



Little River Band of Ottawa Indians

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

Resolution # 04-1120-470

Amending the Budget to Remove Funding for the Position of Economic Development Project Director and to Move Funds to the General Fund of the Tribe

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 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 Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; 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)(1) to approve or amend the annual budget and to authorize the expenditure of funds in accordance with such approved or amended budgets; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(i)(2) to manage any funds within the exclusive control of the Tribe; and

WHEREAS, under Article V, Section 5(a) of the Constitution, the Tribal Ogema has the constitutional power and duty to oversee the administration of the Tribal government in accordance with the laws, resolutions and motions of the Tribal Council and to enforce the laws and resolutions of the Tribal Council; and

WHEREAS, the Tribal Council has been presented documentation, including the results of an internal audit, pertaining to the activities of the Economic Development which indicate that the activities of Economic Development Project Director (the "Project Director") constitute an ineffective use of Tribal financial resources as a result of the Project Director's consistent failure to accomplish any of the tangible goals and objectives defined in the Department's annual budget, his documented failure to carry out his programmatic responsibilities in a professional, competent manner, and in compliance with Tribal laws, including violations of the Indian Preference in Employment Ordinance; and

WHEREAS, until such time as substantial structural changes can be implemented which re-define the responsibilities, qualifications and goals for the Economic Development Department and the staff responsible for directly managing the activities of that Department, the Tribal Council finds that the preservation of Tribal assets require a budget modification to eliminate the funds appropriated for the Economic Development Project Director position; and

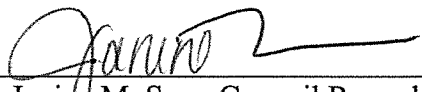
WHEREAS, the Tribal Council recognizes that the lack of professionalism and facts documenting the Economic Development Project Director's failure to carry out his duties consistent with applicable legal requirements has impacted the morale of other Tribal staff and warrant immediate administrative action.

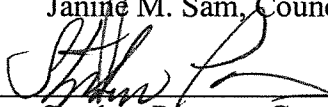
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves a modification to the Operating Budget for the Tribal Government for Fiscal Year 2004 to transfer funding for the Project Director position to the General Fund and to prohibit the re-allocation of any funding within that Program Budget to any functional activities associated with the Economic Development Project Director position.

IT IS FURTHER RESOLVED THAT the Tribal Council directs the Tribal Ogema to take any personnel actions necessary to assure that no Tribal funds are, in any way, obligated toward budgeted functions related to the Economic Development Project Director position following earlier of: (a) the date the Tribal Ogema's executes this Resolution approving of this Budget Modification; (b) seven (7) after the date this Resolution is submitted to the Tribal Ogema if he does not disapprove of this Budget Modification within that seven (7) day period; or (c) the effective date of any subsequent Resolution overriding the Tribal Ogema's disapproval of this Budget Modification.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 1 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on November 20, 2004, at the Little River Band's Dome Room 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

Presentation of Resolution Budget Modification to Tribal Ogema:

Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution modifying the Operating Budget for Fiscal Year 2004 as set forth in Resolution #04-1120-471, has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema:

11-20-04 Delivered to office following mtg

Signature of Council Recorder:

[Signature]

Action by the Tribal Ogema: 1 Approved Disapproved (attach comments)

Date:

12/01/04

Signature of Ogema:

[Signature]

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