

Revenue Allocation Plan Regulations
REVENUE ALLOCATION PLAN REGULATIONS
Regulation #R100-11: RAP-01
Chapter 2. Unclaimed Per Capita Payments

Section 1. Authority; Purpose

1-1. *Authority.* In accordance with resolution #08-0123-20 which authorized the Revenue Allocation Plan and associated per capita distribution eligibility.

1-2. *Purpose.* This policy is intended to provide a framework for ensuring that the Revenue Allocation Plan is understood, and accompanying procedures are uniformly applied. Guidelines are placed to aid in the administration of the Revenue Allocation Plan.

Section 2. Definitions

2-1. *General.* For purposes of this regulation, certain terms are defined in this section. The word shall is always mandatory and not merely advisory.

2-2. *Per Capita Payments.* For the purpose of this regulation the term per capita payments refer to payments made to a qualified Tribal Member as defined by Section 8 of the Revenue Allocation Plan.

2-3. *Financial Devices Not Negotiated.* For the purpose of this regulation the term financial devices not negotiated shall refer to any form of financial payment of Revenue Allocation Plan funds that has not been properly negotiated and remains an outstanding banking transaction of the Tribe.

2-4. *Held for Members Benefit.* For the purpose of this regulation the term held for members benefit shall refer to the accounting liability for the payment of financial devices that have not been negotiated.

2-5. *Financial Devices.* For the purpose of this regulation the term financial devices shall refer to banking devices issued by the Tribe for the payment per capita payments.

Section 3. Voiding of Financial Devices Not Negotiated

3-1. *Voiding.* All financial devices not negotiated within 180 days from the issuance date of the device shall be voided.

3-2. *Stop Payment.* All financial devices that have not been returned to the Tribe shall have a stop payment issued for the device with the financial institution from which they were issued. Financial devices that have been returned to the Tribe in the mail or by other means shall not require a stop payment.

Section 4. Held for Members Benefit, Time to Claim, Loss of Right to Payment

4-1. *Held for Members Benefit.* All voided transactions as defined in Section 3 shall be held in a non-interest bearing liability account for the Members Benefit. The liability account shall be tracked by the Controller and amounts Tribal members have rights to shall be maintained in a confidential manner.

4-2. *Notification.* After a transaction has been voided the Controller shall publish a notice in the Little River Currents to inform individuals that they have a right to the voided payment.

4-3. *Time to Claim.* The Tribal Member shall have eighteen (18) months from the time a financial transaction has been voided to claim their per capita payment. The Tribal Member may make the claim by updating their address with the Enrollment Department.

4-4. *Loss of Right to Payment.* After a liability has been maintained by the Tribe for a period of eighteen (18) months the Tribal Member has been deemed to have forfeited their right to the payment and the funds shall escheat to the Tribe as provided by section 5 of this regulation.

Section 5. Forfeited Payments

5-1. *Forfeited Payments.* In accordance with Section 8.01 of the Revenue Allocation Plan all forfeited payments shall no longer be considered expenditures of the Tribe and shall be reallocated to investments in accordance with Section 8.01(b)(i).

5-2. *Recording of Investment.* The Controller shall identify those payments that have been forfeited quarterly and reduce the current quarterly expense for per capita payments given the time lapse between the original issuance and the forfeiture. This will in effect reduce the current year expenditures and increase the amount allocated to investments at year end.

Section 6. Adoption; Amendment; Repeal

6-1. *Adoption.* This Chapter is approved by the Tribal Council on October 5, 2011 by resolution #11-1005-353.

6-2. *Amendment.* This regulation may be amended by the Accounting Department in accordance with the Constitution and any rules set forth governing amendment of regulation of the Little River Band of Ottawa Indians. Provided that any amendments must be approved or adopted in the same manner as set forth in Section 6-1.

6-3. *Severability Clause.* If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this regulation which can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

6-4. *Compliance.* In regards to compliance with this regulation, substantial compliance with the spirit of this regulation rather than complete compliance is acceptable.

6-5. *Sovereign Immunity.* Nothing in this Regulation shall provide or be interpreted to provide a waiver of sovereign immunity from suit of the Tribe or any of its governmental officers and/or agents.

6-6. *Effective Date.* This Regulation shall take effect immediately upon adoption by Tribal Council Resolution.