



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution No. #01-1219-08

*Establishing Effective Date for Participation in
Retirement Benefit Programs for Government Officials
and Approving a Supplemental Appropriation in the Amount of
\$20,132.23 to Implement Corrective Action to Bring Those
Government Officials Under the Tribal Government's Retirement Plans*

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. 1300k et seq.); 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 Tribal Council is, pursuant to Article IV, Section 7(i)(2) of the Constitution, authorized to manage any funds within the exclusive control of the Tribe and, subject to ratification by the Tribal Ogema, is authorized to appropriate such funds for the benefit of the Tribe and its members; and

WHEREAS, the Tribal Council has, by resolution, established the compensation levels for Tribal Court Judges and Tribal Ogema as set forth in Article VI, Section 4(b) and Article V, Section 5(b) of the Constitution which shall not be diminished during such officials' terms office; and

WHEREAS, the Tribal Council has, by resolution, authorized the salary level for Tribal Council members; and

WHEREAS, prior actions of the Tribal Council may not have clearly authorized participation in these plans at the time of their adoption; and

WHEREAS, the legal status of elected or appointed government officials as "employees", for purposes of relevant provisions of the Internal Revenue Code which affect the eligibility of elected and appointed government officials to participate in these plans has been in question; and

WHEREAS, the Tribal Council has received a legal opinion which confirms that all the government officials identified above - Tribal Judges, Tribal Ogema, and Tribal Council - are "common law employees" who are, under applicable sections of the Internal Revenue Code, eligible to participate in these plans; and

WHEREAS, the Tribal Council has, pursuant to Resolution No. #01-1212-01, confirmed and authorized certain government officials - Tribal Judges, Tribal Ogema, and Tribal Council - to participate in retirement plans and health insurance plans which creates incentives for individuals to participate in Tribal government; and

WHEREAS, the laws and regulations applicable to retirement plans require the Tribal government, as an employer, to treat similarly situated categories of "employees" - such as elected officials - in the same manner for benefit purposes; and

WHEREAS, the Tribal Council finds it necessary to determine the effective date upon which such government officials participation in retirement plans offered to employees of the Tribal government, consistent with determinations of the Internal Revenue Service and in view of the legal/factual circumstances applicable to the Tribal government officials involved.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby confirms and establishes as the effective date for Tribal Court Judges' participation in the retirement plan offered to employees of the Tribal government shall be January 1, 2000.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby confirms and establishes, as the effective date for the Tribal Ogema's and Tribal Council members' participation in the retirement plan offered to employees of the Tribal government shall be January 1, 2000.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby approves a supplemental appropriation in the amount of \$20,132.23 and authorizes the Tribal Ogema and Chief Financial Officer to coordinate with the administrator(s) of the Tribal government's retirement plans to implement those corrective actions as may be required to the retirement accounts of the Tribal Court Judges, the Tribal Ogema and Tribal Council members required by this Resolution.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 2 AGAINST, 1 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians' Tribal Council held at the Little River Band Community Center on December 19, 2001, in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder

Attest:



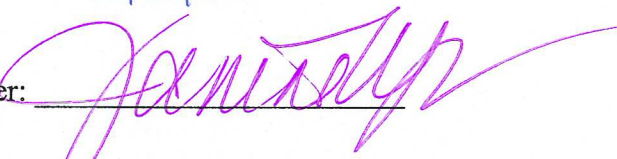
Stephen Parsons, Council Speaker

Presentation of Resolution Approving Budget Modification and Appropriating Tribal Funds to Tribal Ogema:

Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution approving budget modification and appropriating Tribal funds has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 12/12/01

Signature of Council Recorder: _____



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

Date: 12/31/01

Signature of Ogema: 

Distribution: Council Records
Tribal Ogema
Tribal Court
Chief Financial Officer
Legal Department