

## Charitable Donations Ordinance

Ordinance # 14-800-06

### Article 1. 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) Article V, Section 5(a)(8) of the Constitution vests authority in the Tribal Ogema to manage the economic affairs of the Tribe, consistent with ordinances and resolutions enacted by the Tribal Council.
  - (d) The Indian Gaming Regulatory Act, 25 USC 2701 *et seq.*, allows for the distribution of gaming revenue by the Tribal government to charitable organizations;
  - (e) The Tribe’s Revenue Allocation Plan designates 0.10% of gaming revenue for distributions to charitable organizations;
  - (f) Distributions to charitable organizations in this community will have a beneficial impact on the education, health, spirituality and culture of Tribal members and their neighbors.

**Article 2. 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.
- 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 *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the Administrative Procedures Ordinance, Ordinance #04-100-07, as amended.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 3. 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 a 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.
- 3.04. *Tribal Court* means the Tribal Court for the Little River Band of Ottawa Indians.

**Article 4. Funding for Charitable Donations**

- 4.01. Charitable donations up to and including \$750.00 shall be disbursed to qualified organizations by authorization of the Ogema.

- 4.02. Charitable donations exceeding \$750.00 shall be disbursed to qualified organizations through Tribal Council by Resolution.
- 4.03. Funds for charitable donations will be made based on need and on a first-come, first-served basis in order of application and submission.
- 4.04. Appropriate funding for charitable donations shall be included in the annual budgets submitted by Tribal Council and the Ogema. The Ogema shall submit applications pursuant to §5.03 of this Ordinance for up to one-half of the gaming revenue designated for charitable donations annually.

**Article 5. Application for Charitable Donations.**

- 5.01. *Who May Apply.* Any individual may request a donation on behalf of a charitable organization.
- 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. *Content of Application.* Applications for charitable donations exceeding \$750.00 must be submitted to Tribal Council on a form provided for that purpose with an Agenda Request and Resolution. Final order to be placed on an agenda for consideration by Tribal Council. All applications must 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 brief statement of the benefits the charitable donation would provide to the community.
- 5.04. *Public Vote.* Unless otherwise required by Tribal law, the Tribal Council shall discuss and vote on each charitable donation request exceeding \$750.00 at a regular session of Tribal

Council Meetings. All charitable donations exceeding \$750.00 shall be authorized by Tribal Council Resolution.

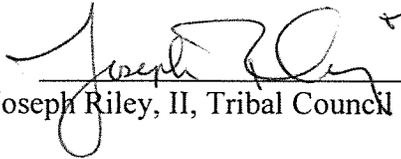
- 5.05. *Representative May Be Required.* Once an application for a charitable donation is placed on the agenda, a representative from the organization making the request may be required to attend a meeting to answer questions from the Council or the public regarding the application.
- 5.06. *Accounting May 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 upon request from Tribal Council.
- 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 not authorized by Tribal Council Resolution shall be acknowledged by motion and read into the record at the Tribal Council Meeting immediately following the donation.

**Article 6. 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, Joseph Riley, II, Tribal Council Recorder, hereby certify that this is a true and correct copy of the Charitable Donation Ordinance, Ordinance #14-800-06, adopted by Tribal Council Resolution # \_\_\_\_\_, and amended by Tribal Council Resolution # 16-0323-089.

  
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Joseph Riley, II, Tribal Council Recorder

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