

WAGANAKISING ODAWAK STATUTE 2008-004

PROCESS FOR APPROPRIATIONS OF SUPPLEMENTAL FUNDING

I. PURPOSE

The purpose of this Statute is to establish the process for a supplemental funding request by the Executive, Legislative, Judiciary, Prosecutor or Election Board for additional funding requested beyond the original amount appropriated by the *Tribal Government Budget Formulation Process*.

II. DEFINITIONS

- A. "Budget Modification" means a budget shift from one line item to another within the allocated departmental budget or account.
- B. "Committee" means the Appropriations and Finance Standing Committee of the Tribal Council.
- C. "Deficiency Budgets" means that within a departmental budget or account the expenditures exceed the allotted funds.
- D. "Emergency" means a matter that meets all of the following criteria:
1. Necessary expenditure – an essential or vital expenditure;
 2. Sudden – quickly coming into being, not building up over time;
 3. Urgent – pressing and compelling need requiring immediate action;
 4. Unforeseen – not predictable or seen beforehand as a coming need;
 5. Not permanent – the need is temporary in nature; and
 6. Dire – for the preservation of the interest of the Tribe, human life or property.
- E. "Specific additional service or program" means unanticipated program or service that would enhance the Tribe or benefits for Tribal Members that was not available at the time of the Tribal Government Budget Formulation Process.
- F. "Rescissions" means a regimen of automatic spending cuts to offset deficiency budgets within a governmental division based on a percentage of equal cuts across the board for each department and program.
- G. "Required Signature(s)" means the appropriate signatures and approval within the Governmental Division.
- H. "Transfers" mean budgetary shifts from one departmental budget or account to another department or account within the same governmental division and same funding source.
- I. "Tribal Council" means the elected Legislative body of the Tribe.

III. REQUESTS FOR ADDITIONAL FUNDING

- A. All requests for additional funding shall be reviewed by the Appropriation and Finance Committee prior to being submitted to the Tribal Council.
- B. A request for supplemental funding shall include the following information:
 - 1. The reason for the requested supplemental funding:
 - a. Emergency
 - b. Specific additional service or program
 - c. Deficiency budget;
 - 2. A brief narrative;
 - 3. The amount requested;
 - 4. Required signatures; and
 - 5. From where the funding is being requested, i.e. "prior year funds".
- C. All requests must be received three (3) business days prior to a Regular Meeting of the Committee.
- D. Special Committee meetings may be called for emergency funding requests.

IV. RECOMMENDATIONS BY THE COMMITTEE

- A. All requests for supplemental funding shall be presented first to the Committee for approval or rejection prior to being presented to the Tribal Council.
- B. The Committee shall make recommendations of the amount of funding or to reject the request for supplemental funding and shall make same known to Tribal Council at its regular meeting.
- C. Tribal Council shall approve or disapprove the recommendations of the Committee by a majority vote of Tribal Council members.

V. BUDGET MODIFICATIONS, TRANSFERS AND RECISSIONS

- A. Budget Modifications and Rescissions do not need approval of the Committee or Tribal Council.
- B. A Transfer can be made provided that it does not exceed fifteen percent (15%) of the total departmental budget and it does not create a new service or program, nor does it cause a material change in an existing service or program by altering the nature or scope of the service or program.
- C. All other Transfers would require a recommendation by the Committee and Tribal Council approval by a majority vote of the Tribal Council.

SECTION VI. 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 VII. 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 March 2, 2008 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 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: 3/3/08

Beatrice A. Law
Beatrice Law, Legislative Leader

Date: 3-2-08

Regina Gasco Bentley
Regina Gasco Bentley, Secretary

Received by the Executive Office on 3-3-08 by [Signature]

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: 3-24-2008

[Signature]
Frank Ettawageshik, Tribal Chairperson

