

WAGANAKISING ODAWAK STATUTE # 2007-004

TRIBAL GOVERNMENT BUDGET FORMULATION PROCESS

SECTION I. PURPOSE AND SHORT TITLE

The purpose of this Statute is to mandate procedures and deadlines for the Tribal Council to follow in the formulation of the annual Tribal governmental budget. It may be cited as the "Budget Act." This Statute repeals and replaces Waganakising Odawak Statute 2005-11 dated August 21, 2005 and amends 2007-003.

SECTION II. FISCAL YEAR

The fiscal year shall be from January 1 to December 31.

SECTION III. STEPS IN PREPARATION OF ANNUAL BUDGET

A. Beginning with preparation for fiscal year 2010, by September 15 of each year, all Governmental Branches, units, departments, agencies and programs that provide direct services to our Tribal Citizens are required to adopt performance measures that include quantity and quality measurements, performance measures, goals and data collection that can be used to determine the extent to which they are progressing towards their goals and the quantity and quality of services provided to the Tribal Citizens. In order for the Tribal Council to adopt a Governmental Priority Funding Allocation, this information must be submitted to Tribal Council prior to any allocation of funding to the Branch, unit, department, agency or program for each fiscal year.

B. In order for the Tribal Council to adopt the Governmental Priority Funding Allocation and to determine the efficiency of each Governmental Branch, unit, department, agency, or program beginning with preparation for fiscal year 2010, by September 15 of each year, all Governmental Branches, units, departments, agencies and programs that provide non-direct services, a Job Analysis report of relevant staff positions, all duties performed, time spent performing each job function and work load must be completed and submitted to Tribal Council prior to any allocation of funding to the branch, unit, department, agency or program for each fiscal year.

C. By October 15 of each year the Tribal Council shall adopt the Governmental Priority Funding Allocation which shall set forth the allocation of funds based upon Performance Measures and Job Analysis Reports among the five divisions, (Executive, Legislative, Judicial, Prosecutor, and Election Board), for the fiscal period budgets that will begin 14 ½

months from this date. Prior to approval of this allocation the Tribal Council may hold public hearings.

D. By December 15 all budgets for the fiscal year specified in C above, from all divisions are to be submitted to the Tribal Council.

E. Between December 15 and May 1st the Tribal Council may schedule work sessions and public hearing(s) to reconcile the budget requests.

F. Tribal Citizenship Input. The Tribal Council or its designee shall hold a public hearing on the budget. Tribal Citizens shall be given reasonable notice, such as an announcement in the newsletter of the date, time and location of such hearing. Copies of the draft budget and summary totals of each departmental request will be provided to the Tribal Citizens upon request.

G. By May 1st the Tribal Council shall approve the annual budget.

SECTION IV. AVAILABILITY AND SURPLUS FUNDS

A. Funding Availability. 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.

B. Surplus Funds. Surplus funds remaining at the end of the fiscal year will be carried forward for reallocation by the Tribal Council in the next fiscal year as funding source allows. Such reallocation may include an amount to be placed in long term investment funds.

SECTION V. BUDGETARY REVIEW

The Tribal Council may review the budget monthly and reallocate funds as needed. The Tribal Council may make emergency appropriations or transfer funds between the various branches of government as needed and to borrow money to cover such appropriations or reallocations if necessary.

SECTION VI. BUDGET MODIFICATIONS

A. All budget submissions and modifications will be in the form and format required by the governmental accounting office.

B. A material modification in the scope of a program or an increase in its budget that requires an overall increase in a division's budget must be presented to the Tribal Council for approval and or a new appropriation.

SECTION VII. CHECK SIGNERS

The Tribal Chair shall have the authority to issue Executive Resolutions authorizing individuals to sign checks and defining methods and limitations for mechanical signatures. These resolutions do not need approval of Tribal Council. Copies of these resolutions shall be forwarded to the Treasurer.

SECTION VIII. SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

SECTION IX. EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on October 07, 2007 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

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

Date: _____

 Beatrice A. Law, Legislative Leader

Date: _____

 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: _____

 Frank Ettawageshik, Tribal Chairperson