

Corrected



Little River Band of Ottawa Indians

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

Resolution # 08-0123-21

Approval to Rescind 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 Constitution of Little River Band of Ottawa Indians Article V, Section 1 states, "The *Executive* powers of the Little River Band shall be invested in the Tribal Ogema."; and

WHEREAS, the Tribal Ogema has determined that budget modifications are an Executive function; and

WHEREAS, the Tribal Ogema has determined that in order to restore budget modifications to an Executive function that Resolution #05-0817-391 be rescinded; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby rescinds Resolution #05-0817-391 – Emergency Adoption of Amendments to the Budget and Appropriations Ordinance Regarding

Authority to Modify the Budget which shall be effective on January 30, 2008, for a six month period or until permanent amendments to the Budget and Appropriation Ordinance can be presented for Public Comment and permanently adopted; and

IT IS FURTHER RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves to restore the wording of the Budget and Appropriations Ordinance – Ordinance #04-100-04 as follows:

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. The Ogema's authority to approve budget modifications as described above shall be non-delegable and must be exercised by the Ogema personally, provided however that the Ogema may delegate approval authority to the Chief Financial Officer and/or the Tribal Manager in a case-by-case basis.
- 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 all 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 Tribal Council.

IT IS FURTHER RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves to delete the wording of the Budget and Appropriations Ordinance – Ordinance #04-100-04 as follows:

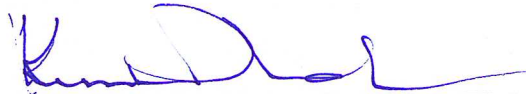
6.03. *Budget Modifications; Authorization.*

- 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.

IT IS FINALLY 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, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on January 23, 2008 at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Kimberly Alexander, Council Recorder



Don Koon, Council Speaker

Attest:

Distribution: Tribal Ogema
Tribal Council
Tribal Court
Accounting Department