

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL RESOLUTION # 042510-01

Authorization for Standard Construction and Design Contracts

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians ("LTBB" or "Tribe") is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS LTBB frequently engages contractors for construction and design work;

WHEREAS standard construction and design contracts prepared by the American Institute of Architects (AIA) and the Engineers Joint Contract Documents Committee (EJCDC), as modified to fit the specific projects, generally provide thorough, objective documents mutually agreeable to owners, architects, engineers and construction contractors;

THEREFORE BE IT RESOLVED that when entering into construction or design contracts for projects for which any necessary Tribal Council approvals or authorization have already been obtained, the Executive Branch is authorized to use standard AIA or EJCDC documents, as modified to fit the specific projects, without further Tribal Council action. Such contracts may include dispute resolution provisions so long as LTBB Tribal Court is the sole jurisdiction for hearing disputes, or for enforcing mediation or arbitration decisions. If the project is located on trust land, standard contract language that references "a court of competent jurisdiction" is acceptable. Construction and design contracts cannot include waivers of sovereign immunity in other jurisdictions without express separate Tribal Council authorization.

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CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held April 25, 2010 at which a quorum was present, by a vote of 8 in favor, 1 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Belinda Bardwell	X			
Gerald V. Chingwa	X			
Melvin L. Kiogima	X			
Marvin Mulholland	X			
Rita Shananaquet		X		
Aaron Otto	X			
John Bott	X			
Regina Gasco Bentley	X			
Julie Shananaquet	X			

Date: 4-25-10

Julie Shananaquet, Legislative Leader

Date: 4-25-10

Regina Gasco Bentley, Secretary

Received by the Executive Office on 4-26-10 by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 5-4-10

Kenneth J. Harrington, Tribal Chairman