

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

7500 Odawa Circle
Harbor Springs, MI 49740

**RESOLUTION # 062203-02
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;

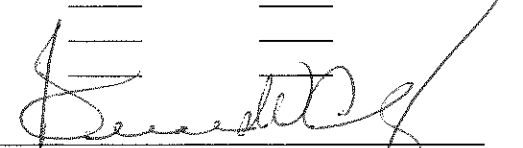
THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians adopts the attached Revenue Allocation Plan for allocation of the net gaming revenues of the Tribe, and requests approval of this Plan by the Secretary of the Interior or her designee.

Certification

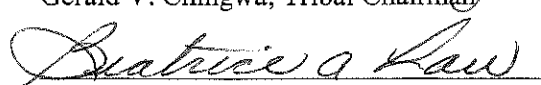
As Tribal Chairman and Tribal Secretary, we certify that this Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 22, 2003 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 1 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: 6-22-03



 Gerald V. Chingwa, Tribal Chairman



 Beatrice Law, 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 allocate the revenues from the Tribe's Gaming Enterprise. This Plan combines both the per capita plan and the revenue allocation plan of the Tribe. This Plan repeals and replaces any previously adopted Revenue Allocation Plan.

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. "Minor" means persons under 18 years of age.
- D. "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.
- E. "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.
- F. "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.
- H. "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.

B. The initial allocation of Net Revenues shall be as follows: an annual per capita payment of \$500.00 per duly enrolled Tribal member which will utilize approximately 20% of Net Revenues; of the approximately 80% remaining: 40% for Tribal governmental operations and programs, 25% for the general welfare of the Tribe or its members, 13% to promote economic development and 2% for charitable donations.

C. The portion allocated to Tribal Government Operations shall help fund: the Council's activities, Executive offices, Accounting 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 Economic Development Department, 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 based on a donations policy to be developed by Tribal Council.

SECTION IV. ELIGIBILITY

- A.** Persons who are duly enrolled members of the Tribe under the Tribal Constitution and Enrollment Statute midnight on November 30 of each year shall be eligible to receive a per capita distribution of \$500.00 to be mailed out between December 1 and January 1 of each year.
- B.** The member may designate by notarized written statement another person to receive their payment directly from the Tribe.

SECTION V. PROTECTION OF INTEREST OF MINORS, LEGAL INCOMPETENTS, AND UNKNOWN WHEREABOUTS

- A.** The annual per capita payment to minors and other legally incompetent persons who are entitled to receive such payment under Section IV shall be disbursed to their parents or legal guardian for the health, education, or welfare, of the minors or other legally incompetent persons.
- B.** Incompetent qualified Tribal member---To be deemed incompetent under this Plan, a qualified tribal member over the age of 18 must be declared incompetent by a court of competent jurisdiction prior to any disbursement of monies to any individuals. His/her guardian must inform the Tribe, with sufficient written evidence, that he/she is the incompetent's legal guardian along with the guardian and incompetent's current address(es) prior to the aforementioned disbursement. If the Tribe does not receive such notification, then the Tribe may release his/her share to the individual at his/her last known address and the Tribe will bear any further responsibility for the individual's funds.
- C.** 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. ATTACHMENT

The funds distributed to Tribal members under this Plan shall not be subject to attachment to satisfy any lien, judgement or any other debt.

SECTION VIII. DISPUTE RESOLUTION PROCEDURE

A. Determination by Tribal Council. Should a dispute arise regarding the allocation of net gaming revenues of the annual 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 this Plan and Section 11 (b)(3) of the Indian Gaming Regulatory Act [25 U.S.C. § 2710 (b)(3)]. 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.