

Charitable Donations Ordinance

Ordinance #14-800-06

Article I. Purpose; Findings.

- 1.01. *Purpose.* The purpose of this Ordinance is to establish a procedure for all funding requests received by the Tribal Government and to create standards by which Tribal Council and the Ogema shall authorize charitable donations on behalf of the Little River Band of Ottawa Indians.
- 1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds that:
- a. Tribal Council is delegated the responsibility, in Article IV, Section 7(a) of the Constitution of this tribe “to exercise the inherent powers of the Little River Band by establishing ordinances through the enactment of ordinances and adoption of resolutions not inconsistent with this Constitution:
 1. to govern the conduct of members of the Little River Band and other persons within its jurisdiction;
 2. to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members”;
 - b. Article IV, Section 7(i)(2) of the Constitution vests the sole authority in the Tribal Council to “manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit of the Tribe and its members.”
 - c. The Indian Gaming Regulatory Act, 25 USC 2701 *et seq.*, allows for the distribution of gaming revenue by the Tribal government to charitable organizations;
 - d. The Tribe’s Revenue Allocation Plan designates 0.10% of gaming revenue for distributions to charitable organizations;
 - e. Distributions to American Indian controlled 501c3 charitable organizations will have a beneficial impact on the education, health, spirituality and culture of Tribal members and Indian Country.

Article II. Adoption; Amendment; Repeal; Severability.

- 2.01. *Adoption.* This Ordinance was adopted by Tribal Council Resolution #14-0723-219.
- a. Resolution #16-0323-089, adopting amendments to limit the requirement of Tribal Council approval to donations exceeding \$750.00.

- b. Resolution #21-1027-263, adopting amendments to restructure charitable giving into a grant cycle timed with the budget approval and fiscal calendar year and limiting eligible charitable organizations to those controlled by American Indians.
- 2.02. *Amendment.* This Ordinance may be amended in accordance with the procedures set forth in the Administrative Procedures Ordinance, Ordinance #04-100-07, as amended.
- 2.03. *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the Administrative Procedures Ordinance, Ordinance #04-100-07, as amended.
- 2.04. *Severability.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Article III. Definitions.

- 3.01. *General.* As used in this Ordinance, except where otherwise specifically provided or the context otherwise requires, the terms and expressions shall have the meanings defined in this Article. The use of the word “shall” is always mandatory and not merely advisory.
- 3.02. *Applicant* means the individual submitting the application on behalf of an American Indian controlled 501c3 charitable organization.
- 3.03. *Charitable Organization* means an organization formed for the purposes of relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency. In determining whether an organization is a “charitable organization,” the Tribe shall look to the ordinary legal definition of that term and as that term is defined by the Internal Revenue Service. For purposes of this Ordinance charitable organization is limited to American Indian controlled 501c3 charitable organizations.
- 3.04. *Tribal Court* means the Tribal Court for the Little River Band of Ottawa Indians.

Article IV. Funding for Charitable Donations

- 4.01. Charitable donations shall be awarded to qualified organizations through Tribal Council Resolutions and shall be capped at no greater than \$25,000.00 per organization per funding cycle.

- 4.02. There shall be no prohibition from a qualified charitable organization receiving continuing awards except that the organization shall only submit one grant application per cycle to Tribal Council and that such organization may not have two awards at the same time.
- 4.03. Charitable donations will be made based on criteria outlined in the request for proposals in the annual funding announcement and scored and reviewed by the Tribal Council.
- 4.04. Appropriate funding for charitable donations shall be included in the annual budgets submitted by Tribal Council.
- 4.05. No other branch, enterprise, or entity of the Tribe may make charitable donations on behalf of the Tribe or its enterprises outside of the process prescribed herein.

Article V. Application for Charitable Donations.

- 5.01. *Who May Apply.* Any American Indian controlled 501c3 charitable organization that is in good standing with their designation from the Internal Revenue Service.
- 5.02. *Who Shall Not Qualify.* Charitable donations shall not be made to private individuals or organizations that do not meet the definition of a charitable organization under this Ordinance.
- 5.03. *Request for Proposals - Annual Funding Announcement.* The Request for Proposals Annual Funding Announcement (RFP) shall be made on an annual basis with funding contingent upon the adoption of the Tribal Budget. The RFP shall be posted in the first quarter of the fiscal year of the Tribe and shall be awarded no later than the second quarter of the fiscal year of the Tribe. -RFP shall contain the following information:
 - a. Name of the organization;
 - b. Tax Identification Number;
 - c. Mission statement of the organization;
 - d. Name and contact information of all members of the organization's governing body;
 - e. Amount of charitable donation requested;
 - f. Itemized list showing proposed use of requested charitable donation; and
 - g. A narrative of the benefits the charitable donation would provide to Indian Country.

- h. Other information deemed necessary by Tribal Council to include in the RFP for establishing priority areas and ensuring the award would have the greatest impact on Indian Country.
- 5.04. *Public Vote.* Unless otherwise required by Tribal law, the Tribal Council shall discuss and score each Grantee proposal and selected agency. Tribal Council shall discuss and vote on each charitable donation at a regular session of Tribal Council Meetings. All charitable donations shall be authorized by Tribal Council Resolution. Nothing shall prohibit the Tribal Council from meeting prior to the regular session of Tribal Council to discuss the proposals and scoring.
- 5.05. *Representative shall be Required.* Once a Grantee is selected for a charitable donation, a representative from the organization making the request shall be required to attend the Tribal Council meeting to answer questions from the Council or the public regarding the proposal award. Appearance can be done in-person or virtually of the representative.
- 5.06. *Accounting shall be Required.* Application for and receipt of a charitable donation under this Ordinance is consent to the production of an accounting for the funds, including the production of receipts and demonstration of expenditures. The Grantee shall file a six-month report and a final report that details the financial expenditures and outcomes or status on proposed outcomes contained in a narrative format.
- 5.07. *Tribal Council Action Final.* Tribal Council's rejection of an application is final and is not subject to appeal in Tribal Court or in any other jurisdiction.
- 5.08. *Public Announcement.* All charitable donations awarded shall be made in a public forum at a regular scheduled Tribal Council meeting. Further, all Grantee reports shall be accepted by motion of the Tribal Council in a regular scheduled Tribal Council meeting and be considered public record.

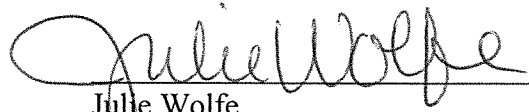
Article VI. No Creation of Right or Property Interest; Sovereign Immunity Not Waived.

- 6.01. *No Right or Property Interest to Charitable Donations.* Nothing in this Ordinance creates a claim of right or property interest on behalf of any person or organization to a charitable donation authorized by this Ordinance.
- 6.02. *Sovereign Immunity Not Waived.* Nothing in this Ordinance waives the inherent sovereign immunity of the Little River Band of Ottawa Indians, nor does it create consent to suit in any jurisdiction over its terms.

CERTIFICATION

I, Julie Wolfe, do hereby certify that this is a true and correct copy of the Charitable Donations Ordinance, Ordinance #14-800-06, adopted by Tribal Council Resolution #14-0723-219 and amended by Tribal Council Resolution #21-1027-263.

10/27/2021
Date



Julie Wolfe
Tribal Council Recorder

