



Little River Band of Ottawa Indians

PO Box 314
Manistee MI 49660-0314
(616) 723-8288

RESOLUTION NO. #97-1214-03

APPROVING TWO ALTERNATIVE PLANS
(SEVENTH GENERATION PLAN AND 80/20 PLAN)
FOR USE AND DISTRIBUTION OF THE TRIBE'S SHARE OF
DOCKETS 18-E, 58 AND 364 JUDGMENT FUNDS
AND

AUTHORIZING SUBMISSION OF SUCH PLANS TO
REFERENDUM VOTE OF ADULT MEMBERS OF THE TRIBE
IN ACCORDANCE WITH SPECIAL ELECTION RULES PROMULGATED BY
THE TRIBAL ELECTION BOARD
AND

SUBMISSION OF THE PLAN APPROVED BY TRIBAL MEMBERS IN SUCH
REFERENDUM ELECTION TO SECRETARY OF THE INTERIOR
IN ACCORDANCE WITH H.R. 1604

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.)(hereinafter "Little River Act"; and

WHEREAS, Section 8(a)(2) of the Little River Act (25 U.S.C. §1300k-6(a)(2)), provides that the governing documents in effect as of September 21, 1994 shall be the interim governing documents for the Tribe until such time as a new governing document is enacted under the Secretarial election required by the Little River Act; and

WHEREAS, Congress has approved H.R. 1604, which provides for the division of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364, and 18-R; and

WHEREAS, the Little River Band of Ottawa Indians is the political successor to Grand River Ottawa bands who are entitled to share in the division of such judgment funds as recognized in H.R. 1604; and

WHEREAS, Section 5 of H.R. 1604 requires the Tribe to prepare a plan for use and distribution of the Tribe's share of the Dockets 18-E, 58 and 364 judgment funds; and

WHEREAS, the Tribal Council has proposed alternative plans for use and distribution of the Tribe's share of the judgment funds and reviewed the concepts of such plans with the Tribal membership; and

WHEREAS, the Indian Judgment Funds Distribution Act, codified at 25 U.S.C. 1401 et seq., requires the Tribal Council to consider the views of all Tribal members in formulating and adopting a plan for use and distribution of the Tribe's share of the judgment fund; and

WHEREAS, the Tribal Council has determined that two alternative plans for use and distribution of the Tribe's share of judgment funds should be referred to the Tribal membership for a vote; and

WHEREAS, an ad hoc work group composed of representatives of the Tribal Council, Tribal members, the Tribal Controller, and the Tribal Attorney has drafted language to implement the two plans to be voted on the Tribal membership; and

WHEREAS, the Tribal Council has determined that the "80/20 Plan" presented by that work group meets the minimum standards for approval established by Section 5 of the Indian Judgment Funds Distribution Act, in that such plan reserves 20% of the Tribe's share of the judgment fund for acquisition of Tribal lands and for distribution of the remaining 80% to per capita payments to qualified Tribal members; and

WHEREAS, the Tribal Council has determined that the Seventh Generation Plan presented by that work group meets the standards for approval under Section 5 of the Indian Judgment Funds Distribution Act in that such plan allocates a portion of such funds for acquisition of Tribal lands, distribution of a significant portion of the fund to per capita payments to qualified Tribal Elders and other Tribal members, while reserving a substantial portion of the judgment fund for perpetual trusts to benefit the current and future generations of Tribal members; and

WHEREAS, the Tribal Council desires to have the two plans presented submitted to a referendum vote of the membership in accordance with Section 2 of Article IX of the interim Constitution; and

WHEREAS, the Tribal Council has appointed a five (5) person Election Board vested with the authority to promulgate rules and procedures governing the conduct of such referendum vote; and

WHEREAS, the Tribal Council intends to submit the plan approved by majority vote of the Tribal members voting in such referendum election to the Secretary of the Interior for approval in accordance with Section 5 of H.R. 1604.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council approves the two alternative plans ("Seventh Generation Plan" and "80/20 Plan") for use and distribution of the Tribe's share of the Dockets 18-E, 58 and 364 Judgment Funds, as presented by the ad hoc work group.

IT IS FURTHER RESOLVED THAT the Tribal Council formally submits the two alternative plans to the Tribal membership for a Referendum vote in accordance with Article IX, Section 2 of the Constitution of the Little River Band of Ottawa Indians.

IT IS FURTHER RESOLVED THAT the Tribal Council formally requests that the Tribal Election Board promulgate such rules and procedures as may be necessary to submit the two alternative plans to a Referendum vote to be held between January 15, 1998 and February 15, 1998.

IT IS FURTHER RESOLVED THAT the Tribal Council directs the Tribal Chairperson to submit the plan approved by majority vote of the Tribal members in such Referendum election within three (3) business days following the certification of the results of such election by the Election Board pursuant to Section 3 of Article IX of the Tribal Constitution.

IT IS FURTHER RESOLVED THAT copies of this resolution, the alternate plans approved this date, election rules/procedures, certification of results from the Election Board, and all other pertinent records concerning the development and approval of the Tribe's Plan, be forwarded to the Superintendent of the Michigan Agency, Minneapolis Area Director, and the Assistant Secretary - Indian Affairs to expedite approval of the Tribe's Plan.


CERTIFICATION OF ADOPTION

This resolution was adopted by the Tribal Council of the Little River Band of Ottawa Indians at its Regular Session held on December 14, 1997, by a vote of 7 in favor, 0 opposed, 0 absent, and 0 abstentions. A quorum of the Tribal Council being present for such vote.

Date: 12/14/97


Charles Fisher, Council Secretary

Attest:


Kathy Berentsen, Vice-Chairperson