



Little River Band of Ottawa Indians

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

Resolution # 05-0817-391

*Emergency Adoption of Amendments to the Budget and Appropriations Ordinance
Regarding Authority to Modify the Budget*

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 vested with the authority, under Article IV, Section 7(i)(2), to manage the funds of the Tribe; and

WHEREAS, the Tribal Council has adopted the Budget and Appropriations Ordinance which identifies the processes by which budgets are adopted and expenditures may be authorized; and

WHEREAS, the Tribal Council has adopted resolutions which provided for budget modifications and supplemental appropriations to FY2005 Budget; and

WHEREAS, the Tribal Council has received monthly financial reports which identify modifications to the budget under section 6.03 of the Budget and Appropriations Ordinance; and

WHEREAS, the Tribal Council has reviewed these amendments and is concerned regarding the amount of modifications that have and are occurring and no longer believes that this authority is appropriate;

WHEREAS, the Tribal Council adopted the Administrative Procedures Act - Ordinances which identifies processes by which ordinances may be adopted, amended, or repealed, and which also identifies processes by which emergency amendments may be authorized;

WHEREAS, the Tribal Council finds that emergency adoption to remove authority for modification of the budget without Tribal Council authorization, is necessary to allow the budget to be tracked in a clearer fashion through Tribal Council resolutions;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts, under authority of Article V of the Administrative Procedures Act - Ordinances, the emergency amendments to the Budget and Appropriation Ordinance which shall be effective on August 10, 2005, for a six month period or until permanent amendments can be presented for Public Comment and permanently adopted.

6.03. *Budget Modifications; Authorization.* ~~The Tribal Ogema shall have the authority to make or recommend budget modifications subject to the following restrictions:~~

~~a. All modifications to approved budgets, which require supplemental appropriations, or which re-allocate funds from one department to another, must be approved by the Tribal Council.~~

~~b. Line item modifications within a program budget, which do not alter the scope of the program, but simply re-allocate funds appropriated to that department, may be approved by the Ogema without Tribal Council approval. Provided that, the combined amount of individual modifications to a single program budget may not exceed 10% of the total original program budget. Modifications in excess of 10% of the total original program budget, or proposed modifications after reaching 10% of the total original program budget, require Tribal Council approval.~~

~~c. Any change in the scope of a program, such as the expansion or elimination of program activities, or any reduction in amounts appropriated for the purchase or provision of direct services to tribal members, must be approved by the Tribal Council.~~ 6.04. *Disbursements.* ~~No funds appropriated by the Tribe shall be disbursed except by check or other banking instrument or process. All disbursements shall be made pursuant to applicable procurement and disbursement policies approved by the Tribal Council.~~

a. The Tribal Ogema shall have the authority to recommend budget modifications and proposed such recommendations to Tribal Council.

b. Budget modifications are prohibited unless approved by a resolution adopted by Tribal Council authorizing such modification.

6.03a. Criminal Action.

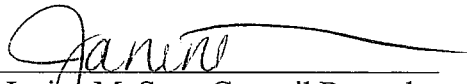
1. Funds. An officer, agent, servant, or employee of the Tribe who transfers or juggles the funds of the Tribe, or issue false checks, drafts, warrants, vouchers or other evidences of credit, shall be guilty of a misdemeanor and subject to a fine up to \$5000.00 and/or up to one year imprisonment.

2. Information. An officer, agent, servant, or employee of the Tribe who shall knowingly deliver, publish or give out for publication any false statement relating to the finances, funds, moneys, or balances in any fund of the Tribe shall be guilty of a misdemeanor subject to a fine up to \$5000.00 and/or up to one year imprisonment.

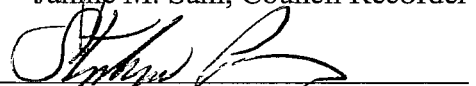
IT IS FURTHER RESOLVED THAT the Tribal Council directs that the amendments be posted for Public Comment.

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, 0 ABSTAINING, 0 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 17, 2005, 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