



Little River Band of Ottawa Indians

PO Box 314
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(616) 723-8288

Resolution No. #98-1011- 0 /

Requesting Release of the Tribe's Share of
Judgment Funds Under the Michigan Indian Land Claims
Settlement Act and Authorizing the Disbursement of Such Funds
in Accordance with the 80/20 Plan

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, Congress has enacted Public Law 105-143, known as the Michigan Indian Land Claims Settlement Act, 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 nine (9) of the nineteen (19) Grand River Ottawa bands who are entitled to share in the division of such judgment funds as recognized in the Michigan Indian Land Claims Settlement Act; and

WHEREAS, Section 105 of the Michigan Indian Land Claims Settlement Act required 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, seventy six (76%) of the adult Tribal members participated in a referendum election, at which a Tribal plan, known as the "80/20 Distribution Plan" was approved by a majority of Tribal members; and

WHEREAS, the Tribal Council determined that the "80/20 Distribution 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

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WHEREAS, the Section 2 of the Indian Tribal Judgment Funds Use or Distribution Act, 25 U.S.C. 1403, requires the Tribal Council to assure that the interests of minors and other legally incompetent persons entitled to receive any portion of the judgment funds distributed to them will be protected and preserved; and

WHEREAS, the "80/20 Distribution Plan" was approved by the Secretary of the Interior and by the Congress; and

WHEREAS, the Office of Trust Management is directed by Section 105(a)(1) of the Michigan Indian Land Claims Settlement Act to distribute the funds provided to the Little River Band of Ottawa Indians in Section 104(a)(5) and 104(b)(5) within 30 days after the Effective Date of the "80/20 Distribution Plan"; 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 Tribal Council Chairperson/Speaker, pursuant to Article IV, Section 5 (a)(4) and Article V, Section 5(a)(3) and (8) of the Tribal Constitution, is authorized to represent the Tribe in its relations with other organizations and manage the economic affairs/enterprises of the Tribe, in a manner consistent with the Tribal Constitution and resolutions of the Tribal Council; and

WHEREAS, it is the responsibility of the Tribal Council to disburse and manage the funds designated for the Tribe, subject to the terms and conditions prescribed in the "80/20 Distribution Plan".

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby requests the immediate release of 100% of its funds, as specified in the Michigan Indian Land Claims Settlement Act, from the trust account(s) maintained by the Office of Trust Management, by wire transfer to Account No. 01182016445 at Huntington National Bank-Manistee (ABA No. 072403473) and that Huntington National Bank Vice-President, Steve Loomis, shall serve as the Bank's contact for purposes of completing said transfer;

IT IS FURTHER RESOLVED THAT the Tribal Council shall administer the funds so transferred on behalf of the Little River Band of Ottawa Indians to establish accounts to administer the funds in the following manner:

1. Pursuant to Section 3 of the 80/20 Distribution Plan, eighty per cent (80%) of the funds shall be maintained in account No. 01182016445 for the purpose of making per capita payments to all "Qualified Tribal members" as

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compensation for the delay in distribution of the judgment funds and to advance the current health, safety and welfare of such qualified Tribal member. As provided in Tribal Council Resolution No. #97-1123-01 and Section 105 of the 80/20 Distribution Plan, the term "Qualified Tribal member" shall mean any individual who has applied for enrollment before 12:00 a.m. (midnight), Friday, January 30, 1998, and is duly enrolled in the Little River Band of Ottawa Indians. The Tribal Council will place the per capita shares of qualified minor Tribal members, qualified incompetent Tribal members and qualified incarcerated Tribal members in private trust accounts established by the Tribal Council in accordance with the 80/20 Distribution Plan. The Secretary of the Interior and the Office of Trust Management shall have no trust responsibility for the investment, supervision, administration or expenditure of any portion of the judgment funds utilized for per capita payments.

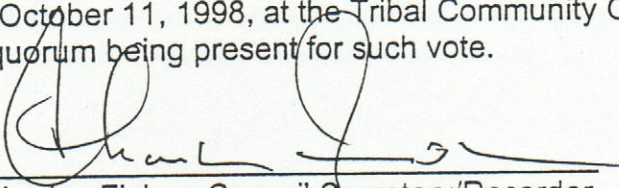
2. The remaining twenty percent (20%) of the funds shall be utilized by the Tribal Council for the acquisition of lands for Tribal purposes and administered in the following manner:

a. From the twenty percent (20%) of the funds programmed for land acquisition, the sum of \$1,500,000.00 shall be allocated for initial land acquisition to increase tribal land holdings or to pay the principal balance of loans owing on properties owned by the Tribal government. The Tribal Council shall use the funds so allocated for the acquisition of properties or for the purposes identified in the Tribe's Reservation Restoration Plan – Phase I (adopted February 9, 1997). The Secretary of the Interior and the Office of Trust Management shall have no trust responsibility for the investment, supervision, administration or expenditure of any portion of the judgment funds utilized for initial land acquisition.

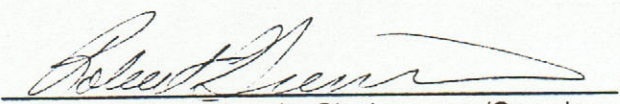
b. The balance remaining from the twenty percent (20%) of the funds programmed for land acquisition following allocation of the \$1,500,000.00 for initial land acquisition, shall be placed in an irrevocable, non-expendable trust to be known as the "Reservation Restoration Trust Fund", for which the Tribal Council shall serve as trustee. The Tribal Council may, at its option, hire a professional trust manager to administer the trust. Ninety percent (90%) of the earnings on that Trust may be used annually and shall be used exclusively for the acquisition of properties or for the purposes identified in the Tribe's Reservation Restoration Plan. The Secretary of the Interior and the Office of Trust Management shall have no trust responsibility for the investment, supervision, administration or expenditure of any portion of the Trust.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 0 AGAINST, 1 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on October 11, 1998, at the Tribal Community Center in Manistee, Michigan, with a quorum being present for such vote.


Charles Fisher, Council Secretary/Recorder

Attest:


Robert Guenthardt, Chairperson/Speaker