

Little Traverse Bay Bands of Odawa Indians

7500 Odawa Circle
Harbor Springs, MI 49740

RESOLUTION # 110302-02 ADOPTION OF GAMING REVENUE ALLOCATION PLAN

WHEREAS to foster and enhance Tribal governmental operations and programs, the general welfare of the Tribe and its members, and Tribal economic development, the Little Traverse Bay Bands of Odawa Indians (Tribe) operates a class III gaming operation under the Indian Gaming Regulatory Act and a Tribal/State compact;

WHEREAS the Tribal Council is the duly elected governing body of the Tribe under the Tribe's Constitution;

WHEREAS to promote the welfare of the Tribe and its members for the reasons stated above and in the Indian Gaming Regulatory Act, the Tribal Council has developed the attached Revenue Allocation Plan which includes a one time per capita payment to Tribal members who are 55 years of age or older;

THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians adopts the attached Revenue Allocation Plan for allocation of the net gaming revenues of the Tribe, and requests approval of this Plan by the Secretary of the Interior or her designee.

Certification

As Tribal Chairman and Secretary, we certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on November 3, 2002 at which a quorum was present, by a vote of 6 in favor, 1 opposed, 0 abstentions, and 0 absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u> X </u>	_____	_____	_____
Gerald Chingwa	<u> X </u>	_____	_____	_____
Frederick Harrington, Jr.	<u> X </u>	_____	_____	_____
Beatrice Law	<u> X </u>	_____	_____	_____
Rita Shananaquet	<u> X </u>	_____	_____	_____
Janet Shomin	_____	<u> X </u>	_____	_____
Alice Yellowbank	<u> X </u>	_____	_____	_____

Date: November 3, 2002

Gerald V. Chingwa, Tribal Chairman

Frederick R. Harrington, Jr., Tribal Secretary

GAMING REVENUE ALLOCATION PLAN

SECTION I. STATEMENT OF POLICY

To promote the general welfare of the Tribe and its members, this Plan is intended to provide for a per capita distribution from revenues of the Tribe's gaming enterprise of \$ 500.00 to duly enrolled Tribal members who are at least fifty five years of age on December 31, 2002. This Plan only authorizes a single payment. This Plan combines both the per capita plan and the revenue allocation plan of the Tribe.

SECTION II. DEFINITIONS

- A.** "Council" means the duly elected governing body of the Little Traverse Bay Bands of Odawa Indians.
- B.** "Members" means those persons who are duly enrolled in the Little Traverse Bay Bands of Odawa Indians.
- C.** "Need based public benefit program" means programs which use the amount of the applicant's monthly or annual income as one factor in determining eligibility.
- D.** "Net Revenues" means gross revenues of tribal gaming activities less amounts paid out as, or paid for, prizes and total operating expenses, including debt service, lease payments, and payments made to the State of Michigan and local units of government under the Tribe's class III compact with the State of Michigan.
- E.** "Plan" means this Per Capita Distribution and Revenue Allocation Plan.
- F.** "Revenue Allocation Plan" means the revenue allocation plan included in Section III providing a percentage allocation of uses of funds derived from Tribal gaming operations.
- G.** "Tribe" means the Little Traverse Bay Bands of Odawa Indians.

SECTION III. APPROPRIATIONS AND APPLICATION OF TRIBAL GAMING REVENUES

A. In order to provide for the general welfare of the Tribe and its members, the Council shall review in the months of March and September of each year the income, expenses and management of Tribal gaming operations, and after due consideration of the need to fund Tribal government operations and programs, the overall needs of the Tribe and its members, and the need to promote tribal economic development, shall decide whether to make any changes to the Revenue Allocation Plan providing for appropriate percentage allocation of Tribal Gaming

Revenues within the annual budget of the Tribe. An affirmative vote of at least a majority of the members of the Council shall be required to approve any changes to the Revenue Allocation Plan. The only per capita payment authorized by this Plan is the one-time elders distribution described herein.

B. The initial allocation of Net Revenues shall be as follows: 40% for Tribal governmental operations and programs, 40% for the general welfare of the Tribe or its members, 13 % to promote economic development, 2% for charitable donations, and up to 5% for per capita distributions.

C. The portion allocated to Tribal Government Operations shall help fund: the Council's activities, Executive offices, Finance Department, Computer System, Personnel Department, Property and Procurement Office, Newsletter, Legal Department, Legal Fees, Investigation and audits, Tribal Courts, Constitutional Reform, etc.

D. The portion allocated to General Welfare of the Tribe and its members shall help fund: Education Administration, Tribal Scholarships, Community Education, Headstart support, employee assistance and training, Public Works Department, new homes and mobile homes, repairs and maintenance, Health Department, Tribal Elders Program, etc.

E. The portion allocated to Economic Development shall help fund: the Planning Department, Business loans, land acquisitions, purchase of businesses, casino expansion, etc.

F. The charitable donations will be decided by the Council based on requests or perceived needs.

G. The portion allocated to distributions shall fund the elders per capita payment provided for in this Plan.

SECTION IV. MEMBERSHIP AND ELIGIBILITY

Persons who are duly enrolled members of the Tribe under the Tribal Constitution and Enrollment Statute who are at least fifty five years of age by midnight on December 31, 2002 shall be eligible to receive a per capita distribution of \$500.00 to be mailed out between December 1, 2002 and January 1, 2003 or upon Secretarial approval of this Plan.

SECTION V. LEGAL INCOMPETENTS

A. The interests of legally incompetent members entitled to receive the per capita payment shall be disbursed to their legal guardian to be used for the care and comfort of the eligible member.

B. Members whose whereabouts are unknown shall have their money held in an interest

bearing account until their whereabouts are known or until reasonable proof of death is presented to the Tribal Court at which time the monies due to the member shall be distributed to their estate. If no heirs can be determined by the Tribal Court, the monies shall be returned to the Tribe.

SECTION VI. TAXATION

The per capita payment is subject to Federal taxation. Members receiving the payment shall be informed that they are responsible for payment of applicable taxes. Members shall also be informed that this payment may potentially effect their eligibility for needs based public benefits programs.

SECTION VII. DISPUTE RESOLUTION PROCEDURE

A. Determination by Tribal Council. Should a dispute arise regarding the allocation of net gaming revenues of distribution the one-time per capita payment, any LTBB Tribal member with such a dispute shall make a written submission to the Tribal Council for a determination on the controversy. The submission shall include facts regarding the nature of the controversy, actions taken up to the time of the written submission and by whom, the member's request for relief and any legal or factual support for the request. The Tribal Council, by at least quorum, shall review the written submission and determine whether an allocation/distribution or denial thereof is consistent with the terms and purpose of the Plan and Section 11 (b)(3) of the Indian Gaming Regulatory Act. The Tribal Council, in making its determination, may accept written or oral evidence in support of its submissions. The Tribal Council shall inform the parties involved in the controversy in writing of its decision and the reasons supporting its decision, addressing the terms and purposes of the Plan and Section 11 (b)(3) of the Indian Gaming Regulatory Act.

B. Appeal to the Tribal Court. Any party to the controversy may appeal any decision made by the Tribal Council under Section (A) above to the Tribal Court in accordance with the Tribal Court Statute and Tribal Court Rules.

C. Scope of Dispute Resolution. The procedures listed in (A) and (B) above are not intended to provide a forum for amending the Plan. Any amendments to the Plan must be approved by official action of the Tribal Council, and by the Secretary of the Interior under Section 11 (b)(3) of the Indian Gaming Regulatory Act.