

Little River Band of Ottawa Indians

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

Resolution # 03-0205-31

PER-CAPITA ACTION PLAN

Amending Resolution #02-1001-01 that amended Resolution# 02-0828-07

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; and

WHEREAS, the Tribal Council amended the timelines adopted in Resolution #02-0828-07 by adopting subsequent resolution #02-1001-01; and

WHEREAS, the Tribal Council concluded its first two scheduled public hearings with the Tribal Membership that yielded significant public opinion regarding the process the Membership would like to see implemented to adopt a per capita distribution plan; and

WHEREAS, the Tribal Council is in the process of revising the Ordinances and Plan documents, and wishes to amend the action plan as defined by Resolution #02-0828-07 and amended by Resolution #02-1001-01 to include additional mechanisms as requested by the Membership present during the initial public hearings.

NOW THEREFORE BE IT RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby amends Resolution #02-1001-01 that amended Resolution #02-0828-07 creating a revised Action Plan as follows:

1. Revisions of the Revenue Allocation Ordinance and new Per Capita Distribution Plan Ordinance based on public hearing input to be reviewed by the Tribal Council no later than July 1, 2003.
2. Creation of an appropriation for referendum election, provided that 7 members of the Tribal Council vote in the affirmative to schedule a referendum election, to enact the adoption of the Per Capita Distribution Plan Ordinance by the Membership.
3. Mailing of the revised documents to adult members of the Tribe no later than August 1, 2003, including notice to the Membership that the final revisions have been completed and will be considered for submission to referendum by a date certain, as adopted by Tribal Council.
4. Following conclusion, whether adopted by referendum of the Membership or adoption by the Tribal Council, the Tribal Council will then submit the Plan, if approved, for consideration of the Secretary of the Interior.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby repeals all prior deadlines established by Resolution #02-0828-07 and amended by Resolution #02-1001-01, due to public input suggesting referendum adoption of the per capita plan that resulted in the Council being unable to meet the date of February 2003 for consideration of the final ordinance documents.

IT IS FURTHER RESOLVED THAT the Tribal Council may schedule additional public hearings to be held at such dates, times, and locations as may be necessary during this process to gather additional public comment and input, and the Tribal Council will provide prior notice for any public hearing scheduled to allow sufficient time for members to arrange to attend if they so desire, provided that the scheduling of a public hearing for this purpose must be called by a majority vote of the Tribal Council prior to scheduling of the hearing.

IT IS FURTHER RESOLVED THAT the Tribal Council will make every effort to complete all steps necessary no later than October 1, 2003, including but not limited to: creation of final documents necessary to implement a per capita distribution, conclusion of public hearings on the matter, creation of the appropriations as necessary to fund mailings and referendum election if required, that will result in a final submission to the Secretary of the Interior.

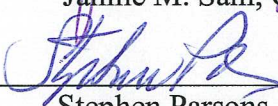
IT IS FINALLY RESOLVED THAT the Tribal Council shall not violate any statutes by implementing a per capita distribution plan prior to receiving confirmation of acceptance and approval by the Secretary of the Department of Interior.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 5, 2003, at the Little River Band's Community Center in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Legal Department