



Little River Band of Ottawa Indians

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

Resolution # 05-1005-499

Authorization to Contract with Basch and Son, Inc. to complete improvement and restoration along M-22 Water Main Extension and Authorizing a Limited Waiver of Sovereign Immunity as Identified in the Contract

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(a)(4) and (c) to manage the properties of the Tribe; and

WHEREAS, the Housing Commission had identified a housing project and received dedication of the property for a housing subdivision titled Aki Maadiziwin by the Tribal Council; and

WHEREAS, the Little River Casino Resort has identified a master plan and received dedication of that master plan for the Resort's property by the Tribal Council; and

WHEREAS, the Tribal Council has dedicated infrastructure in water and sewer utilities to both projects by resolution; and the Housing Commission, Housing Department and the Little River Casino Resort have identified additional long and short term needs in water utility services; and the Water Tower Project and is being developed and slated for completion by November of this year.

WHEREAS, the Tribal Council approved the construction of water main extension to connect the water tower with the main pipelines that will feed water to the Aki maadiziwin subdivision and the Little River Casino and Resort.

WHEREAS, the water main extension work has been completed, however, restoration of the properties where the water main was laid is required by the Michigan Department of Transportation to levels exceeding the ones contracted with the water main extension construction company; and

WHEREAS, the Housing Department called for bids based on scope of work prepared by the Engineer in charge of managing the project and only one company, Basch and Son, Inc. replied to the bid, and their bid in the amount of \$17,100.00 is reasonable and in agreement with market prices for similar jobs;

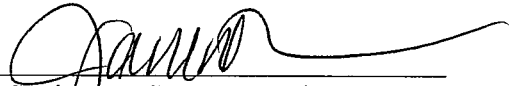
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby authorizes the Ogema to contract with Basch and Son, Inc. to complete the required improvements and restoration along the M-22 Water Main Extension project in the amount of \$17, 100.00 to be funded through grant funds awarded by the Indian Health Services.

IT IS FURTHER RESOLVED THAT the Tribal Council authorizes a limited waiver of sovereign immunity for the purposes of consenting to be sued in its Tribal Court system, and limited to the funds identified as current block grant funds, and special revenue funds.

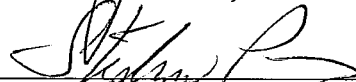
IT IS FINALLY RESOLVED THAT the Tribal Council identifies that no general revenue funds have been, or will be, appropriated for purposes of support of the contract or project as the project is fully funded through block grant revenue.

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 October 5, 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:

Distribution: Council Records
Tribal Ogema
Tribal Court