

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 ODAWA CIRCLE
HARBOR SPRINGS, MI 49740**

TRIBAL RESOLUTION # 012509-07

Tribal Government Budget Revision Fiscal Year 2009

- WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;
- WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS according to the Tribal Constitution, the Tribal Council shall enact an annual budget for the upcoming fiscal year. The budget shall identify all funding sources, appropriations of operating funds and Tribal Enterprises. Article VII (I);
- WHEREAS Tribal Council approved WOS 2007-003, Budget Formulation Process that states in part: “Programs and budgeted items shall be subject to funding availability. If actual revenues during a fiscal period fall short of projected revenues the Tribal Council shall take necessary actions to reduce budgeted expenditures of all divisions in accordance with budgetary priorities.”;
- WHEREAS the Tribal Government received five million dollars (\$5,000,000) in Annual Service payments from the Odawa Casino Resort in fiscal year 2008;
- WHEREAS the Tribal Council through Motion # 100508-2008-008 authorized the Tribal Chairperson to borrow the investment funds in an amount not to exceed \$4.5 million dollars to allow for cash flow for Tribal government operations for the 4th quarter of FY 2008, the Tribal Chairperson shall administer his oversight authority to the extent necessary to ensure that such funds are adequately administered;
- WHEREAS the Tribal Chairperson has submitted a 2009 Tribal Wide Budget with 2009 Executive Savings Plan to the Tribal Council at its regular Tribal Council Meeting, January 11, 2009, with anticipated “Casino Revenues” of \$10,659,088;
- WHEREAS the Legislative, Judiciary Branches along with the Election Board have submitted to Tribal Council “Cost Savings Plans for FY 2009”;

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WHEREAS the Tribal Council anticipates for FY 2009 that the Tribal Government will receive five million dollars (5,000,000) in Annual Service payments from the Odawa Casino Resort;

WHEREAS the Tribal Council anticipates that there will be a need to supplement the Tribal government operations similar to FY 2008, and WOS 2007-003 provides the Tribal Council the authority to cover such appropriations where there is short fall in projected revenues.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through its Constitutional and Statutory duties, authorizes the Tribal Chairperson to borrow from the investment funds an amount not to exceed \$3.0 million dollars to allow for cash flow for Tribal government operations for FY 2009, provided that if at such time in the future the Casino Revenues increase beyond the Annual Service payment the amount borrowed from the Investment Fund shall be paid back to the Investment Fund.

In the event that the Odawa Casino Resort Annual Service payments exceeds the amount of \$5,000,000, then for each dollar paid to the Tribal Government more than \$5,000,000, the amount borrowed from or paid back to the Investment Funds shall be reduced by that equal amount. (I.E. the Tribal Government receives \$5,000,001, then the amount allowed to be borrowed from the Investment funds is \$2,999,999).

In the event that the Odawa Casino Resort Annual Service payments do not meet the amount of \$5,000,000, then the Tribal Chair shall reduce the Executive budget for each dollar less than \$5,000,000, from within the Executive Branch. Under no condition shall the Tribal Chairperson expend funds beyond the amount of revenue received by the Odawa Casino Resort and the supplemental funding from the Investment funds, thus creating a deficit.

In the event that the Odawa Casino Resort Annual Service payment exceeds \$8,000,000, then any additional funds beyond the \$8,000,000, shall be appropriated through "Process for Appropriations of Supplemental Funding", WOS 2008-004.

The Legislative and Judiciary Branch, Prosecutor and Election Board shall submit revised FY 2009 budgets to the Tribal Council within 30 days of the enactment of this Resolution for Tribal Council approval.

The Tribal Chair shall submit a revised FY 2009 budget for the Executive Branch based on the new figure of \$8,000,000, minus the approved revised budgets for the Legislative and Judiciary Branch, Prosecutor and Election Board to Tribal Council within 45 days of the enactment of this Resolution for Tribal Council approval.

Tribal Chairperson shall administer his oversight authority to the extent necessary to ensure that such funds are adequately administered and ensure that the Tribal government does not spend more than the revenue received for FY 2009.

CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council 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 January 25, 2009 at which a quorum was present, by a vote of 7 in favor, 1 opposed, 0 abstentions, 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	_____	_____	_____	X
Melvin L. Kiogima	_____	X	_____	_____
Dexter McNamara	X	_____	_____	_____
Marvin Mulholland	X	_____	_____	_____
Shirley Oldman	X	_____	_____	_____
Alice Yellowbank	X	_____	_____	_____
Gerald V. Chingwa	X	_____	_____	_____
Regina Gasco Bentley	X	_____	_____	_____
Beatrice A. Law	X	_____	_____	_____

Date: January 25, 2009

Beatrice A. Law, Legislative Leader

Date: January 25, 2009

Regina Gasco Bentley, Secretary

Received by the Executive Office on _____ by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: February 23, 2009

Frank Ettawageshik, Tribal Chairperson