



Little River Band of Ottawa Indians

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

Resolution # 02-0828-07

PER-CAPITA ACTION PLAN

Adoption of an Action Plan to Draft a Per-Capita Distribution Tribal Ordinance and Amend the Revenue Allocation Ordinance, Establishing Timelines for the Action Plan, and Recommending Submission to the Secretary of Interior in Compliance With the Indian Gaming Regulatory Act upon Final Adoption of the Ordinance and Amendment(s) by the Tribal Council

WHEREAS, the Little River Band of Ottawa Indians has a long and proud history as a Nation which pre-dates the establishment of the government of the United States of America; and

WHEREAS, the Little River Band of Ottawa Indians was a signatory of the Treaty of Washington of March 28, 1836, and the Treaty of Detroit of July 31, 1855, with the United States of America; and

WHEREAS, the Little River Band of Ottawa Indians' status as a federally-recognized Tribe was reaffirmed by the United States Congress in 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 of the Membership, and subsequent approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized by the membership 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 by the membership under Article IV, Section 7(i) to manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit if the Tribe and its members; and

WHEREAS, the Tribe has established a Gaming Operation known as the Little River Casino Resort in accordance with the Indian Gaming Regulatory Act and a Compact with the State of Michigan; and

WHEREAS, the Tribal Council adopted the Revenue Allocation Ordinance (#01-100-03) identifying the purposes and utilization of revenue generated by the Gaming Operation of the Tribe; and

WHEREAS, the Tribal Council adopted the Budget and Appropriation Ordinance (#01-100-04), and subsequent amendments creating Ordinance (#02-100-04) defining the manner in which budgets and appropriations of funds are adopted by the Government; and

WHEREAS, the Tribal Council desires to create and fund a permanent program that will provide to each member of the Tribe at minimum an annual distribution of a portion of the Net Gaming Revenues generated by the Little River Casino Resort; and

WHEREAS, the Tribe is required by the Indian Gaming Regulator Act to submit any "Per Capita Distribution" payment plan to the Secretary of the Department of Interior, prior to enactment of the plan or distribution of gaming revenues to Tribal Members; and

WHEREAS, the Tribal Council wishes to provide the Tribal Membership the opportunity to provide comment and direction on any plan to be adopted, including comment on conditions under which distribution may be made, and believes that a public hearing process is the best manner to facilitate that opportunity.

NOW THEREFORE BE IT RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians will prepare for consideration Amendment(s) to the Revenue Allocation Ordinance to include a set percentage of Gaming Revenue to be established for a Per Capita distribution to Tribal Members, establishing the minimum distribution of not less than 10% of Net Gaming Revenues, and setting a maximum distribution of not more than 30% of Net Gaming Revenues.

IT IS FURTHER RESOLVED THAT the Tribal Council will prepare a comprehensive ordinance similar in nature to the 80/20 Judgment Fund (Ordinance #98-200-04), that will provide the means of distribution of Gaming Revenues to the Membership and adoption of a "Per Capita Distribution Plan" that includes at minimum:

1. Method of distribution and frequency of distribution and the commencement date of the plan.
2. Eligibility criteria for payment
3. Fund management for incarcerated members and minor members
4. Any additional conditions as recommended by the Membership that are in compliance with Tribal or Federal Law.

IT IS FURTHER RESOLVED THAT the Tribal Council sets a schedule for public hearings for the purpose of providing Membership the opportunity to provide comment on the proposed amendment(s) to the Revenue Allocation Ordinance and the Proposed New Ordinance regulating the distribution of the Per Capita Plan, the schedule as follows:

1. Initial Mailing of the proposed amendment(s) and new ordinance for the distribution plan **drafts** for delivery to adult members by October 2, 2002, including a cover letter and public hearing invitation.
2. A Public Hearing in Manistee, MI, to be held on or before October 12, 2002, at a location to be determined, with date and time announced in the initial mailing (number 1).
3. A Public Hearing in Muskegon, MI, to be held on or before October 26, 2002, at a location to be determined, with date and time announced in the initial mailing (number 1).

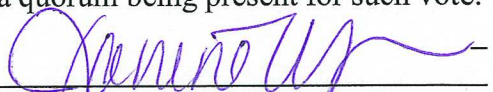
IT IS FURTHER RESOLVED THAT following conclusion of the second and final public hearing, the Tribal Council will prepare final Revenue Allocation Ordinance amendment(s) and final Per Capita Distribution Ordinance documents no later than November 30, 2002.

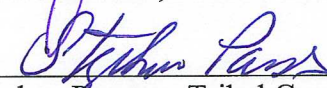
IT IS FURTHER RESOLVED THAT the Tribal Council will then place the laws on the agenda for consideration of adoption at the meeting scheduled for December 4, 2002.

IT IS FINALLY RESOLVED THAT the Tribal Council shall not violate any statutes by implementing a per capita distribution plan prior to receiving confirmation of acceptance and approval by the Secretary of the Department of Interior.

CERTIFICATION OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 For, 0 Against, 0 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 August 28, 2002, with a quorum being present for such vote.


Janine M. Sam, Tribal Council Recorder


Stephen Parsons, Tribal Council Speaker

Attest:

Distribution:

Council Records
Tribal Court
Tribal Ogema
Legal Department