

Little River Band of Ottawa Indians

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

Resolution # 03-0212-38

Conclusion of Gwiidookadaadimi for Fiscal Year 2001 Payments

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 recognized that in late 2001 many members had experienced economic difficulties resulting for recent stock market and national activities; and

WHEREAS, the Tribal Council adopted resolution # 01-1205-08, *Gwiidookadaadimi for Fiscal Year 2001* which approved a \$350 payment to be made to all members that was paid from interest income; and

WHEREAS, the Tribal Council directed that minors and applicants payments be deposited into group trust accounts and that upon either reaching age 18 or approval of an application, the member was to receive the \$350 payment plus interest; and

WHEREAS, during the remainder of 2001 and the course of 2002, no accounts were created and no identification of interest income was maintained as directed by the resolution by the Chief Financial Officer; and

WHEREAS, during the remainder of 2001 and the course of 2002 the Tribal Council made numerous requests to have identified the procedure for payment of the trust account funds to the members which did not have responses which identified either accounts or procedures; and

WHEREAS, the Tribal Council has determined that payment of the funds remains an obligation of the Tribe to its members and given the extent of delays and the inability to create the appropriate trust accounts and processes that disbursement

of the remaining minor accounts is in the best interest of the Tribe and the member; and

WHEREAS, the Tribal Council has determined that creation of the "Application Trust Fund" is still necessary as there approximately 59 individuals awaiting determinations regarding their applications for enrollment which remain delayed as a result of the auditing process;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby amends resolution # 01-1205-08, *Gwiidookadaadimi - "We are Helping Each Other" for Fiscal Year 2001* in the following manner.

1. All minor accounts that remain unpaid, approximately 444 members, are to be paid on or soon after March 15, 2003 (*Attached 'Minors List'*). Such individual payment of \$358.11 shall consist of the following elements -

a. \$350 Gwiidookadaadimi Payment.

b. Accrued interest based on an interest rate of 2% calculated from December 19, 2001 until March 15, 2003.

$365 \text{ days} / .02 \text{ interest} = 18250 \text{ factor}$

$444 \text{ minors} \times \$350 = \$155,400$

$(\$155,400 \times 423) / 18250 \text{ factor} = \$3601.87 \text{ interest accrued}$

$\$3601.87 / 444 \text{ members} = \$8.11 \text{ individual interest accrued}$

$\$350 + \$8.11 = \$358.11 \text{ to each minor}$

2. All unpaid members on the December 5, 2001 adult member list shall are to be paid on or soon after March 15, 2003 (*Attached 'Unpaid Members List'*). Such individual payment of \$358.11 shall consist of the following elements -

a. \$350 Gwiidookadaadimi Payment.

b. Accrued interest based on an interest rate of 2% calculated from December 19, 2001 until March 15, 2003.

$365 \text{ days} / .02 \text{ interest} = 18250 \text{ factor}$

$49 \text{ adult members unpaid} \times \$350 = \$17,150$

$(\$17,150 \times 423) / 18250 \text{ factor} = \$397.50 \text{ interest accrued}$

$\$397.50 / 49 \text{ members} = \$8.11 \text{ individual interest accrued}$

$\$350 + \$8.11 = \$358.11 \text{ to each unpaid adult member}$

3. All applicant accounts that remain unpaid shall be placed in a consolidated investment savings account, or other similar account, to be disbursed to either the new member or returned to the Tribe upon conclusion of the enrollment process (*Attached 'Applicant List'*). If the new member is a minor, the funds shall paid out to the minor. The funds identified to create the applicant trust account shall be identified by the following formula, and the applicant shall receive this individual amount, plus interest if enrolled at the conclusion of the enrollment process.

$365 \text{ days} / .02 \text{ interest} = 18250 \text{ factor}$

$59 \text{ applicants} \times \$350 = \$20,650$

$(\$20,650 \times 423 \text{ days}) / 18250 \text{ factor} = \$478.63 \text{ interest accrued}$

$\$478.63 / 59 \text{ applicants} = \$8.11 \text{ individual interest}$

$\$350 + \$8.11 = \$358.11 \text{ base payment, plus interest accrued thereafter, when paid out}$

A final enrollment decision shall mean the completion of all available appeals within any deadlines set forth in Ordinance # 97-200-01, Enrollment Ordinance

a. The Enrollment Department shall forward a memo to the Accounting Department which identifies the following information.

1. If Enrolled: date of enrollment, name and address of applicant.
2. If Not Enrolled: date of conclusion of the enrollment process, name and address of applicant.
3. In bold, all capitals, the following words shall immediately proceed the above information - **'THIS APPLICANT ENROLLED'** or **'THIS APPLICANT FOR ENROLLMENT REJECTED'**

b. The Accounting Department, upon receipt of the memo from the Enrollment Department shall -

1. If Enrolled: develop a resolution for Tribal Council which directs disbursement of the \$358.11 Gwiidookadaadimi payment, plus accrued interest, to the new member;
2. If Not Enrolled: develop a resolution for Tribal Council which causes the \$358.11 Gwiidookadaadimi payment, plus accrued interest, to be returned to the Tribe's General Fund.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs that all returned and undeliverable payments shall be placed in the a Tribal account so as to allow the funds to be tracked. No interest shall be accrued on funds returned to the Tribe. The following actions shall be taken to conclude the disbursement of returned and undeliverable payments.

1. June 9th - the Accounting Department shall have a Public Notice placed in a single major newspaper in the Public Announcements section, in each of the following metropolitan areas.
 - a. Michigan: Detroit, Muskegon, Lansing, Grand Rapids
 - b. Wisconsin: Milwaukee
 - c. Illinois: Chicago
2. Public Notice - The notice shall be placed in the Public Announcements section of the newspaper, contain the names and age of each member whose check was returned or undeliverable and the following language.

PUBLIC NOTICE

The Little River Band of Ottawa Indians, located in Michigan, is interested in locating the following individuals.

Name, Age

If you are listed above, the Tribe is holding a Gwiidookadaadimi payment in the amount of \$358.11 on your behalf. Please contact the Enrollment Department, at 1-800-723-8288, to obtain a change of address form.

If you are listed above, you must contact the Enrollment Department no later than 5:00 p.m. EST, on August 29, 2003 to obtain the documents necessary to update your address. Failure to contact the Enrollment

Department by the deadline will result in the payment being voided by the Tribe.

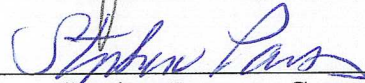
IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs that members for whom returned or undeliverable checks have not been claimed as of 5:00 p.m. EST on August 29, 2003 by requesting a change of address form from the Enrollment Department shall have their claim to the Gwiidookadaadimi payment for Fiscal Year 2001 revoked and the obligation voided.

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, 0 ABSTAINING, and 3 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 12, 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