

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

**TRIBAL RESOLUTION # 050607-03**

**Authorization for Sovereign Immunity Waiver in Construction Contract  
with Robert T. Cole, General Corporation**

- WHEREAS** the Waganakising Odawak, known as the Little Traverse Bay Bands of Odawa Indians, is a nation of citizens with inherent sovereignty and right to self-governance and;
- 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 being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621) and;
- WHEREAS** the Tribal Council has approved a capital project budget and appropriated funding to build a Community Building for the Wah-Wahs-Noo-Da-Ke development and;
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians (“LTBB” or “Tribe”) has negotiated a Construction Manager/Constructor Contract with Robert T. Cole, General Corporation, for building the Community Center, with a GMP (Guaranteed Maximum Price) that will not exceed \$400,000.00, that includes a dispute resolution provision and;
- WHEREAS** section 2.1 of the Management of Capital Projects policy, approved by Tribal Council through Resolution 050706-09, states that “The construction services contract will be approved by the work group unless above 1 million dollars then by Tribal Council” and;
- WHEREAS** the proposed contract contains a dispute resolution provision consisting of mediation followed by binding arbitration which may be entered and enforced in LTBB Tribal Court, or Federal Court only if the LTBB Court fails to act within 60 days and;
- WHEREAS** under Article XVIII of the LTBB Constitution the Tribe is immune from suit “except to the extent that the Tribal Council clearly and expressly waives its sovereign immunity.”

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General Corporation

**THEREFORE BE IT RESOLVED** that the Tribe authorizes an express waiver of its sovereign immunity for the specific and limited purpose of binding itself to the dispute resolution provisions set out in the Construction Services Agreement between LTBB as Owner and Robert T. Cole, General Corporation as Construction Manager/Constructor.

**CERTIFICATION**

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal 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 May 06, 2007 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

|                      | In Favor | Opposed | Abstained | Absent |
|----------------------|----------|---------|-----------|--------|
| Regina Gasco Bentley | X        |         |           |        |
| Fred Harrington, Jr. | X        |         |           |        |
| Dexter McNamara      | X        |         |           |        |
| Mary Roberts         | X        |         |           |        |
| Rita Shananaquet     | X        |         |           |        |
| Alice Yellowbank     | X        |         |           |        |
| Shirley Oldman       | X        |         |           |        |
| Melvin L. Kiogima    | X        |         |           |        |
| Beatrice A. Law      | X        |         |           |        |

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Beatrice A. Law, Legislative Leader

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Melvin L. Kiogima, Secretary

Received by the Executive Office on \_\_\_\_\_ 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: \_\_\_\_\_  
 \_\_\_\_\_  
 Frank Ettawageshik, Tribal Chairperson

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