



## Little River Band of Ottawa Indians

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

### Resolution # 05-1015-518

#### *Ratification of Quote with Kerkstra Precast for Concrete Building Products Regarding Phase II of the 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 adopted resolution # 04-0310-115 which created the Development Committee and directed it to manage the Little River Casino Resort Expansion Project (*Expansion Project*); and

WHEREAS, the Tribal Council adopted resolution # 04-0526-228 which ratified the construction loan commitment letter to begin the financing process for the Expansion Project; and

WHEREAS, the Tribal Council adopted resolution # 04-0630-285 which established a final budget for Expansion Project that set limitations on financial authority of the Development Committee; and

WHEREAS, the Tribal Council adopted resolution # 04-0630-286 which clarified Development Committee authority in regards to the Expansion Project; and

WHEREAS, the Tribal Council adopted resolution # 04-0709-294 which ratified the loan documents for the Expansion Project; and

WHEREAS, the Tribal Council adopted resolution # 04-0811-335 which established the amended budget for Expansion Project; and

WHEREAS, the Tribal Council adopted resolution # 05-0223-88 - establishing amended budget for Phase I of the Expansion Project and superseded all other budget identification resolutions; and

WHEREAS, the Tribal Council adopted resolution # 05-0518-212 approving the proposed budget for the Development Committee for Phase II Pre-construction; and

WHEREAS, the Tribal Council has adopted resolution # 05-0803-351 which committed to the construction of Phase II of the Expansion Project and directed that the budget for Phase II be brought forward for approval;

WHEREAS, the Tribal Council adopted resolution # 05-0928-478 - establishing the budget for Phase II of the Expansion Project; and

WHEREAS, the Development Committee has identified the sub-contractor to create the concrete forms for the final Hotel Structure and negotiated costs and times with the contractor such that substantial savings in cost and time are realized and have requested the Tribal Council to ratify the quote which will allow the contractor to begin engineering the concrete forms; and

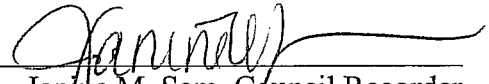
WHEREAS, a final sub-contractor agreement is substantially complete and will incorporate the terms of the quote will be presented for ratification to the Tribal Council in a timely manner;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby ratifies the quote from Kerkstra Precast and authorizes the Ogema, or the Tribal Council Speaker in his absence, to sign the quote authorizing the work to begin.

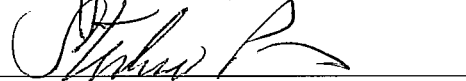
IT IS FURTHER RESOLVED THAT the Tribal Council, under authority granted in Article XI, Section 1, of the Constitution, hereby authorizes a limited waiver of sovereign immunity authorizing the collection of damages as identified in Paragraph G.4 of the contract, namely costs associated with the project and reasonable attorney's fees, and associated interests on amounts payable, in the event of termination of the contract by the Tribe. Such limited waiver of sovereign immunity authorizes suit to be filed in Federal or Tribal Court only.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 1 ABSTAINING, 1 ABSENT, and 1 VACANT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on October 15, 2005, 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