



Little River Band of Ottawa Indians

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

Resolution # 05-0126-34

Clarification of the Application of Michigan Income Tax to Tribal Government and Tribal Enterprise Employees

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 Little River Band of Ottawa Indians is a federally recognized tribe, as reaffirmed under P.L. 103-324, enacted on September 21, 1994, possessing inherent sovereignty, and federal statutory and common law rights of self-governance over the Tribe, its members, its territory, and all persons (natural and corporate) within its territory; and

WHEREAS, based upon the Band's inherent sovereignty as interpreted by Federal common and statutory law, certain federal and state taxes do not apply to the Band, its members or within the Band's Indian Country;

WHEREAS, it is essential to the economic well being of the Band, its members and persons doing business within the Band's Indian Country that the exemptions and immunities from certain federal and state taxes be fully recognized; and

WHEREAS, the Tribal Council ratified the Tax Agreement between the Little River Band of Ottawa Indians and the State of Michigan by adoption of resolution # 03-0205-33; and

WHEREAS, the Tribal Council implemented the Tax Agreement between the Little River Band of Ottawa Indians and the State of Michigan by adoption of resolution #04-0324-137; and

WHEREAS, the Tribal Council has been notified that the State of Michigan does not have in place forms for filing by individuals that recognize the exemption from taxes which may result in the assessment of penalties against the Tribe; and

WHEREAS, the Tribal Council desires to maintain the tax exemption granted to members, and have that tax exemption recognized by the State of Michigan in accordance with the Tax Agreement which requires employees to file the Tribe's "Michigan Income Tax Withholding Exemption for Resident Tribal Member/Employee" form for those employees meeting the exemption criteria and the Tax Officer to verify the information presented in the form prior to implementation by the Payroll Department;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council hereby requires the payroll administrators of the Little River Band of Ottawa Indians and the Little River Casino Resort to withhold and remit Michigan income tax from all employees who have not filed by March 1, 2005, the Tribal Form "Michigan Income Tax Withholding Exemption for Resident Tribal Member/Employee" (TD500-W4) which has been verified by the Tax Officer.

IT IS FURTHER RESOLVED THAT employees of the Little River Band of Ottawa Indians and the Little River Casino Resort shall be required to update the TD500-W4 in a timely manner and the responsibility for doing so shall rest on the employee at all times after the initial filing. Corrected TD500-W4 forms must be verified by the Tax Officer to be effective.

CERTIFICATE 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 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on January 26, 2005, at the Little River Band's Dome Room, 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
MI Attorney General Office
MI Treasury Department