Resolution # 09-0826-246

Approval of Supplemental Appropriation 2009-15 - 3rd QTR to fund 6100 for Program 1030-121 in the amount of $12,643.09

WHEREAS, the status of the Gaà Čhing Ziibi Daáwaa Aníšínaábek (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 is authorized under Article IV, Section 7(l) to take action, not inconsistent with the Constitution or Federal law, which is necessary and proper to carry out the sovereign powers of the Tribe; and

WHEREAS, the Tribal Council adopted Gaming Commission Ordinance # 04-400-04 which created a Gaming Commission and delegated to such Commission the authority to regulate all gaming activities authorized by the Tribe and to enforce all Tribal and federal laws governing the conduct of Tribally licensed gaming activities; and

WHEREAS, Gaming Ordinance #02-400-01 Section 10.03(s) provides that all applications for licenses for principals, managers, primary management officials or key employees must have fingerprints obtained on fingerprint impression cards taken consistent with procedures adopted by the regulatory agency according to 25 C.F.R. 522(h); and
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WHEREAS, the Gross Gaming Revenue Tax Ordinance #09-100-05 requires proceeds from the gross gaming revenue tax be used as the top priority to fund all regulatory cost incurred by the Tribal Gaming Commission ("Regulatory Agency").

WHEREAS, the Gaming Commission’s current method of fingerprinting and processing through National Indian Gaming Commission and Federal Bureau of Investigation Criminal Information Center can take up to 6 weeks to receive results; and

WHEREAS, the National Indian Gaming Commission (NIGC) has established a process whereby Tribal Gaming Regulatory Agencies can participate and receive fingerprint results in 20 to 40 minutes if they have the proper equipment and software; and

WHEREAS, the imminent need to protect the best interest of the gaming enterprise concludes the need for a supplemental appropriation in the amount of $12,643.09 to purchase the electronic fingerprint machine and it is being requested of Tribal Council for approval to cover cost of the purchase; and

WHEREAS, the Gaming Commission does not have funds in their budget to pay for this necessary equipment because it was not budgeted due to being under the impression that they would be able to use the print machine no longer being utilized by the Public Safety Department and to later find out the machine is not compatible with NIGC and now have incurred an unexpected expense for a new machine; and

WHEREAS, the Tribal Council has received a Certification of Availability of Funds, #2009-019, from the Accounting Department signed by the Chief Financial Officer; and

WHEREAS, the appropriation of funds from the Gross Gaming Revenue Tax Fund will require a modification of the Operating Budget for Fiscal Year 2009, which was approved on December 17, 2008.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves a supplemental appropriation from the Gross Gaming Revenue Tax Fund in the amount of $12,643.09 to program number 1030-121 line item 6100 (Capital Outlay) for the purchase of the Cross Match L Scan 500P Live Scan Fingerprint Machine, LSMS software, FBI approved fingerprint card printer with two universal trays, and a laptop PC from Cross Match Technologies which includes shipping charges, installation, training and two year enhanced maintenance/support.

Program # 1030-121
CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 26, 2009, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.

Janine M. Sam, Council Recorder

Stephen Parsons, Council Speaker

Attest:

Presentation of Resolution Budget Modification to Tribal Ogema:

Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution # 09-0826-246, modifying the Operating Budget for Fiscal Year 2009 as set forth in Resolution #08-1217-435, which been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 8/23/09

Signature of Council Recorder: 

Action by the Tribal Ogema: __ Approved __ Disapproved (attach comments)

Date: 8-15-09

Signature of Ogema: 

Distribution: Council Records
Tribal Ogema
Accounting