

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

**RESOLUTION # 080705-02**

**Approval of Construction Services Contract with Clark Construction Company**

**WHEREAS:** the Little Traverse Bay Bands of Odawa Indians (“LTBB” or “Tribe”) has negotiated a Construction Services Agreement with Clark Construction Company (“Clark”) for Clark to serve as construction manager/constructor of the New Casino and Hotel Project

**THEREFORE BE IT RESOLVED** that the Tribal Chairman, by and on behalf of the Little Traverse Bay Bands of Odawa Indians, is authorized to execute the Construction Services Agreement between LTBB as Owner and Clark Construction Company as Construction Manager/Constructor;

**BE IT FURTHER RESOLVED** that the Tribe expressly waives its sovereign immunity for the specific and limited purpose of irrevocably binding itself to the dispute resolution provisions set out in Article 9 of the Agreement. By so doing the Tribe waives any objection or defense it would otherwise have to submit to mediation, binding arbitration and the jurisdiction of the LTBB and Federal Courts as set out in said Article 9;

**BE IT FINALLY RESOLVED** that the AIA Document A121 CMc – 2003 Amendment No. 1 for the Guaranteed Maximum Price (GMP) with Exhibits referenced in the Construction Services Agreement must be submitted to and authorized by Tribal Council before taking effect.

**CERTIFICATION**

As Tribal Chairman and Tribal 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 August 7, 2005 at which a quorum was present, by a vote of 5 in favor, 1 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Ettawageshik	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Beatrice Law	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Alice Yellowbank	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Dexter McNamara	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Fred Harrington, Jr.	<u>          </u>	<u>          </u>	<u>          </u>	<u>X</u>
Rita Shananaquet	<u>          </u>	<u>X</u>	<u>          </u>	<u>          </u>
Regina Bentley	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

Date: \_\_\_\_\_

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Frank Ettawageshik, Tribal Chairman

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Dexter McNamara, Tribal Secretary