbi Daáwaa Anířhinaábek (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, pursuant to Article IV, Section 7(b) of the Constitution of the Little River Band of Ottawa Indians ("Tribal Constitution"), has the power to ratify contracts negotiated on behalf of the Band; and

WHEREAS, the Tribal Council, pursuant to Article XI, Section 1, has the authority to waive the Tribe's immunity from suit and consent to the jurisdiction of courts to resolve disputes arising under agreements to which the Tribe is a party; and

WHEREAS, the original project period of the LRBOI's U.S. Environmental Protection Agency (the "EPA") grant under the Brownfield Assessment Demonstration Pilot (the "Pilot Program") was October 1, 2002 through September 30, 2005, and

WHEREAS, the EPA has granted a time extension of the Pilot Program grant period for an additional one (1) year ending on September 30, 2006, and

WHEREAS, the EPA has approved a revised project budget of the Pilot Program allowing an additional \$16,385 of grant funds to be allocated to the Consultant, and

WHEREAS, the total additional fees, charges, costs to the LRBOI by Consultant, beyond that as agreed pursuant to the original Contract, shall not exceed \$16,385, and

WHEREAS, the Contract between the LRBOI and the Consultant specifies that any modifications of the Contract must be facilitated by a written mutual agreement of LRBOI and Consultant; and

WHEREAS, all provisions of the original Contract between the LRBOI and the Consultant for the Pilot Program grant project shall remain unchanged and in effect except that the expiration date of the contract shall be extended through September 30, 2006 and total additional fees, charges, costs to the LRBOI by Consultant, beyond that as agreed pursuant to the original Contract, shall not exceed \$16,385.

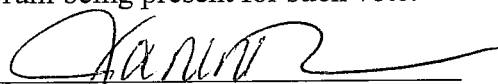
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians does hereby approve the request to amend the original contract dated August 21, 2003 between AKT Peerless Environmental Services and the Little River Band of Ottawa Indians for Professional Environmental Consulting Services for the Brownfield Assessment Demonstration Pilot Program *in the amount not to exceed \$16,385 to the original contract dated August 21, 2003 between AKT Peerless Environmental Services and the Little River Band of Ottawa Indians for Professional Environmental Consulting Services for the Brownfield Assessment Demonstration Pilot Program.*

NOW THEREFORE IT IS FURTHER RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Ogema, or in the Ogema's absence, the Tribal Council Speaker, to execute the Contract Amendment.

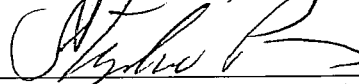
NOW THEREFORE IT IS FINALLY RESOLVED THAT the ratification of this amendment includes and incorporates the original limited waiver of sovereign immunity granted in Resolution #03-0924-306, which ratified the original contract and provided a limited waiver of sovereign immunity.

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, 0 ABSTAINING, 0 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on September 28, 2005, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest: