

Little River Band of Ottawa Indians

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

Resolution # 02-0724-06

Clarifying and Restricting Authority to Authorize Expenditures from Certain Accounts

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 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(i) to exercise the following fiscal powers:

1. Subject to the veto of the Tribal Ogema, to adopt, approve or amend the annual budget presented by the Tribal Ogema and to authorize the expenditure of funds in accordance with such budgets;
2. To manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit of the Tribe and its members. All expenditures of funds shall be pursuant to appropriations or budgets authorized by resolution or in accordance with ordinances of the Tribal Council; and

WHEREAS, the Tribal Council adopted the budget for Fiscal Year 2002 by resolution # 01-1219-20 which identified the budget for the Tribal operations, including expected revenues, grants, and proposed expenditures; and

WHEREAS, the Tribal Council has determined that there are multiple types of funds held by the Tribe in banking institutions and that activities regarding those accounts must be clarified; and

WHEREAS, the Tribal Council has determined that release or access to 'restricted fund' accounts are to be managed by the Tribal Council resolution and that such actions may not have been occurring appropriately in the past; and

WHEREAS, the Tribal Council has determined that there is a need to clarify these types of accounts and what type of access may be utilized;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby declares, that with the exception of the General Fund Checking Account held at National City Bank and the Payroll Account at National City Bank, all other bank accounts held in the name of the Little River Band of Ottawa Indians, or otherwise on behalf of the Tribe, shall be designated restricted accounts requiring a resolution of the Tribal Council to authorize expenditures, transfers, or other utilization of the funds within the accounts, including transfers to the General Fund to meet quarterly operations activities.

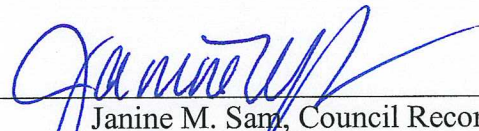
IT IS FURTHER RESOLVED THAT the Tribal Council hereby declares that expenditures from the General Fund shall be restricted to budgeted items as approved within the Fiscal Year 2002 budget adopted by resolution # 01-1219-20, and all other items not clearly identified within the Fiscal Year 2002 Budget to be specifically authorized by resolution of the Tribal Council. It is hereby declared by the Tribal Council that, unless otherwise specifically and clearly stated, all expenditures within the Fiscal Year 2002 budget are to be taken from the General Fund.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs that should there be any question regarding the intent of the Tribal Council in adoption of this resolution, that the question shall be presented, in a reasonable and timely manner, to the Tribal Council for clarification and that until such question is answered, no action shall be taken in regards to the activity.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 3 ABSENT, and 0 ABSTAINING, at a Closed Session of the Little River Band of Ottawa Indians Tribal Council held on July 25, 2002, at the Little River Band's Downtown Office in Manistee, Michigan, with a quorum being present for such vote.

Attest:



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department