



Little River Band of Ottawa Indians

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

Resolution # 02-1001-01

PER-CAPITA ACTION PLAN Amending Resolution # 02-0828-7

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 of 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; and

WHEREAS, the Tribal Council adopted Resolution #02-0828-07 which gave direction regarding the development of a "Per Capita Action Plan" which identified public hearing dates and dates for specific actions by the Tribal Council; and

WHEREAS, the Tribal Council has determined that intervening circumstances regarding important issues affecting the Government of the Little River Band of Ottawa Indians that require the attention of the Tribal Council are of such a nature that these issues have the potential to impact the timelines set forth in Resolution #02-0828-07; and

WHEREAS, the Tribal Council has discussed this matter and determined that the Per Capita Action Plan is an important issue that requires the Tribal Council's time and attention to act in a responsible manner, while addressing other factors affecting the Government in a timely fashion, and that both can be accomplished by extending the timelines adopted in Resolution #02-0828-07.

NOW THEREFORE BE IT RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby amends Resolution #02-0828-07 as follows:

Resolved #3 that sets forth the deadline dates for public hearings is amended as follows by adopting the NEW schedule represented:

1. Initial Mailing of the proposed amendment(s) and new ordinance for the distribution plan **drafts** for delivery to adult members by October 18, 2002, including a cover letter and public hearings invitation, which is a change from October 2, 2002.
2. A Public Hearing in Manistee, MI, to be held on or before November 9, 2002, at a location to be determined, with date and time announced in the initial mailing (number 1), which is a change from October 12, 2002.
3. A Public Hearing in Muskegon, MI, to be held on or before December 14, 2002, at a location to be determined, with date and time announced in the initial mailing (number1), which is a change from October 26, 2002.

IT IS FURTHER RESOLVED THAT Resolved #4 of Resolution #02-0828-07 which indicates that "no later than November 30, 2002" is deleted and replaced with January 30, 2003, extending the due dates for final revisions to the ordinances necessary to implement a per capita distribution.

IT IS FURTHER RESOLVED THAT Resolved #5 of Resolution #02-0828-07 which indicates that "the Tribal Council will then place the laws on the agenda for consideration of adoption at the meeting scheduled for December 4, 2002" is deleted and replaced with "during a regular meeting of the Tribal Council to be held during the month of February 2003," extending the date of action required on the final ordinances.

IT IS FURTHER RESOLVED THAT the Tribal Council may determine that additional public hearings are necessary and may take such action through motion to set the date and place for such additional hearings by subsequent motion, provided that all public hearings are to be concluded prior to the action contemplated in February of 2003.

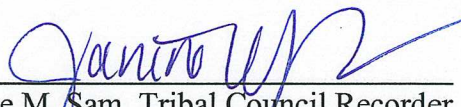
IT IS FINALLY RESOLVED THAT the Tribal Council shall not violate any statutes by implementing a per capita distribution plan prior to receiving confirmation of acceptance and approval by the Secretary of the Department of Interior.

Resolution # 02-1001-01

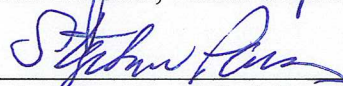
Page 4 of 4

CERTIFICATION OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 For, 0 Against, 1 Absent, and 0 Abstaining, at a Special Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Downtown Offices-Tribal Council Meeting Room on October 1, 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