



Little River Band of Ottawa Indians

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

Resolution # 04-1215-510

Resolution Adopting Amendments to the Fiscal Year 2005 Tribal Government Operations Budget Submitted by the Tribal Ogema and Approving the Final Budget as Amended

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; 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 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 the annual budget presented by the Ogema; and

WHEREAS, the Tribal Council met with the Ogema's authorized representatives, the Consulting Chief Financial Officer and the Budget Manager, in regards to the draft budget presented by the Ogema over a period of several work sessions and made recommendations for changes in individual program budgets as a result of those work sessions; and

WHEREAS, the Tribal Council received the final Fiscal Year 2005 Tribal Government Operations Budget from the Ogema on November 15, 2004 and has conducted a review of that submission; and

Resolution adopting FY 2005 Government Operations Budget

Resolution #04-1215-510

Page 2 of 8

WHEREAS, the Tribal Council believes that the Merit/COLA Pool submitted within the Ogema's final budget may not accurately reflect a realistic amount of funding, as the allocation appears to be based on FY 2004 salary adjustments that were a result of the lifting of a wage freeze, and therefore the Merit/COLA Pool may be inflated and requires further analysis; and

WHEREAS, the Tribal Council has determined that some changes recommended by the Tribal Council were not included in the Final Budget, and that some information was not submitted as requested to justify the proposed activities and budgeted funds, and as a result the Tribal Council has made amendments to the final budget that was presented in accordance with the Little River Band Constitution, Article IV Section 7(i)(1); and/or placed restrictions on the use of some funds subject to submission of additional information to justify the expenditures;

WHEREAS, the Tribal Council believes that it is important for the annual budget of the Tribe to include enough information to enable any adult member to have a reasonable understanding of what funds have been designated for specific purposes, and how much money is budgeted for specific issues or expenditures, and that detailed justification included in budget narratives accomplishes this goal.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby makes the following amendments in accordance with Article IV, Section 7(i)(1) and Article V, Section 5(c) of the Constitution, and Section 5.09© of the Budget and Appropriations Ordinance as itemized in this resolved section:

Program Name: Tribal Council

Program # 1000-100

Budget

Line # 5206	Increase	\$8400 - 4 additional meetings in January, February and March for the Enrollment Commission to conclude audit hearings and determinations
Line # 5202	Decrease	\$5000 - MAGPRA/NAGPRA Meetings funding, move portion of funding to Tribal Historic Preservation budget

Narrative

Line #5802, Amend to read "visit other easines governments"

Program Name: Legislative Legal Department

Program # 1000-109

Line #5000	Reduce the allocation for the Associate Attorney position from \$36.05/hr to 28.85/hr, reduction of \$14,976.
Line #5100/20/30	Reduce fringe by adjustment to salary referenced approved by this resolution.

Narrative - Mission - Amend to restrict to legislative related activities, omit Ogema and operations of the Tribe. Amend Goals to delete contract review relative to purchasing activities, working with departments, operations, directors and delete legal counsel to operations.

Program Name: Tribal Ogema
Budget

Program # 1000-102

Line #5000

Increase budget amount by \$97,406.40 for the following positions reclassified to the Ogema:

Assistant Manager @ \$26.33/hr

Receptionist@ \$11.75/hr

Receptionist@ \$10.00/hr

Decrease the amount appropriated for the Executive Assistant, which is budgeted at \$25.00 and should have been budgeted at \$20.77, for the Ogema's Executive Assistant. The Net change is a decrease of \$8,798.40 in that specific salary.

Line #5000

Increase- From \$99,000 to \$115,000 for General Counsel position, net change is \$16,000.00

Line #5100/20/30

Adjust fringe to correspond to the salary adjustments in line #5000 approved by this resolution.

Line #5202

Increase by \$10,000.00 – Employee Christmas Party and Staff meetings, removed from Program 2000-406.

Line #5205

Decrease from \$600,000 to \$460,900 which includes the actual expenditures.

Line #5306

Increase \$1,000.00 – due to elimination of Program 2000-406

Line #5602

Increase \$5,000.00 – due to elimination of Program 2000-406

Line #5801

Increase \$2,000.00-due to elimination of Program 2000-406

Line #6003

Decrease to \$1,800.00 for two mobile phones, net decrease of \$600.00

Line #7005

Increase by \$13,320.00-additional space cost due to elimination of Program 2000-406.

Program Name: Prosecutor

Program # 1000-112

Line #5302 Increase \$300 - to accurately fund planned activities.
Line #6003 Decrease from \$1200 to \$900 reflects the allocated costs of mobile phones.

Narrative - Remove 'Objective' of staffing Ombudsman position.

Program Name: Tribal Administration

Program#2000-406

Eliminate Entire Budget: Decrease \$455,842.00

Program Name: Accounting

Program #2000-402

Line #5000 Increase Salary to include funding for a Chief Financial Officer, not to exceed \$75,000.00 to be included as of March, 2005.

Line #5100/20/30 Decrease salary by \$20,800.00 eliminating the appropriation for on call pay, which results in a net change of increasing salary appropriation by \$54,200.00
Adjust fringe to include the position and modification included and approved by this resolution.

Program Name: Human Resources

Program #2000-401

Line #5601 Eliminate the appropriation total of \$9,500.00

Program Name: Professional Development & Training Program#2000-404

Eliminate the entire appropriation, total of \$109,244.00. Department not to be funded in Fiscal Year 2005.

Program Name: Information Systems

Program#2000-403

Line #5000 Eliminate funding for the two new positions, total reduction of \$62,400.00.

Line #5100/20/30 Adjust fringes for the elimination of the positions referenced above approved by this resolution.

Line #5299 Eliminate funding for new vehicle for department, reduction of \$10,000.00

Line #5601 Reduce by \$5,000.00 to original submission of \$10,000.00, as there was no additional justification included for the added funding request.

Line #5602 Reduce by \$13,315.00 to original submission of \$15,000.00, as there was no additional justification included for the added funding request.

Resolution adopting FY 2005 Government Operations Budget

Resolution #04-1215-510

Page 5 of 8

Line #5801 Reduce by \$4,500.00 to original submission of \$2,500.00, as there was no additional justification included for the added funding request.

Line #5802 Reduce by \$4,500.00 to original submission of \$2,500.00, as there was no additional justification included for the added funding request.

Program Name: Legal Assistance **Program# not assigned in final budget submitted**
Line # 5205 Increase by \$6,000.00, to reflect new contract authorized for FY 2005.

Program Name: Behavioral Health/Bedabin **Program #4105-000**
Line #5000 Eliminate \$136,260.00 for three new positions. Justifications that were requested for the positions were not submitted, cannot authorize funding without justification.
Line #5100/20/30 Adjust fringe totals by the reductions referenced approved by this resolution.

Program Name: Leadership Intern Program **Program #1000-108**
Eliminate the entire allocation.

Program Name: Enrollment **Program #1000-149**
Line #6100 Reduce \$17,000.00 for new copier, reallocate the money to the Community Center Budget, consistent with Other allocations for capital outlays included in building budgets.

Program Name: Public Information Department **Program #1000-152**
Line #5000 Reduce by \$43,139.20, eliminating funding for the Government Communications Coordinator.
Line #5100/20/30 Reduce fringes to correspond with the reduction of the salary referenced approved by this resolution.

Program Name: Family Services Department **Program #4025-000**
Line #5300 Reduce to \$5,460.00 from \$10,516
Line #5801 Reduce to \$5,000.00 from \$11,800
Line #5802 Reduce to \$13,000.00 from \$20,500
Line #6003 Reduce to \$1,800.00 from \$4,000
All amendments result from changes that were made within those specific line items where the Ogema increased the allocations with no additional justification for increased expenditures when compared to the draft budget originally submitted.

Resolution adopting FY 2005 Government Operations Budget

Resolution #04-1215-510

Page 6 of 8

Program Name: Economic Development Program #1000-148

Eliminate the entire allocation, reduction of \$187,282.00

Program Name: Tribal Historic Preservation Office Program #1000-154

Line #5000 Increase salary by \$25,937.60, for reclassification of Community Center Coordinator.

Line #5100/20/30 Increase and adjust fringe by the salary referenced approved by this resolution.

Line #5202 Increase by \$2,000.00 for travel associated with MAGPRA/NAGPRA meetings, reclassified from Tribal Council-Cultural Preservation Budget.

Program Name: Grants Program #2000-405

Line #5000 Reduce by \$42,120, eliminating the additional Grant Writer position, no additional justification was submitted to support this new position.

Line #5100/20/30 Reduce fringes by the appropriate amount due to the reduction of staff referenced approved by this resolution.

Program Name: Capital Outlay Program#: none assigned in the budget submitted
Eliminate the allocation of \$3,000,000.00 included titled Capital Outlay. There is no plan submitted or purpose stated for this funding, and therefore has no justification.

IT IS FURTHER RESOLVED THAT the Tribal Council directs the Ogema, to include in the FY 2005 Tribal Operations Budget an amount of \$3,150,000.00 reserved for the purposes of developing additional governmental enterprises, and creating a new department that will be responsible for the development of new revenue sources for the Tribe. This program is to be designated as a restricted fund and is subject to authorization of Tribal Council prior to release funds from this allocation. Provided that the Ogema is required to establish goals and objectives for this important governmental purpose in conjunction with the Tribal Council, to be adopted by subsequent resolution or Ordinance upon completion, no later than February 28, 2005.

IT IS FURTHER RESOLVED THAT the Tribal Council restricts use of the following program funding in the identified expenditure lines, and directs that the Ogema, through the Budget Manager and Department Directors to submit the detailed justification for the budgeted funds approved by this resolution to be submitted no later than January 31, 2005, for the specific expenditures itemized as follows:

Program Name: Accounting Program #2000-402

Line # 5802-Travel

Line # 6003-Telephone

Program Name: Facilities

Program #2000-400

Line # 5601 – Small Equipment

Line # 5802 - Travel

Line # 5801 - Training

IT IS ADDITIONALLY RESOLVED THAT the Tribal Council restricts use of the following program funding in the identified expenditure line, and directs the Ogema to submit a detailed narrative and justification, as well as any proposed amendment to the Budget that might be a reduction if required following analysis, for the budgeted funds approved by this resolution to be submitted no later than January 31, 2005 for the following allocation:

Program Name: Merit/COLA Pool

Program#: none assigned in the budget submitted

IT IS FURTHER RESOLVED THAT the Tribal Council hereby restricts use of the following program funding and directs that the Ogema submit a departmental purpose, goals and objectives, and detailed narrative justifying budgeted funds associated with this new department, to be submitted no later than January 31, 2005:

Program Name: Ombudsman

Program #: none assigned in the budget submitted

IT IS FURTHER RESOLVED THAT the Tribal Council hereby approves the *Fiscal Year 2005 Tribal Government Operations Budget* as amended by this resolution, and directs the Ogema, through the Consulting Chief Financial Officer and Budget Manager, to produce a new Budget document that reflects the amendments adopted by this resolution, to be submitted to the Tribal Council no later than January 31, 2005.

IT IS ADDITIONALLY RESOLVED THAT the Tribal Council hereby directs the Ogema, through the Consulting Chief Financial Officer and Budget Manager, to prepare an appropriation of funds for the first quarter operations as approved by this budget for Fiscal Year 2005 in accordance with the Budget and Appropriations Ordinance, provided that any funds that were adopted by this resolution with restrictions are not to authorized to be included in the appropriation without the action directed by this resolution. The FY 2005 first quarter appropriation request is to be submitted to the Tribal Council agenda on December 20, 2005.

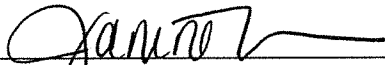
IT IS ADDITIONALLY RESOLVED THAT the approval of the *Fiscal Year 2005 Tribal Government Operations Budget* does not imply or authorize expenditures where additional authorizations are required. Adoption of the Fiscal Year 2005 Tribal Government Operations Budget does not approve the posting or hiring of personnel not included within the Tribe's approved organizational chart, and further, does not authorize adjustments to salary levels, or entering into contracts without appropriate authorizations. The approval of the budget is the approval of the allocation of funding subject to separate approvals and authorizations to carry out the program activities.

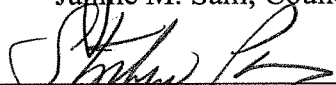
IT IS ADDITIONALLY RESOLVED THAT failure of the Ogema to conclude the submissions directed by this Resolution within the timeframes specified for the Line items or funding amounts that are adopted with restrictions may result in subsequent adoption of additional Budget modifications that eliminate the funding for those line items lacking adequate justification in the budget narratives as detailed by this resolution.

IT IS FINALLY RESOLVED THAT in the event that the Ogema exercises his veto of the amendments adopted by Tribal Council to the FY 2005 budget, the Tribal Council shall be required to take subsequent action during the December 22, 2004, meeting to either: 1) override the veto of the Ogema or 2) adopt a continuing resolution to provide adequate funding to ensure that the operations of the Tribal Government are not interrupted pending final resolution adopting a final Government Budget for FY 2005.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 2 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on December 15, 2004, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



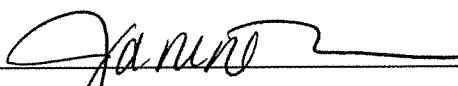
Janine M. Sam, Council Recorder


Stephen Parsons, Council Speaker

Attest:

Presentation of Resolution Adopting FY 2005 Budget to Tribal Ogema:

Pursuant to Article V, Section 5(a)(6) and Section 5(c) of the Tribal Constitution, the foregoing Resolution adopting the Operating Budget for Fiscal Year 2005 as set forth in Resolution #03-1217-424, has been presented to the Tribal Ogema by the Tribal Council Recorder for his/her approval.

Date delivered to Tribal Ogema: 12-15-04
Signature of Council Recorder: 
Action by the Tribal Ogema: Approved Disapproved (attach comments)
Date: 12/21/04
Signature of Ogema: 