

WAGANAKISING ODAWA



TRIBAL CODE of LAW

TITLE XVIII. POST CONSTITUTION RESOLUTIONS, Chapter 2. BUDGETARY MATTERS

2023 – Version 10.2

WAGANAKISING ODAWA TRIBAL CODE of LAW

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Chapter Two. Budgetary Matters

18.201 Relocated to Funding Requests at 18.200(6.08)(a)

18.202 FUNDING FOR HOUSING DEPARTMENT TO CONSTRUCT A SINGLE FAMILY HOME IN PELLSTON IN COOPERATION WITH THE PELLSTON SCHOOL DISTRICT NOT TO EXCEED THE AMOUNT OF \$90,000.00 TO COME FROM PRIOR PERIOD FUNDS

A. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes funding for the Housing Department budget 1715-4-00 for the construction of a single-family home in the Village of Pellston in cooperation with the Pellston School District not to exceed the amount of \$90,000.00 to come from prior period funds.

(Source: TRIBAL RESOLUTION # 062208-02)

18.203 AUTHORIZING AN ADDITIONAL APPROPRIATION OF \$7,000 TO THE 2008 ODAWA HOMECOMING JIINGTAMOK / POW-WOW COMMITTEE TO COME FROM PRIOR PERIOD FUNDS

A. THEREFORE, BE IT RESOLVED Tribal Council authorizes an appropriation of \$7,000 to come from Prior Period funds to the 2008 Odawa Homecoming Jiingtamok / Pow-Wow line item 2101-2-00.

B. FURTHER RESOLVED that any revenues raised and all surplus funds of the Jiingtamok / Pow Wow Committee in 2008 shall be carried over to Fiscal Year 2009 for the Odawa Homecoming Jiingtamok Budget;

C. FINALLY RESOLVED that Tribal Council recognizes Winnay Wemigwase and Annette VanDeCar as the 2008 co-chairpersons of the 2008 Odawa Homecoming Jiingtamok as check requestors and the Tribal Administrator as the check requestor's approval.

(Source: TRIBAL RESOLUTION # 062208-03)

18.204 ACCEPTANCE OF RESIDUAL INTEREST DISTRIBUTION UNDER PUBLIC LAW 105-143

A. THEREFORE BE IT RESOLVED that Little Traverse Bay Bands of Odawa Indians agrees with the proposed distribution of judgment fund monies as set out in the letter dated May 18, 2009 from Gerald F. Parish to LTBB Chairman Frank Ettawageshik.

(Source: TRIBAL RESOLUTION # 062809-01)

18.205 FUNDING FROM MICHIGAN INTER-TRIBAL COUNCIL, INC., MICHIGAN DEPARTMENT OF COMMUNITY HEALTH ELDERLY SUPPLEMENTAL CONTRACT LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS ELDERS' PROGRAM SUPPLEMENT

A. THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes the receipt of funds from the Inter-Tribal Council of Michigan, Inc. for supplemental Elders' program funding.

B. FURTHER RESOLVED, that LTBB authorizes the Executive Director of the Inter-Tribal Council of Michigan or his/her designee to negotiate and implement the financial award on behalf of the member Tribes of the Inter-Tribal Council of Michigan, and also authorizes Tribal Chairman Frank Ettawageshik, Vice Chairman William I. Denemy, Tribal Administrator Albert Colby Jr., or another designee from the Tribal Chairman to execute any documents needed for LTBB's participation in the program.

(Source: TRIBAL RESOLUTION # 070609-04)

18.206 REPEALED: TRIBAL GOVERNMENT BUDGET REVISION FISCAL YEAR 2009

(Source: TRIBAL RESOLUTION # 012509-07/Repealed by # 071209-08)

18.207 REPEALED: THE ODAWA CASINO RESORT IS IN DEFAULT ON PAYMENTS TO THE TRIBAL GOVERNMENT

(Source: TRIBAL RESOLUTION # 030809-02/Repealed by # 032209-08)

18.208 PROVIDE FOR A PAYMENT SCHEDULE FOR THE REMAINING BALANCE DUE ON THE LINE-OF-CREDIT FOR BELL'S FISHERY

A. THEREFORE, BE IT RESOLVED, that Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the payment schedule for repayment of the Line of Credit for Bell's Fishery as follows: Bell's Fishery will pay \$60,000 by April 30, 2009, a monthly payment of \$1,000.00 beginning May 01, 2009 and lump-sum payments each September for the years 2009, 2010, and 2011 with any remaining balance due shall be paid with the September, 2011 payment.

(Source: TRIBAL RESOLUTION # 032209-07)

18.209 THE ODAWA CASINO RESORT IS IN DEFAULT ON PAYMENTS TO THE TRIBAL GOVERNMENT

A. THEREFORE, BE IT RESOLVED the Gaming Board of Directors shall immediately take measures to ensure all future payments to the Tribal Government are paid on time on a monthly basis by the last day of the month and shall report to the Tribal Council the exact amount of delinquency and shall develop a plan to start immediate payments to bring this balance due current;

B. BE IT FURTHER RESOLVED that this Resolution repeals and replaces TRIBAL RESOLUTION # 030809-002.

(Source: TRIBAL RESOLUTION # 0302209-08)

18.210 APPROPRIATION OF FUNDS FOR THE 2010 OPERATING BUDGETS AND RESTATEMENT OF FUNDING ALLOCATION FOR THE 2010 FISCAL YEAR

A. THEREFORE, BE IT RESOLVED that priority funding allocation for 2010 fiscal year shall be as follows: Tribal Government 19.85%, Economic Development 21.49%, General Welfare 39.34%, Distributions 15.22%, Donations 0.24%;

B. BE IT FURTHER RESOLVED that the allocation be split amongst the Divisions as follows: Legislative 3.53%, Judicial 6.16%, Prosecutor 1.27% Election Board 0.29%, and Executive Branch 83.24%;

C. FINALLY BE IT RESOLVED that the 2010 operating budgets are adopted as presented on the budget summary pages 1 to 6 in the amount of \$639,185 for the Legislative Branch; \$835,482 for the Judicial branch; \$39,849 for the Election Board; \$171,935 for the Prosecutor; and \$27,798,005 for the Executive Branch. This total budget of \$29,484,456 includes the revenues derived from the casino operation in accordance with the bond indentures that are subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, contracts and cost recovery programs.

(Source: TRIBAL RESOLUTION # 041909-05)

18.211 Relocated to Funding Requests at 18.200(6.09)(a)

18.212 MICHELLE CHINGWA EDUCATION ASSISTANCE ACT SUPPLEMENTAL APPROPRIATION OF \$70,000 TO REINSTATE SCHOLARSHIP LEVELS AND RATES FOR THE BALANCE OF FY 2009 FROM PRIOR PERIOD FUNDS

A. THEREFORE, BE IT RESOLVED that the Tribal Council appropriates the sum of \$70,000 to the Michelle Chingwa Educational Assistance Fund from prior period funds to supplement the program funding to reinstate the 2009 scholarship levels and rates through the end of FY 2009.

(Source: TRIBAL RESOLUTION # 072609-02)

18.213 CASINO DEBT

A. THEREFORE, BE IT RESOLVED that the Tribal Council directs the suspension of any payment of interest in the amount of \$6.3 million due August 17th on \$122 million of senior unsecured notes and the Chairperson shall administer his oversight authority to the extent necessary to ensure that said payments are suspended until such time that Tribal Council approves otherwise.

B. FURTHER BE IT RESOLVED that the Tribal Council directs the Executive through the Gaming Board of Directors to continue to make any and all other payments in the ordinary course of business and in accordance with existing terms and schedules and the Chairperson shall administer his oversight authority to the extent necessary to ensure that funds are so administered.

C. FINALLY BE IT RESOLVED that the Chairperson is authorized to continue the negotiations of a forbearance agreement with the holders of a majority in principal amount of the outstanding bonds for final approval by Tribal Council.

(Source: TRIBAL RESOLUTION # 080909-01)

18.214 Relocated to Funding Requests at 18.200(8.09)(a)

18.215 PROVIDING FOR PRIORITY FUNDING ALLOCATION FOR 2011 FISCAL YEAR

A. THEREFORE BE IT RESOLVED that priority funding allocation for 2011 fiscal year shall be as follows: Tribal Government 21.0% Economic Development 22.2% General Welfare 41.0% Distributions 15.5% Donations 0.3%;

B. BE IT FURTHER RESOLVED that the Tribal Government allocation from the above for all divisions be split amongst them as follows: Legislative 4.0% Judicial 6.5% Election Board .7% Prosecutor 1.5% and Executive Branch 86.3% with the remaining 1% being reserved for investments.

(Source: TRIBAL RESOLUTION # 101109-01)

18.216 AUTHORIZING AN APPROPRIATION OF \$76,000 FOR THE 2009 PER CAPITA DISTRIBUTION

A. THEREFORE, BE IT RESOLVED Tribal Council authorizes the payment of \$500 per Tribal citizen for the annual per capita distribution in early December 2009.

B. BE IT FURTHER RESOLVED Tribal Council authorizes an appropriation of \$76,000 to come from prior-period funds to the distribution program;

C. FINALLY RESOLVED that Tribal Council approves budget modification 1401-8 approving the modified budget of \$2,210,000.

(Source: TRIBAL RESOLUTION # 102509-02)

18.217 FUNDING FOR CHILDREN’S WINTER SOLSTICE PARTY AND MONETARY GIFT

A. THEREFORE, BE IT RESOLVED that the Tribal Council appropriates the sum of \$17,000 approves budget modification to 2104-2-00 Winter Solstice Party with funds to come from Prior Year funding provided that each Tribal Child of the age of eighteen (18) years of age or younger shall receive a \$20.00 Winter Solstice gift in lieu of gifts being distributed at the Winter Solstice Party.

(Source: TRIBAL RESOLUTION # 110809-01)

18.218 NATIONAL CITY BANK LOAN REFINANCING

A. THEREFORE, BE IT RESOLVED that the Tribal Council agrees through this resolution:

1. To refinance the existing loan for 7500 Odawa Circle, Harbor Springs, Michigan in the amount of \$2,383,166.66 for 5 years from the date of closing with National City Bank including no early prepayment penalty and a waiver of LTBB's common law immunity to suit ;
2. To authorize the negotiation of terms of financing by Chairman Ken Harrington, or in his absence Vice Chair Dexter McNamara along with Tribal Councilor Marvin Mulholland to be approved by Tribal Council.

(Source: TRIBAL RESOLUTION # 120609-01)

18.219 AUTHORIZATION FOR LOAN ON 7500 ODAWA CIRCLE

A. THEREFORE, BE IT RESOLVED that the Tribal Council agrees through this resolution to approve the terms of refinance for the existing loan against 7500 Odawa Circle, Harbor Springs, Michigan. The loan is in the amount of \$2,383,166.63 with payments of \$23,000 per month plus a variable interest at 3.50% plus LIBOR 30, 60 or 90 day, with a balloon payment due at the maturity date. The loan is extended for a term of five years from the date of closing with National City Bank including no early repayment penalty and a waiver of LTBB's common-law immunity from suit,

B. FURTHER BE IT RESOLVED that Tribal Council authorizes Chairman Ken Harrington, or in his absence Vice Chair Dexter McNamara to execute the note and the related loan documents.

(Source: TRIBAL RESOLUTION # 121509-01)

18.220 AUTHORIZATION FOR EXECUTION OF PNC BANK LOAN DOCUMENTS

A. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council: (i) hereby approves the execution, delivery and performance under the Loan Documents, in substantially the form presented to the Tribal Council; (ii) authorizes Kenneth J. Harrington, as Tribal Chairman and John Bott, as Tribal Treasurer, by and on behalf of the Tribe, to execute the Loan Documents and deliver the Loan Documents to the Bank, in substantially the

form presented to the Tribal Council subject to such minor non-substantive changes as the Tribal Chairman may approve, together with such other documents and certificates required in connection with the Loan Documents and approved by the Tribal Chairman, and to take all other actions consistent with this resolution and necessary to consummate the Bank financing; and (iii) authorizes the limited waiver of sovereign immunity as expressly set out in the Loan Documents.

(Source: TRIBAL RESOLUTION # 012410-01)

18.221 Relocated to Funding Requests at 18.200(2.10)(a)

18.222 TO PROVIDE FOR A MORATORIUM ON ODAWA CASINO RESORT'S SINKING FUND

A. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council places a moratorium on any spending of the remaining balance of the “sinking fund” held by the Odawa Casino Resort, until further notice and the Tribal Chairman shall administer his oversight authority to the extent necessary to ensure that such funds are not expended.

(Source: TRIBAL RESOLUTION # 030710-09)

18.223 REPEALED--RE-ESTABLISHMENT OF A LINE-OF-CREDIT FOR BELL'S FISHERY FROM CURRENT CASH FLOW NOT TO EXCEED \$170,000.00

(Source: TRIBAL RESOLUTION # 030710-10)

18.224 AUTHORIZING AN ADDITIONAL APPROPRIATION OF \$18,000 TO THE 2010 ODAWA HOMECOMING JIINGTAMOK / POW-WOW COMMITTEE TO COME FROM PRIOR PERIOD FUNDS

A. THEREFORE, BE IT RESOLVED Tribal Council authorizes an appropriation of \$18,000 to come from Prior Period funds to the 2010 Odawa Homecoming Jiingtamok / Pow-Wow line item 2101-2-00.

B. FURTHER RESOLVED that any revenues raised by fundraisers or donations and all surplus funds of the Jiingtamok / Pow Wow Committee in 2010 shall be carried over to Fiscal Year 2011 for the Odawa Homecoming Jiingtamok Budget;

C. FINALLY RESOLVED that Tribal Council recognizes Annette VanDeCar as the 2010 chairperson of the 2010 Odawa Homecoming Jiingtamok as check requestor and the Tribal Administrator as the check requestor's approval.

(Source: TRIBAL RESOLUTION # 032110-01)

18.225 Relocated to Funding Requests at 18.200(3.10)(a)

18.226 APPROPRIATION OF FUNDS FOR THE 2011 OPERATING BUDGETS AND RESTATEMENT OF FUNDING ALLOCATION FOR THE 2011 FISCAL YEAR

A. THEREFORE, BE IT RESOLVED that priority funding allocation for 2011 fiscal year shall be as follows: Tribal Government 21.71%, Economic Development 18.95%, General Welfare 36.94%, Distributions 14.94%, Donations 0.30%;

B. BE IT FURTHER RESOLVED that the allocation be split amongst the Divisions as follows: Legislative 3.91%, Judicial 6.98%, Prosecutor 1.42%, Election Board 0.79%, and Executive Branch 80.85%, Investment .99%;

C. FINALLY BE IT RESOLVED that the 2011 operating budgets are adopted as presented on the budget summary pages 1 to 4 in the amount of \$782,245 for the Legislative Branch; \$972,011 for the Judicial branch; \$110,182 for the Election Board; \$197,558 for the Prosecutor; and \$28,385,363 for the Executive Branch. This total budget of \$30,717,775 includes the revenues derived from the casino operation in accordance with the bond indentures that are subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, contracts and cost recovery programs.

(Source: TRIBAL RESOLUTION # 041110-01)

18.227 REPEALED--AUTHORIZATION FOR PAYOFF OF LOAN ON 7500 ODAWA CIRCLE

(Source: TRIBAL RESOLUTION # 050210-01; Repealed by TRIBAL RESOLUTION # 051610-02)

18.228 Relocated to Funding Requests at 18.200(5.16)(a)

18.229 FUNDING FOR THE MICHIGAN INDIAN FAMILY OLYMPICS IN THE AMOUNT OF \$4,700 FROM PRIOR YEAR FUNDS

A. THEREFORE, BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians approves and authorizes funding for participation in the Michigan Indian Family Olympics in the amount of \$4,700.00.

B. FURTHER, BE IT RESOLVED that the Tribal Council appropriate \$4,700.00 from prior year funds to be placed within the Executive Budget to fund participation for this event.

(Source: TRIBAL RESOLUTION # 060610-01)

18.230 Relocated to Funding Requests at 18.200(6.10)(a)

18.231 Relocated to Funding Requests at 18.200(6.10)(b)

18.232 Relocated to Funding Requests at 18.200(7.10)(a)

18.233 Relocated to Funding Requests at 18.200(8.10)(a)

18.234 Relocated to Funding Requests at 18.200(8.10)(b)

18.235 AUTHORIZATION FOR PAYOFF OF LOAN ON 911 SPRING STREET, PETOSKEY, MICHIGAN IN THE AMOUNT OF APPROXIMATELY \$87,000.00

A. THEREFORE, BE IT RESOLVED that the Tribal Council authorizes and approves for the existing loan against 911 Spring Street, Petoskey, Michigan in the amount of approximately \$87,000.00 to be paid in full with the Northern Michigan Bank secured collateral account and any remaining funds be transferred to the Tribe’s General fund account.

B. FURTHER BE IT RESOLVED that Tribal Council authorizes and requests the Chairman, or in his absence Vice Chair administer oversight authority to the extent necessary to ensure that such funds are applied in accordance with this Tribal Resolution.

(Source: TRIBAL RESOLUTION # 091210-01)

18.236 Relocated to Funding Requests at 18.200(10.10)(a)

18.237 PROVIDING FOR PRIORITY FUNDING ALLOCATION FOR 2012 FISCAL YEAR

A. THEREFORE BE IT RESOLVED that priority funding allocation for 2012 fiscal year shall be as follows: Tribal Government 21.0% Economic Development 22.2% General Welfare 41.0% Distributions 15.5% Donations 0.3%;

B. BE IT FURTHER RESOLVED that the Tribal Government allocation from the above for all divisions be split amongst them as follows: Legislative 4.0% Judicial 7% Election Board 1% Prosecutor 1.5% and Executive Branch 85.5% with the remaining 1% being reserved for investments.

(Source: TRIBAL RESOLUTION # 101010-03)

18.238 AUTHORIZATION FOR LIQUIDATION OF INVESTMENT FUNDS IN THE AMOUNT UP TO APPROXIMATELY \$5,000,000.00

A. THEREFORE, BE IT RESOLVED that the Tribal Council authorizes and approves for the liquidation of the Merrill Lynch investment account up to the amount of approximately \$5,000,000 be paid toward the closing of the bond restructuring.

B. FURTHER BE IT RESOLVED that Tribal Council authorizes and requests the Chairman, or in his absence Vice Chair, administer oversight authority to the extent necessary to ensure that such funds are spent in accordance with this Tribal Resolution.

(Source: TRIBAL RESOLUTION # 110710-01)

18.239 AUTHORIZATION FOR LIQUIDATION OF INVESTMENT FUNDS IN THE APPROXIMATE AMOUNT OF \$526,000.00

A. THEREFORE, BE IT RESOLVED that the Tribal Council authorizes and approves for the liquidation of the PNC investment account in the amount of \$526,000.00 to be paid toward the closing of the bond restructuring.

B. FURTHER BE IT RESOLVED that Tribal Council authorizes and requests the Chairman, or in his absence Vice Chair, administer oversight authority to the extent necessary to ensure that such funds are spent in accordance with this Tribal Resolution.

(Source: TRIBAL RESOLUTION # 110710-02)

18.240 AUTHORIZING EXCHANGE OF NOTES, AMENDMENT OF INDENTURE AND RELATED ACTIONS

A. THEREFORE BE IT RESOLVED THAT:

- 1. Approval of Restructuring Transaction.** The Tribal Council has previously approved and does hereby reaffirm its approval of the Restructuring Transaction, including the issuance of no more than \$40,000,000 in principal amount of New Notes and the payment of no more than \$23,000,000 in cash to the Holders of the Old Notes who tender their Old Notes for exchange and the amendment and restatement of the Old

Indenture. The issuance of the New Notes shall be effectuated pursuant to an exemption from the registration requirements under the Securities Act of 1933, as amended. The New Notes shall have the terms as set forth in the New Indenture and be in the form set forth as an exhibit to the New Indenture.

2. Approval of Execution and Delivery of Financing Documents and Related Documents. The Tribal Council hereby consents to and authorizes the execution and delivery of the Financing Documents by the Tribal Chair and Tribal Treasurer on behalf of the Tribe, and consents to and authorizes the transactions contemplated by the Financing Documents and the performance of the Tribe's obligations under the Financing Documents; provided that no substantive changes shall be made to any Financing Document without the approval of the Tribal Council; and provided, further, that the execution of the same shall be conclusive evidence of such consent and authorization. In addition, the Tribal Council further authorizes the Tribal Chair and Tribal Treasurer on behalf of the Tribe to execute and deliver such additional documents as are contemplated by the Financing Documents or are necessary or advisable in the judgment of the Tribal Chair and Tribal Treasurer to consummate the transactions contemplated by the Financing Documents, including without limitation, Tribal certifications, authentication orders, Issuer requests for action by a trustee, a flow of funds memorandum and a closing statement, with the execution of the same being conclusive evidence of such authorization. The Tribal Council specifically authorizes the limited waivers of sovereign immunity as set forth in the Financing Documents.

3. Additional Actions. the Tribal Chair and Tribal Treasurer on behalf of the Tribe are hereby authorized to take such additional actions as are required or desirable to effect the purposes of this Resolution and as contemplated by the Financing Documents.

4. Binding Obligation. The Tribal Council acknowledges and agrees that the rights and remedies afforded by the Financing Documents shall be binding upon the Tribe until the Tribe has satisfied all of its obligations under the Financing Documents.

5. Limited Waiver of Sovereign Immunity. With respect to actions arising under the Financing Documents and the transactions contemplated thereby, the Tribal Council

expressly waives the Tribe's sovereign immunity and any defense based thereon from any suit, action or proceeding or from any legal process in any forum listed in Section 13.07 of the New Indenture and Section 12.07 of the Amended and Restated Indenture. This waiver and consent shall be irrevocable and shall not be rescinded, revoked or modified without the prior written consent of the respective trustee.

6. Governing Law. The Financing Documents other than those containing a contrary express choice of law provision shall be construed in accordance with the internal laws of the State of New York.

7. Determination. The Tribal Council hereby determines that neither the Constitution nor the Bylaws, nor any other laws, ordinances, resolutions or other actions of the Tribe, or any of the agencies or instrumentalities of the Tribe, either written or established by custom or tradition, (a) prohibit the Tribe from executing, delivering and performing its obligations under the Financing Documents in accordance with their respective terms, or (b) create any obligation of the Tribe to submit these matters for approval of or consent from any officer, body, agency, or instrumentality of the Tribe, or any vote by members of the Tribe.

8. Miscellaneous.

a. Any resolutions or other actions of the Tribe, or any of its officers, employees, or agents, either written or established by tradition that are in conflict with or inconsistent with the terms of this Resolution or any provision set forth in a Financing Document are hereby to such extent repealed and annulled. This Resolution shall supersede any prior or currently existing resolutions or other actions of the Tribe that is contrary to or inconsistent with the actions authorized or contemplated herein or in a Financing Document.

b. If the application of any provision of this Resolution or a Financing Document to any person or circumstance is held to be invalid, the remainder of this Resolution and the Financing Document shall not be affected.

c. The Tribal Council affirms the representations and warranties of the Tribe contained in the Financing Documents.

(Source: TRIBAL RESOLUTION # 112910-01)

18.241 AUTHORIZING A DONATION TO THE LTBB ELDERS ASSOCIATION, A NON-PROFIT CORPORATION, IN THE AMOUNT OF \$6,900.00 TO COME FROM PRIOR YEAR FUNDS

A. THEREFORE, BE IT RESOLVED Tribal Council authorizes an appropriation of \$6,900.00 to come from Prior Year funds to the LTBB Elders Association for the attendance at the National Indian Council on Aging conference being held in Traverse City, Michigan, September 25-27, 2010.

B. FINALLY RESOLVED that in accordance with the Constitution, the Tribal Chairman shall administer his Executive oversight authority to the extent necessary to ensure the appropriation of such funds.

(Source: TRIBAL RESOLUTION # 091210-02)

18.242 RESTATEMENT OF FUNDING ALLOCATION FOR THE 2012 FISCAL YEAR

A. THEREFORE, BE IT RESOLVED that the allocation is restated to be approximately split amongst the Divisions as follows: Legislative 3.8%, Judicial 7.8%, Prosecutor 1.4%, Election Board .5%, and Executive Branch 85.5%, Investment 1%;

B. FURTHER, BE IT RESOLVED that this Tribal Resolution replaces Tribal Resolution #101010-03.

(Source: TRIBAL RESOLUTION # 050111-01)

18.243 PROVIDING FOR PRIORITY FUNDING ALLOCATION FOR THE 2013 FISCAL YEAR

A. THEREFORE BE IT RESOLVED that the Priority Allocation Percentages for FY2013

be allocated to the Tribal Government at 23.21%, Economic Development at 20.45%, General Welfare at 38.45%, Distributions at 16.44% and Donations at 1.45%;

B. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all divisions as follows: Legislative 5.714%, Judicial 7.534%, Election Board .804%, Prosecutor 1.384%, and Executive Branch 83.564% with the remaining 1% being reserved for investments based on an anticipated amount of \$12.5 million.

(Source: TRIBAL RESOLUTION # 100911-01)

18.244 AUTHORIZATION OF ODAWA CASINO RESORT CHECK SIGNING AUTHORITY

A. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council directs the Gaming Delegation and Authority to grant check signing authority to the Odawa Casino Resort General Manger and Director of Finance for the necessary operation of the enterprises.

(Source: TRIBAL RESOLUTION # 010911-02)

18.245 Relocated to Funding Matters at 18.200(12.12)(a)

18.246 FUNDING for ODAWA FISHERY, INC. IN THE AMOUNT OF \$150,000.00 TO COME FROM PRIOR PERIOD FUNDS

A. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes funding to the Tribally Chartered Corporation, Odawa Fishery, Inc. in the amount of \$150,000 to come from prior period funds.

(Source: TRIBAL RESOLUTION # 010613-01)

18.247 CONFIRMATION OF THE ESTABLISHMENT OF THE CAPITAL PROJECT FUND, REMAINING BALANCE, and PAYMENT TO CONSULTS AND VENDORS

A. THEREFORE BE IT RESOLVED that the establishment of the Capital Project Fund is confirmed and has a remaining balance of fund is \$1,310,134.00 to be used for payment to consultants and vendors who provide services relating to the Mackinaw Casino Project as set forth in the *Policy and Procedure for Authorization of the Pre-Construction Capital Project Funds Related to the proposed Mackinaw Casino Economic Development Project*.

(Source: TRIBAL RESOLUTION # 010613-02)

**1.248 FUNDING FOR STATUTE WAGANAKISING ODAWAK STATUTE 2013-002
TRIBAL HISTORIC PRESERVATION OFFICE OF PROTECTION AND
MANAGEMENT**

A. THEREFORE, BE IT RESOLVED, Tribal Council appropriates an additional sum of 40,000.00 to implement Waganakising Odawak Statute 2013-002 with such funding to come from Prior year funding and the Tribal Chairman shall administer his oversight authority to the extent necessary to ensure the administration of such funds.

(Source: TRIBAL RESOLUTION # 042113-01)

**18.249 TO COMPLETE CONSTRUCTION OF THE FISHERIES ENHANCEMENT
FACILITY**

A. THEREFORE BE IT RESOLVED that Tribal Council through its Constitutional duty “authorizes the appropriation” of \$50,000 from prior year funds to the complete the construction of the Fisheries Enhancement facility and Tribal Chairman shall administer his oversight authority to the extent necessary to ensure the administration of such funds.

(Source: TRIBAL RESOLUTION # 042113-04)

**18.250 APPROPRIATION OF FUNDS FOR THE 2014 OPERATING BUDGETS AND
RESTATEMENT OF FUNDING ALLOCATION FOR THE 2014 FISCAL YEAR**

A. THEREFORE, BE IT RESOLVED that priority allocation percentages for FY 2014 be allocated to the Tribal Government at 21.83%, Economic Development at 8.03%, General

Welfare at 33.55%, Distributions at 13.84%, Donations at 0.21%, and Repayment of Debt/Tribal Priorities at 22.54%;

B. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of \$16,638,000 as follows: Legislative 8.23%, Judicial 6.69%, Prosecutor 0.97%, Election Board 0.53%, Executive Branch 61.04%, Repayment of Debt/Tribal Priorities 22.54%;

C. FINALLY BE IT RESOLVED that the 2014 operating budgets are adopted as presented on the approved budget summary pages one to six in the amount of \$2,134,316 for the Legislative Branch; \$1,113,232 for the Judicial branch; \$87,686 for the Election Board; \$160,834 for the Prosecutor; \$28,992,739 for the Executive Branch, and \$3,750,000 for the Repayment of Debt/Tribal Priorities. This total budget of \$36,238,807 includes the revenues derived from the casino operation in accordance with the bond indentures that are subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, contracts and cost recovery programs.

D. FINALLY BE IT RESOLVED that the phone poll dated October 15, 2012, Providing for Priority Allocation for 2014 Fiscal Year is hereby rescinded.

(Source: TRIBAL RESOLUTION # 043013-01)

18.251 REFINANCING OF THE TRIBE’S NOTES AND OTHER ECONOMIC DEVELOPMENT OPPORTUNITIES INCLUDING THE POTENTIAL MACKINAW CITY CASINO

A. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Chair and the Tribal Treasurer shall sign, by and on behalf of the Tribe, the necessary documents to pursue and effectuate financial options for the refinancing of the Tribe’s \$40,000,000 Senior Secured Notes, due in 2020, including the use of a “green shoe” option for other economic development opportunities such as the potential Mackinaw Casino and other financial opportunities for financing the potential Mackinaw City casino, provided that such

documents shall have prior approval by Tribal Council.

B. FURTHER RESOLVED that all written reports, drafts and analyses prepared by Sovereign Finance for LTBB in preparation for a proposed refinancing, as well as the draft and final refinancing documents, will be provided to the Tribal Council and to the Tribal Chair.

C. FURTHER BE IT RESOLVED that in accordance with the Constitution, the Executive Branch shall execute and administer the laws and resolutions of the Little Traverse Bay Bands of Odawa Indians as part of the Chair’s Executive powers and duties.

(Source: TRIBAL RESOLUTION # 051513-01)

18.252 Relocated to Funding Requests at 18.200(6.13)(a)

18.253 Relocated to Funding Requests at 18.200(7.13)(a)

18.254 APPROPRIATIONS TO DEPARTMENT OF HUMAN SERVICES TO PROVIDE HEARING AIDES FOR TRIBAL CITIZENS

A. THEREFORE BE IT RESOLVED that Tribal Council through its Constitutional duty “authorizes the appropriation” of funding for the hearing aid program in the amount of \$200,000.00, \$100,000.00 for FY 2013 and \$100,000.00 for FY 2014 to come from prior period funds and the Tribal Chairman shall administer his oversight authority to the extent necessary to ensure the administration of such funds and continue to request funding for future budget cycles.

(Source: TRIBAL RESOLUTION # 081813-01)

18.255 Relocated to Funding Requests at 18.200(9.13)(a)

18.256 FUNDING FOR ODAWA FISHERY, INC. IN THE AMOUNT OF \$150,000.00 TO COME FROM PRIOR PERIOD FUNDS

A. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes funding to the Tribally Chartered Corporation, Odawa Fishery, Inc. in the amount of \$150,000 to come from prior period funds.

(Source: TRIBAL RESOLUTION # 092213-05)

18.257 APPROPRIATION OF ADDITIONAL FUNDS FOR 2013 PER CAPITA DISTRIBUTION IN THE AMOUNT OF \$413,019.36

A. THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes and appropriates an additional sum of \$413,019.36 to the program for per capita distributions for FY2013 with funds to come from prior year funds;

B. BE IT FURTHER RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION # 100613-01)

18.258 APPROVAL OF THE GAMING AUTHORITY COMMITTEE FY 2014 BUDGET

A. THEREFORE BE IT RESOLVED that the Tribal Council approves a budget for the Gaming Delegation and Authority in the amount of \$36,450.00, for FY 2014 in accordance with WOS 2010-021 Gaming Delegation and Authority Statute.

(Source: TRIBAL RESOLUTION # 110313-01)

18.259 Relocated to Funding Requests at 18.200(11.13)(a)

18.260 Relocated to Land Matters at 18.318(12.13)(a)

18.261 CARRYOVER OF FY 2013 HEARING AID FUNDS

THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of

Odawa Indians authorizes and approves the Carryover of \$100,000.00 from the FY 2013 budget to the FY 2014 budget for the purpose of the hearing aid program.

(Source: TRIBAL RESOLUTION #122213-01)

18.262 APPROPRIATIONS TO ODAWA ECONOMIC DEVELOPMENT MANAGEMENT, INC. (OEDMI) IN THE AMOUNT OF \$50,000 TO COME FROM PRIOR PERIOD FUNDS

THEREFORE BE IT RESOLVED that Tribal Council through its Constitutional duty “authorizes the appropriation” of funding to the Odawa Economic Development Management, Inc. (OEDMI) in the amount of \$50,000.00, to come from prior period funds and the Tribal Chairman shall administer his oversight authority to the extent necessary to ensure the administration of such funds.

(Source: TRIBAL RESOLUTION #021614-01)

18.263 Relocated to Funding Requests at 18.200(4.14)(a)

18.264 APPROVAL TO AMEND OF THE GAMING AUTHORITY COMMITTEE FY 2014 BUDGET

A. WHEREAS in order to better assess slot performance, the Gaming Authority Committee would like a consultant to evaluate several areas related to slot performance and slot marketing, and provide recommendations that may increase gaming revenue through helping the casino gain additional market share in the locals market, mid-market and outer;

B. WHEREAS Gaming Authority Committee has received a proposal from a consultant named Stephen M. Simon to prepare the evaluation services in the amount not to exceed \$40,000.00 and requested approval by the Appropriations and Finance Committee to supplement and amend their FY 2014 budget in the amount of \$40,000.00 and it was approved and recommended to Tribal Council for approval by the Appropriation and Finance Committee at its

June 17, 2014 meeting;

C. THEREFORE BE IT RESOLVED that the Tribal Council amends and supplements the Gaming Authority Committee's FY 2014 Budget in the amount of \$40,000.00, and any funds expended are reimbursed by Odawa Casino Resort.

(Source: TRIBAL RESOLUTION # 062214-01)

18.265 APPROVAL TO AMEND OF THE GAMING AUTHORITY COMMITTEE FY 2014 BUDGET

A. WHEREAS on April 16, 2014, the General Manager unexpectedly resigned requiring the Gaming Authority to incur unanticipated costs to post the job description with several publishing entities and there is the potential need to retain an executive search consultant.

B. WHEREAS Gaming Authority Committee requested approval by the Appropriations and Finance Committee to supplement and amend their FY 2014 budget in the amount of \$60,000.00 and it was approved and recommended to Tribal Council for approval by the Appropriation and Finance Committee at its June 17, 2014 meeting;

C. THEREFORE BE IT RESOLVED that the Tribal Council amends and supplements the Gaming Authority Committee's FY 2014 Budget in the amount of \$60,000.00, and any funds expended are reimbursed by Odawa Casino Resort.

(Source: TRIBAL RESOLUTION # 062214-02)

18.266 APPROPRIATION OF FUNDS FOR THE 2015 OPERATING BUDGETS AND RESTATEMENT OF FUNDING ALLOCATION FOR THE 2015 FISCAL YEAR

A. THEREFORE BE IT RESOLVED that priority allocation percentages for FY 2015 be allocated to the Tribal Government at 31.22%, Economic Development at 10.15%, General Welfare at 40.08%, Distributions at 18.04%, Donations at 0.51%, and Repayment of Debt/Tribal

Priorities at 0%;

B. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of \$12,750,000 as follows: Legislative 12.18%, Judicial 9.54%, Prosecutor 1.44 %, Election Board 1.23 %, Executive Branch 75.61%;

C. THEREFORE BE IT FURTHER RESOLVED that the 2015 operating budgets are adopted as presented on the approved budget summary pages one to six in the amount of \$2,433,326 for the Legislative Branch; \$1,216,000 for the Judicial branch; \$156,504 for the Election Board; \$183,950 for the Prosecutor; \$27,992,830 for the Executive Branch. This total budget of \$31,982,610 includes the revenues derived from the casino operation in accordance with the financing loan agreement that is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, contracts and cost recovery programs.

D. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed fifteen percent (15%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2008-004 Section V, Budget Modifications, Transfers and Rescissions.

(Source: TRIBAL RESOLUTION # 042914-01 by Override)

18.267 Relocated to Funding Requests at 18.200(10.14)(a)

18.268 Relocated to Funding Requests at 18.200(11.14)(a)

18.269 TRIBAL GOVERNMENT PRIORITY FUNDING PERCENTAGE ALLOCATION FOR FY 2016

A. WHEREAS Waganakising Odawak Statute 2007-003 states that “By October 15 of each year the Tribal Council shall adopt the Tribal Government priority funding allocation which shall set forth the allocation of funds among the five divisions, (Executive, Legislative, Judicial, Prosecutor, and Election Board), for the fiscal period budgets that will begin 14 1/2 months from this date. Prior to approval of this allocation the Tribal Council may hold public hearings.”

B. WHEREAS the Tribal Council set forth a priority allocation that requires adjustment in accordance with the allocation of the funds as set forth in the operating budgets presented by the Appropriations and Finance Committee;

C. WHEREAS in accordance with the 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;

D. THEREFORE, BE IT RESOLVED that priority allocation percentages for FY 2016 be allocated to the Tribal Government at 31.40%, Economic Development at 10.36%, General Welfare at 39.42%, Distributions at 18.46% and Donations at 0.36%.

E. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of \$12,608,396 as follows: Legislative 13.02%, Judicial 9.64%, Prosecutor 1.46%, Election Board 0.84%, and Executive Branch 75.03%.

(Source: TRIBAL RESOLUTION 100914-03, by Veto Override)

18.270 REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$37,529 FOR BUILDING MAINTENANCE UPKEEP COSTS AS INCURRED BY THE ODAWA FISHERY, INC.

A. WHEREAS At a regular meeting of the Appropriations and Finance Committee on November 2, 2014, the Appropriations and Finance Committee motioned to recommend to Tribal Council to approve reimbursement of expenses incurred in the amount of \$37,529.00 to

come from prior period funds.

B. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funding in the amount of \$37,529.00 with funding to come from prior period funds for purpose of reimbursing Odawa Fishery, Inc.

(Source: TRIBAL RESOLUTION #121814-03)

18.271 FUNDING FOR FY 2015 \$135,000.00 SHORTFALL FOR MIN-A-MSKIKI GUMIK

A. WHEREAS supplemental funding is needed to support the operations and services provided by Min-A-Mskiki Gumik;

B. THEREFORE BE IT RESOLVED that Council amends the 2015 Health budget to increase funding by \$135,000 to come from IHS carryover funds with the intent the Executive Branch not reduce any necessary and current services provided.

(Source: TRIBAL RESOLUTION #121814-05)

18.272 TRANSFER OF FUNDS FROM THE LEGISLATIVE BRANCH TO ZIIBIMIJWANG, INC., A TRIBALLY CHARTERED CORPORATION, IN THE AMOUNT OF \$67,722.08

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians approved the purchase and financing of the Zibimijwang Farm Project initially known as Parcel 54, consisting of 312.5 acres of land;

B. WHEREAS \$67,722.08 funds were placed in the FY2015 Budget to pay the annual principal and interest on the farm loan, and since the farm loan has been paid in full in 2014, these funds will be available;

C. **WHEREAS** Ziibimijwang, Inc. is in need of funds for working capital, in order to meet the purpose of the Non-profit Corporation: “to provide for the health and welfare of the Tribal Community through the use of sustainable farming with emphasis toward organic foods, providing for exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing”.

D. **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the transfer of funds from the Legislative Branch to Ziibimijwang, Inc., a Tribally Chartered Corporation, in the amount of \$67,722.08 for working capital for operations of the farm.

E. **FURTHER BE IT RESOLVED** that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

F. **FINALLY BE IT RESOLVED** that any future budgets shall include working capital for the Ziibimijwang, Inc., until such time as they can adequately cover their annual costs.

(Source: TRIBAL RESOLUTION #010815-03)

18.273 APPROVAL OF THE GAMING AUTHORITY COMMITTEE FY 2015 BUDGET

A. **WHEREAS** in accordance with Waganakising Odawak Statute 2010-021, Gaming Delegation and Authority states that each year the Authority shall present an annual budget of the Authority, which shall include all projected expenses of the Authority to Tribal Council for approval;

B. **WHEREAS** 2015 is the first time that the Gaming Authority has been assessed indirect cost in their budget.

C. **WHEREAS** the Gaming Authority budget is \$44,444.44 for expenses and \$15,555.56 for indirect for a total of \$\$60,000.00.

D. THEREFORE BE IT RESOLVED that the Tribal Council approves a budget for the Gaming Delegation and Authority in the amount of \$60,000.00, for FY 2015 in accordance with WOS 2010-021 Gaming Delegation and Authority Statute and shall be reimbursed by the Odawa Casino Resort.

(Source: TRIBAL RESOLUTION #010815-05)

18.274 APPROVAL OF THE GAMING AUTHORITY COMMITTEE FY 2015 AMENDED BUDGET FOR AN ADDITIONAL SUM OF \$15,000.00 FOR LEGAL CONSULTING SERVICES

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians created The Gaming Delegation and Authority Statute through Waganakising Odawak Statute 2010-21;

B. WHEREAS the Gaming Authority budget is \$44,444.44 for expenses and \$15,555.56 for indirect for a total of \$60,000.00 and has been approved by Tribal Council and signed by the Tribal Chair;

C. WHEREAS the Gaming Authority is in need of legal consulting services to address so matters related to Human Resources and the Employee Handbook in the approximate amount of \$15,000.00.

D. THEREFORE BE IT RESOLVED that the Tribal Council approves an amended budget for the Gaming Delegation and Authority by adding \$15,000.00 to the consultants line-item for legal consulting services and the additional sum of \$15,000.00 shall be reimbursed by the Odawa Casino Resort.

(Source: TRIBAL RESOLUTION #021915-01)

18.275 APPROVAL TO AMEND THE GAMING AUTHORITY COMMITTEE FY 2015 BUDGET

A. WHEREAS on June 25, 2014 the Gaming Authority Committee contracted with a consultant named Stephen M. Simon to prepare the evaluation services in the amount not to exceed \$40,000.00 and requested approval by the Appropriations and Finance Committee to supplement and amend their FY 2014 budget in the amount of \$40,000.00 and it was approved and recommended to Tribal Council for approval by the Appropriation and Finance Committee at its June 17, 2014 meeting;

B. WHEREAS on January 8, 2015 the Gaming Authority Committee submitted an annual budget in the amount of \$60,000.00 for FY 2015 to the Appropriations and Finance Committee, which was approved by the Tribal Council and interim Chairman;

C. WHEREAS on February 19, 2015, the Gaming Authority Committee was approved for an amended Budget for an Additional Sum of \$15,000.00 for Legal Consulting Services;

D. WHEREAS on March 8, 2015 the second and final payment invoice from Stephen M. Simon for \$13,500 was received after the year-end of fiscal year 2014.

E. THEREFORE BE IT RESOLVED that the Tribal Council amends and supplements the Gaming Authority Committee's FY 2015 Budget in the amount of \$13,500, and any funds expended are reimbursed by Odawa Casino Resort.

(Source: TRIBAL RESOLUTION #040915-02)

18.276 AUTHORIZING ODAWA HOMECOMING JIINGTAMOK / POW-WOW COMMITTEE TO CARRYOVER FUNDS

A. WHEREAS the Pow-Wow Committee is responsible for the promotion and operation of the Odawa Homecoming Jiingtamok; and

B. WHEREAS the Grant, Donation, or Other Funding Policy requires miscellaneous and program revenues received by the Tribe on a regular basis be deposited into the Tribe's general fund to be appropriated by Tribal Council, except where Tribal Council has already taken official

action to approve automatic deposits into appropriate program accounts;

C. WHEREAS the Pow-Wow Committee holds fundraisers and accepts donations to operate the annual Jiingtamok / Pow Wow and would like these funds to be carried over until the next year.

D. THEREFORE, BE IT RESOLVED funds raised in FY 2015 by fundraisers and/or donations in the amount of \$12,000.00 will rollover to the next fiscal year and will continue to rollover to future fiscal years if unspent, any funds in excess of \$12,000.00 will be deposited into the general account.

E. FURTHER BE IT RESOLVED that any future revenues raised in fiscal year 2016 and beyond by fundraisers or donations or surplus funds of the Jiingtamok / Pow Wow Committee shall be carried over to the next Fiscal Year for the Odawa Homecoming Jiingtamok Budget, provided the funds are used for the Homecoming Jiingtamok.

F. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #082015-01

18.277 APPROVAL OF BUDGET MODIFICATIONS FOR BUDGET DEFICIENCY OF THE BURIAL FUND

A. WHEREAS, WOS 2008-003 was signed into law on February 28, 2008 creating the Burial Program; and

B. WHEREAS, The Burial program was funded at 200,000.00 for FY 2015 and those funds are currently depleted; and

C. WHEREAS, In accordance with Waganakising Odawak Statute 2015-016 Tribal Government Budget Formulation and Modification Statute ; and

D. WHEREAS, The Appropriations and Finance Committee passed a motion at its regularly scheduled meeting held November 5, 2015 to recommend to the Tribal Council the approval of budget modifications to budget lines 1216-2-22 and 2220-2-22 in the amount of \$55,378 for the purpose to fund the Burial Program fund line item 1202-2-6340-22; now

E. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approved the modification to budgets 1216-2-22 2220-2-22, and 2220-2-22 in the amount of \$55,378 with funding to come from reserved DHS Foster Care (1216-2-22) and Department of Human Services (2220-2-22) to fund the Burial Program for FY 2015.

(Source: TRIBAL RESOLUTION #111915-02)

18.278 AUTHORIZING SWAP DOCUMENTS AND RELATED DOCUMENTS FROM WELLS FARGO BANK, NATIONAL ASSOCIATION, AUTHORIZING TRIBAL APPROPRIATIONS FOR PAYMENTS OF THE SWAP OBLIGATIONS, AFFIRMING ADOPTION OF LAW GOVERNING THE ARBITRATION OF DISPUTES RELATED TO THE LOAN (INCLUDING THE SWAP), AND LAW REGARDING SECURITY INTERESTS AND ADDRESSING RELATED MATTERS

A. WHEREAS, by Tribal Resolution 020214-01 the Tribe authorized the Loan Agreement and related documents dated February 7, 2014 with Wells Fargo Bank, National Association (as amended, restated, supplemented or otherwise modified from time to time, collectively “Financing Documents”), authorized Tribal appropriations for payments of the Loan, adopted law governing the arbitration of disputes related to the Loan, and law regarding security interests and related matters all as set forth in the Financing Documents;

B. WHEREAS, the present principal balance of the Loan is \$32,702,380.92;

C. WHEREAS, to protect Tribal assets by avoiding possible interest rate fluctuations, the Tribe desires to enter into a one or more swap transactions with Wells Fargo Bank, National Association;

D. WHEREAS, there has been presented to the Tribal Council for its consideration in connection with the swap transactions forms of each of the following documents (collectively “Swap Documents”):

(a) Wells Fargo Bank, N.A. Terms of Business for Swap Transactions;

(b) Wells Fargo Bank, N.A. Customer Questionnaire for Swap Transactions with Tribal Counterparties;

(c) International Swap Dealers Association, Inc. (ISDA) Master Agreement between Wells Fargo Bank, N.A. and Little Traverse Bay Bands of Odawa Indians; and

(d) Schedule to the 1992 Master Agreement (Single Currency - Local Jurisdiction) between Wells Fargo Bank, N.A. ("Party A") and Little Traverse Bay Bands of Odawa Indians ("Party B").

E. WHEREAS, there has been presented to the Tribal Council for its consideration in connection with the swap transactions forms of each of the following documents (collectively “Swap Documents”):

(a) Wells Fargo Bank, N.A. Terms of Business for Swap Transactions;

(b) Wells Fargo Bank, N.A. Customer Questionnaire for Swap Transactions with Tribal Counterparties;

(c) International Swap Dealers Association, Inc. (ISDA) Master Agreement between Wells Fargo Bank, N.A. and Little Traverse Bay Bands of Odawa Indians; and

(d) Schedule to the 1992 Master Agreement (Single Currency - Local Jurisdiction) between Wells Fargo Bank, N.A. ("Party A") and Little Traverse Bay Bands of Odawa Indians ("Party B").

F. THEREFORE BE IT RESOLVED THAT:

1. Findings. The Tribal Council determines and finds that:

(a) the Recitals in this Resolution are true and correct in all material respects;

(b) the Tribal Council has full power and authority to adopt this Resolution, subject to approval by the Executive as provided in the Constitution;

(c) the Tribal Council's adoption of this Resolution and the Tribe entering into the Swap Documents and transactions thereunder are in the best interest of the Tribe and its members and is consistent with the laws of the Tribe; and

(d) the meeting at which this Resolution is being adopted is being validly held in compliance with the Constitution and the laws of the Tribe, and a quorum has been present and acting at all times relevant to adoption of this Resolution.

2. Approval of Swap Documents and Performance Thereunder. The Tribal Council approves each Swap Document in the form presented to it. The Tribal Council further authorizes and approves the execution and delivery of each Swap Document (including those provisions of other documents incorporated by reference therein) on behalf of the Tribe by the two Authorized Representatives referred to in Section 3 hereof, substantially in the forms so presented or with such modifications or changes as approved by the Authorized Representatives executing the same, which approval shall be conclusively presumed upon such execution and delivery. Following the execution and delivery of any Swap Document, the Tribal Council also authorizes and approves the performance thereof on behalf of the Tribe, including (a) the entry into of one or more transactions under the Swap Documents to protect against possible interest rate fluctuations arising under the Financing Documents, (b) the execution and delivery of confirmations and interest rate locks with respect to any such transactions, and (c) the entry into, and execution and delivery of, amendments or terminations of any such transactions, confirmations or Swap Documents, in each case on behalf of the Tribe by one or more Authorized Representatives

referred to in Section 3 hereof, with such modifications or changes as approved by the Authorized Representatives executing the same, which approval shall be conclusively presumed upon such execution and delivery (collectively, the “Swap Transactions”). In connection with any Swap Transaction, the Tribal Council further authorizes and approves the Tribe’s election to utilize the “end user exception” if applicable and thereby opt not to require that a Swap Transaction be subject to clearing requirements.

3. Authorized Representatives. The Tribal Council authorizes the Tribal Chairperson, and the Tribal Treasurer (each, an "Authorized Representative"), to execute and deliver on behalf of the Tribe each Swap Document and Swap Transaction authorized in Section 2 of this Resolution, and to execute and deliver such other agreements, documents, certificates, orders, requests and instruments and cause to be taken such other actions as may be contemplated by any Swap Document or Swap Transaction or as may be necessary or appropriate in connection with the consummation of the transactions contemplated by the Swap Documents and the Swap Transactions.

4. Approval of Waiver of Sovereign Immunity, other Dispute Resolution Provisions, and all other consistent provisions of the Financing Documents. The authorizations and statements contained in Tribal Resolution 020214-01 regarding all provisions in the February 7, 2014 Financing Documents, including but not limited to, those related to governing law, security interests, forum selection, arbitration, the limited waiver of tribal sovereign immunity, a waiver of the doctrine of exhaustion of tribal remedies and use of tribal forums for dispute resolution (the "Dispute Resolution Provisions") are reaffirmed and shall apply to the Swap Documents and the Swap Transactions unless directly contrary to a provision in the Swap Documents or Swap Transactions. In the event of any inconsistency between the Financing Documents and the Swap Documents and Swap Transactions, the language in the Swap Documents and Swap Transactions will control, and the Tribal Council acknowledges, agrees and approves the application of New York law to the Swap Documents and each Swap Transaction and the consent to the jurisdiction of the courts of the State of New York and the United States District Court located in the Borough of Manhattan. Without limiting the foregoing, the Tribal Council, on behalf of the Tribe hereby approves the limited waiver of sovereign immunity set forth in the Swap Documents (whether directly or through incorporation by reference) and acknowledges and

agrees that it is applicable to each Swap Transaction. The limited waiver of sovereign immunity and each other Dispute Resolution Provision is hereby expressly incorporated by reference herein as though set forth at length herein, such incorporation, however, to become effective only upon the execution and delivery of the applicable Swap Document; upon such incorporation the limited waiver of sovereign immunity and each such provision shall be independently valid and enforceable as the law of the Tribe, independent of the Swap Documents or the Financing Documents and irrespective of whether any Swap Document or any Financing Document is valid and enforceable;

5. Enforcement. The Tribal Court shall give full faith and credit to any award, order or decree rendered by any federal or state court in accordance with this Resolution and the Swap Documents and the Swap Transactions. For judgments, decrees, orders, warrants, subpoenas, records or other judicial acts of the Tribe's Courts resulting from any action under the Swap Documents or any Swap Transaction, a Tribal police officer is authorized to execute such judgment, decree, order, warrant, subpoena, record or other judicial act. In the case of any such foreclosure order or judgment, after delivery of such order or judgment by a Tribal police officer, such police officer may proceed to enter upon any property of the Tribe to remove such personal property or to permit removal by the party in which favor the order or judgment was issued.

6. Appropriation. The Tribal Council appropriates all such funds and revenues of the Odawa Casino and Odawa Resort as shall be required to pay when due all amounts owing by the Tribe under all Financing and Swap Documents, it being intended that this appropriation shall constitute a statute addressing appropriations for Tribal institutions within the meaning of Article XIV(A)(l) of the Constitution (relating to initiatives).

7. Repealer. Any laws, ordinances, rules, regulations, decisions, orders, judgments, resolutions or other actions, other than the Tribal Constitution of the Tribe, any branch, division, authority, agency, subsidiary, board, commission or other instrumentality of the Tribe, or any of the officers, employees or agents of the foregoing, whether written, unwritten or established by tradition, custom or practice that are in effect and are in conflict with or inconsistent with the terms of this Resolution, the transactions contemplated herein or any provision set forth in the Swap Documents are hereby repealed and annulled to the

extent of such conflict or inconsistency, and this Resolution shall supersede the same.

8. Miscellaneous. If any provision of this Resolution or the application of any provision of this Resolution is held to be invalid, the remainder of the Resolution shall not be affected with respect to the same. This Resolution shall become effective as of the date and time of its passage and approval by the Tribal Council, and signature by the Tribal Chairperson, or Tribal Council override of an Executive veto, whichever occurs last.

(Source: TRIBAL RESOLUTION #121015-06)

18.279 AUTHORIZING GIJIGOWI ANISHINAABEMOWIN LANGUAGE DEPARTMENT TO CARRYOVER DEPARTMENT RAISED REVENUE

A. WHEREAS the Gijigowi Anishinaabemowin Language Department is charged with the preservation and revitalization of Anishinaabemowin and Anishinaabe culture and the development of Anishinaabemowin resources including curriculum, training aids, video and audio products;

B. WHEREAS the Grant, Donation, or Other Funding Policy requires miscellaneous and program revenues received by the Tribe, on a regular basis, be deposited into the Tribe's general fund to be appropriated by Tribal Council, except where Tribal Council has already taken official action to approve automatic deposits into appropriate program accounts;

C. WHEREAS the Gijigowi Anishinaabemowin Language Department occasionally produces and sells Anishinaabe language products such as books, books with audio CD, calendars, dvd's, audio cd's, greeting cards, etc. and would like these funds to be carried over until next year.

D. THEREFORE, BE IT RESOLVED that any revenues raised by the sale of Anishinaabe language material that is produced or sold by Gijigowi will rollover to the next fiscal year and will continue to rollover for future fiscal years if unspent including any funds raised in fiscal year 2015. Such funds will be for the sole use of the Gijigowi Anishinaabe

Language Department.

E. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #121015-02)

18.280 BUDGET MODIFICATION FOR EMPLOYEE APPRECIATION

A. WHEREAS, In accordance with Waganakising Odawak Statute 2015-004, the modification has been posted to the Tribal Website for (7) seven day and has been submitted to the Tribal Council.

B. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification in the amount of \$8,000.00 for the purpose of providing funds for Employee Appreciation, and the funds to come from the Political Contributions Line-item.

(Source: TRIBAL RESOLUTION #121015-03)

18.281 BUDGET MODIFICATION FOR COMMUNICATION BUDGET

A. WHEREAS, In accordance with Waganakising Odawak Statute 2015-004, Process for Appropriations of Supplemental Funding, the Appropriations and Finance Committee reviewed information concerning the financial needs communications program; and

B. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification in the amount of \$4,535.00 to come from budget line-item “*Services to Citizens outside the boundary*” and moved it to the *consultants* line-item for purpose of providing funding for the Newsletter printing and mailing for LTBB heads of household.

(Source: TRIBAL RESOLUTION #121015-04)

18.282 AUTHORIZING DEPARTMENT OF NATURAL RESOURCES DEPARTMENT TO CARRYOVER FY 2015 TREATY ENHANCEMENT FUNDS, IN THE AMOUNT OF APPROXIMATELY \$30,000.00

A. WHEREAS the Natural Resources Department is applying through NOAA/State of Michigan Department of Environmental Quality-Office of Great Lakes Coastal Zone Management Program for the Coastal and Estuarine Land Conservation grant;

B. WHEREAS the grant would allow the Tribe to purchase property that protects an important coastal and estuarine area from development and would provide access for Tribal Citizens exercising their treaty rights;

C. WHEREAS the Coastal and Estuarine Land Conservation grant requires a fifty (50) percent match of funds;

D. WHEREAS the Natural Resources Department has approximately \$30,000.00 remaining in the Treaty Enhancement line-item in their FY 2015 budget that could be used towards the grant match requirement to purchase the property;

E. WHEREAS the Grant, Donation, or Other Funding Policy requires “Prior Period funds” that are the prior years’ unrestricted general fund dollars that were budgeted but not expended in the year be returned to the general fund unrestricted balance and be available for appropriation in subsequent years;

F. WHEREAS the Natural Resource Department is requesting Tribal Council to take official action to approve the remaining funds in the FY 2015 Department of Natural Resources-Treaty Enhancement line-item be rolled over into their FY 2016 budget.

G. THEREFORE, BE IT RESOLVED Tribal Council approves and authorizes the Natural Resources Department to rollover any remaining funds in the FY 2015 Department of Natural Resources-Treaty Enhancement line-item into their FY 2016 budget. Such funds will be for the sole use of providing the required matching funds under the Coastal and

Estuarine Land Conservation grant.

H. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION # 122115-01)

18.283 DUPLICATED ENTRY REMOVED

18.284 AMENDMENT TO TRIBAL RESOLUTION # 042715-01, APPROPRIATION OF FUNDS FOR THE 2016 OPERATING BUDGETS AND RESTATEMENT OF FUNDING ALLOCATION FOR THE 2016 FISCAL YEAR, TO ADDRESS FY 2016 BUDGET EMERGENCY

A. WHEREAS in accordance with the Constitution, Tribal Council enacted Tribal Resolution # 042715-01, an annual budget for the fiscal year 2016;

B. WHEREAS the FY 2016 Budget, as approved, is \$31,914,851.58 and distributed to the Tribal Government Branches as following: \$2,212,522.33 for the Legislative Branch; \$1,216,000.00 for the Judicial Branch; \$106,311.00 for the Election Board; \$183,950.00 for the Prosecutor; \$28,196,068.25 for the Executive Branch;

C. WHEREAS the FY 2016 Budget includes General Fund Revenue and Spending in the amount of \$12,700,000 and the estimated revenue distributions from the Odawa Casino Resort to be \$12,500,000;

D. WHEREAS the FY 2016 Odawa Casino Resort Budget currently estimates the net revenue distributions to the LTBB Government to be \$11,385,000 creating a deficit position in the FY 2016 General Fund Budget of \$1,115,000.00;

E. WHEREAS \$600,000 of the budget deficit may be mitigated by emerging economic development efforts;

F. WHEREAS the goal of any fiscally responsible government is a balanced budget;

G. WHEREAS Waganakising Odawak Statute #2015-016 Tribal Government Budget Formulation Process, Section XVII, states that at any time during the fiscal year, the Treasury Office, based on a revenue analysis and other factors, may recommend to Tribal Council to declare a budget emergency;

H. THEREFORE, BE IT RESOLVED that the Tribal Council declares the FY 2016 to be in a state of budget emergency, in accordance with WOS 2015-016.

I. THEREFORE BE IT FURTHER RESOLVED to meet the requirement of a balanced budget, the Tribal Government Divisions have amended their General Fund Budgets as follows: Legislative \$1,302,688, Judicial \$1,095,772, Prosecutor \$270,491, Election Board \$90,000, Executive \$9,423,812.

J. FINALLY BE IT RESOLVED that the FY 2016 operating budget is amended as presented, dated December 21, 2015, in the amount of \$2,098,284 for the Legislative Branch; \$1,095,772 for the Judicial Branch; \$90,000 for the Election Board; \$270,491 for the Prosecutor; \$27,843,068 for the Executive Branch. The amended budget, for a total of \$31,397, 615.00, includes the anticipated revenues derived from the casino operation in accordance with the financing loan agreement that is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

(Source: TRIBAL RESOLUTION #122115-02)

18.285 TO AMEND THE "ADDENDUM A" TO TRIBAL RESOLUTION 061815-01, TO APPROPRIATE TO ODAWA CASINO RESORT THE AMOUNT OF \$3,320,000.00 TO COME FROM THE RESTRICTED GENERAL FUND BALANCE FUNDS- ECONOMIC DEVELOPMENT RESERVE AND ALLOW FOR THE RESERVE PROFITS TO IMPLEMENT THE FIVE YEAR STRATEGIC PLAN

A. WHEREAS Tribal Council approved the Little Traverse Bay Bands of Odawa Indians Five-year Strategic Economic Development Plan at its regularly scheduled meeting held on May 7, 2015;

B. WHEREAS Tribal Council approved Tribal Resolution 061815-01, to Appropriate to Odawa Casino Resort the Amount of \$3,320,000.00 to come from the Restricted General Fund Balance Funds- Economic Development Reserve that allowed OCR to implement Phase I and Phase II of the approved plan.

C. WHEREAS Tribal Council approved Tribal Resolution 061815-01, to Appropriate to Odawa Casino Resort the Amount of \$3,320,000.00 to come from the Restricted General Fund Balance Funds- Economic Development Reserve that allowed OCR to implement Phase I and Phase II of the approved plan.

D. WHEREAS Odawa Casino Resort proposes to amend the Fund Flow re: Economic Development Funds that will allow for quicker payment of incidental cost.

E. WHEREAS Odawa Casino Resort proposes to amend the Fund Flow re: Economic Development Funds that will allow for quicker payment of incidental cost.

F. THEREFORE BE IT RESOLVED that the “Addendum A”- Flow re: Economic Development Funds- Project Development Checking, is amended to allow for a Project Development Checking funds, as submitted and dated March 1, 2016.

(Source: TRIBAL RESOLUTION #030316-01)

18.286 APPROPRIATION OF FUNDS FOR THE 2017 FISCAL YEAR OPERATING BUDGETS

A. WHEREAS in accordance with the 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available

by mail as requested by Tribal members;

B. WHEREAS Waganakising Odawak Statute 2015-016, Section XIII.1 states that “The Tribal Council shall approve the annual budget by the annual meeting”;

C. WHEREAS Waganakising Odawak Statute 2015-016, Section XIII.2 states that “The annual budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the tribal-wide budget”;

D. WHEREAS the FY 2017 Budget is \$32,957,630 from the following sources: Enterprise revenue, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

E. THEREFORE, BE IT RESOLVED that General Fund allocation percentages for FY 2017 be allocated to the Tribal Government at 29.81%, Economic Development at 11.17%, General Welfare at 40.49%, Distributions at 18.37%, Donations at 0.16%;

F. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of \$12,555,312 as follows: Legislative 10.63%, Judicial 9.29%, Prosecutor 2.25%, Executive Branch 76.75%, Election Board 1.08%;

G. THEREFORE BE IT FURTHER RESOLVED that the 2017 operating budgets are approved as presented on the budget summary pages, one to four, in the following amounts: Legislative Branch, \$2,102,649; Judicial Branch, \$1,165,987; Prosecutor, \$282,199; Executive Branch, \$29,271,189; and Election Board, \$135,606. This total budget of \$32,957,630 includes the revenues derived from the casino operation in accordance with the financing loan agreement that is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

H. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from

which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2015-016 Section XV, Budget Modifications.

(Source: TRIBAL RESOLUTION #042116-03 by override July 7, 2016)

18.287(9.16)(a) *Relocated to Land Matters at 18.319(9.16(a))*

18.288(9.16)(a) **TO APPROPRIATE FUNDING IN THE AMOUNT OF \$671,650.00 TO THE MIN-A-MISKIKI GUMIK FOR A TRIBAL PHARMACY TO COME FROM IHS FUND BALANCE AND 3RD PARTY REVENUE FUND BALANCE**

A. **WHEREAS** the Little Traverse Bay Bands of Odawa Indians, according to the Tribal Constitution, directive principles, is directed to “Promote with special care the health, ... of all people” and has established the improvement of public health as among the primary duties of the Government; and

B. **WHEREAS** funding is needed for an expansion of Health services to include a Pharmacy;

C. **THEREFORE BE IT RESOLVED** that Council authorizes and approves the use of Third Party Revenue Fund Balance in the amount of \$178,200.00 and the use of IHS Fund Balance in the amount of \$493,447.14 for the purposes of funding a Pharmacy program the with the intent the Executive Branch not reduce any necessary and current services provided.

(Source: TRIBAL RESOLUTION #091516-04)

18.289(12.16)(a) **BUDGET MODIFICATION FOR EMPLOYEE APPRECIATION**

A. WHEREAS The Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and

B. WHEREAS In accordance with Waganakising Odawak Statute 2015-004, the modification has been posted to the Tribal Website for (7) seven days and has been submitted to the Tribal Council.

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification in the amount of \$10,846.00 for the purpose of providing funds for Employee Appreciation, and the funds to come from the Human Services General Fund.

(Source: TRIBAL RESOLUTION #121516-01)

18.290(4.17)(a) APPROPRIATION OF FUNDS FOR THE 2018 FISCAL YEAR OPERATING BUDGETS

A. WHEREAS in accordance with the LTBB Constitution, 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;

B. WHEREAS Waganakising Odawak Statute 2015-016, Section XIII.1 states that “The Tribal Council shall approve the annual budget by the annual meeting”;

C. WHEREAS Waganakising Odawak Statute 2015-016, Section XIII.2 states that “The annual budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the tribal-wide budget”;

D. WHEREAS the FY 2018 Budget revenue is \$35,540,293.49 from the following sources: Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings,

cost recovery and other revenues.

E. THEREFORE, BE IT RESOLVED that General Fund allocation percentages for FY 2018 be allocated to the Tribal Government at 30.16%, Economic Development at 14.79%, General Welfare at 38.59%, Distributions at 16.11%, Donations at 0.35%;

F. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of \$14,305,000 as follows: Legislative 16.08%, Judicial 9.18%, Prosecutor 2.02%, Executive Branch 72.07%, Election Board .65%;

G. THEREFORE BE IT FURTHER RESOLVED that the FY 2018 operating budgets are approved as presented on the budget summary pages in the following amounts: Legislative Branch, \$2,041,206.09; Judicial Branch, \$1,313,462.00; Prosecutor, \$288,959.99; Executive Branch, \$30,831,358.84; Election Board, \$92,755.00; Supplemental Funding General Fund \$200,000.00; and Economic Development Budget \$772,551.57. This total budget of \$35,540,293.49 includes the revenues derived from the casino operation in accordance with the financing loan agreement that is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

H. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2015-016 Section XV, Budget Modifications.

(Source: TRIBAL RESOLUTION #042017-01)

18.291(4.17)(b) USE OF MICHELLE CHINGWA EDUCATION ASSISTANCE ACT FUNDING

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians, enacted WOS 2014-010, Michelle Chingwa Education Assistance Act “to enable present and future generations of Waganakising Odawak to obtain post-secondary educational opportunities”

B. WHEREAS Waganakising Odawak Statute 2014-010, defines Accredited as “shall apply to those post-secondary institutions of higher education that are accredited by and Agency, organization or State Agency recognized by the United States Department of Education as an accrediting agency (They are listed on the Departments website) ... other colleges or programs approved by Tribal Resolution;

C. WHEREAS a Little Traverse Bay Bands of Odawa Indians Tribal Citizen is currently attending the University of Toronto to obtain a PhD in Social Justice, a post-secondary institution that is not accredited by the United States, Department of Education.

D. THEREFORE, BE IT RESOLVED that Tribal Council authorizes the uses of Michelle Chingwa Education Assistance Act funding for the Little Traverse Bay Bands of Odawa Indians Tribal Citizen who is currently attending the University of Toronto to obtain a PhD in Social Justice.

(Source: TRIBAL RESOLUTION #042017-02)

18.292(4.15)(a) ALLOCATION OF GENERAL FUND BALANCE FUNDS TO ADDRESS TRIBAL PRIORITIES OF INVESTMENTS, LEGAL EXPENSES, ECONOMIC DEVELOPMENT AND SUPPLEMENTAL FUNDING

A. WHEREAS the Tribal Constitution directs the Tribal Government to promote the health, educational and economic interests of all the people and authorizes the Tribal Council to appropriate the funds of the Tribe;

B. WHEREAS each year, the Accounting Department and the Treasury Department identify an estimated amount of unrestricted funds from prior years that are reported as “General Fund Balance” and previously known as “Prior Period Funds”;

C. **WHEREAS** to properly carry out the fiscal stewardship responsibilities of the Tribal Government, and to properly manage tribal funds on behalf of and in the best interests of the Tribal Citizens, the Tribal Council has determined the following priorities of funding for FY 2015 general fund balance: retiring long-term debt, litigation expenses, and Supplemental Funding in accordance with the *Process for Appropriations of Supplemental Funding*, WOS 2008-004.

D. **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the following with regard to the allocation and appropriation of the General Fund Balance for FY 2015:

1. Based on the Accounting Department and the Treasury Department’s written report to the Tribal Council, which identifies the estimated “General Fund Balance” on 12/31/2014 at \$19,300,000.00 with additional funding from the Rescission of Tribal Resolution #010613-02 and Reallocation of Capital Project Fund Monies to the General Fund Balance Funds in the amount of \$907,729.00.
2. For Fiscal Year 2015, Tribal Council designates the following monies of the remaining balance of the General Fund Balance and allocates and appropriates as follows:
 - a. Any monies in the Merrill Lynch investment accounts shall remain as investments which are approximately \$6,100,000.00.
 - b. \$4,500,000.00 shall be set aside to cover **legal expenses** of the Tribal Government when those legal expenses are incurred while carrying out the objectives and functions of the Tribal Government as stated in the Tribal Constitution and any funds remaining at the end of FY 2015 shall carry over in accordance with WOS 2011-008, Enjinaaknegeng.
 - c. \$7,307,729.00 shall be set aside for the purposes of **Economic Development** that may include retiring long-term debt for which the Tribe is responsible, whether that debt is for tribal gaming operations or other purposes, and any remaining funds at

the end of FY 2015 shall be carried over and continue to be used for economic development until reallocated by Tribal Resolution;

- d. The remaining funds, of approximately \$2,300,000.00 shall be available for anticipated Revenue shortfall from enterprises and for **Supplemental Funding** in accordance with the *Process for Appropriations of Supplemental Funding*, WOS 2008-004, to be used for any unforeseen or unbudgeted expenses of the Tribal Government during the fiscal year 2015.

E. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #042315-01)

18.293(4.15)(b) UTILITY COSTS FOR THE KINGS INN PROPERTY

A. WHEREAS Tribal Council established a Capital Project Fund to pay consultants and vendors who provide services related to the Mackinaw Casino Project with Tribal Resolution # **010613-02: Confirmation of the Establishment of the Capital Project Fund, Remaining Balance, and Payment to Consults and Vendors**;

B. WHEREAS utility payments are being paid out of the Capital Project Fund for the Kings Inn property, along with indirect costs, for a total yearly amount of \$1,500.00;

C. WHEREAS with the passage of Rescission of Tribal Resolution #010613-02 and Reallocation of Capital Project Fund Monies to the General Fund Balance Funds, the utility payments need to be addressed by another fund;

D. WHEREAS there already exists a line-item within the Executive budget to cover the costs of property taxes and other land related expenses.

E. THEREFORE BE IT RESOLVED that the annual utility costs for the Kings Inn property will be paid by the property tax line-item within the Executive Budget in the

approximate amount of \$1,500.00.

F. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #042315-03)

18.294(4.15)(c) PREPARE FOR LITIGATION AND APPROPRIATION OF FUNDS

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians Constitution recognizes that as a Tribe *“We will work together in a constructive, cooperative spirit to preserve and protect our lands, resources and Treaty Rights, and the right to an education and a decent standard of living for all our people.”*;

B. WHEREAS the territory of the Little Traverse Bay Bands of Odawa Indians shall encompass all lands and waters within the Reservation as defined in Article III of the Tribal Constitution: *“Unless otherwise specified in this Constitution “Reservation” means all lands within the boundaries of the reservations for the Little Traverse Bay Bands of Odawa Indians as set out in Article I, paragraphs third and fourth of the Treaty of 1855, 11 Stat. 621, plus any lands set out in Articles Second and Third of the Treaty of March 28, 1836, 7 Stat. 491, . . .”*

C. WHEREAS a lawsuit would ask a federal court to recognize that the Reservation as defined in Article III of the Tribal Constitution and that those Treaty boundaries have not been changed or diminished over time.

D. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves Hogen Adams PLLC, on behalf of the Tribe, to prepare for litigation and recognition of the LTBB Reservation, including pre-litigation, litigation and post litigation support.

E. FURTHER BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funding to the Enjinaaknegeng carry-over reserve fund in the amount of \$4.5 million to cover expenses associated with litigation, including pre and

post litigation support, to come from the restricted General Fund Balance Funds- Legal reserve.

F. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #042315-04)

18.295(5.15)(d) ODAWA CASINO RESORT FIVE YEAR STRATEGIC PLAN – PROJECT DEVELOPMENT FUNDING

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians refinanced the casino renegotiated bonds in 2014 and is currently paying on the principal along with interest;

B. WHEREAS the Little Traverse Bay Bands of Odawa Indians has lands in the Village of Mackinaw City and the compact between LTBB and the State of Michigan allows for gaming at a “Second Site”;

C. WHEREAS the original design of the Odawa Casino Resort contemplated an attached hotel and the casino infrastructure would support an attached hotel;

D. WHEREAS the Little Traverse Bay Bands of Odawa Indians desires to increase its economic diversity by reducing debt, investing in gaming in the Village of Mackinaw City and building an attached hotel to the existing Odawa Casino Resort;

E. WHEREAS the Odawa Casino Resort and the Gaming Authority or its successor has the expertise to develop a five (5) year strategic plan that includes debt reduction, developing a second gaming site and building an attached hotel; and can advise Tribal Council of the costs and benefits associated with the plan.

F. THEREFORE BE IT RESOLVED that a five (5) year strategic plan will be developed by the Odawa Casino Resort and the Gaming Authority or its successor, for Tribal Council approval, that includes debt reduction, developing a second gaming site and building an attached hotel to the current Odawa Casino, Petoskey, Michigan.

G. FURTHER BE IT RESOLVED that a Project Development checking account will be established and held at the Odawa Casino Resort and administered by Odawa Casino Resort and the Gaming Authority or its successor.

H. FURTHER BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funding to the Odawa Casino Resort Project Development checking account in the amount of \$50,000 to come from the restricted General Fund Balance Funds, Economic Development reserve and used to develop and assess the viability of the five (5) year strategic plan.

(Source: TRIBAL RESOLUTION #042315-06)

18.296(4.15)(e) APPROPRIATION OF FUNDS FOR THE 2016 OPERATING BUDGETS AND RESTATEMENT OF FUNDING ALLOCATION FOR THE 2016 FISCAL YEAR

A. WHEREAS Waganakising Odawak Statute 2007-003 states that “By October 15 of each year the Tribal Council shall adopt the Tribal Government priority funding allocation which shall set forth the allocation of funds among the five divisions, (Executive, Legislative, Judicial, Prosecutor, and Election Board), for the fiscal period budgets that will begin 14 1/2 months from this date. Prior to approval of this allocation the Tribal Council may hold public hearings.”

B. WHEREAS the Tribal Council set forth a priority allocation that requires adjustment in accordance with the allocation of the funds as set forth in the operating budgets presented by the Appropriations and Finance Committee;

C. WHEREAS in accordance with the 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;

D. WHEREAS the FY 2016 Budget is \$31,914,851.58 from the following sources: Enterprise revenue, grants, carryover funds, taxes refunds, rents, third party billings, cost recovery and other revenues.

E. THEREFORE, BE IT RESOLVED that General Fund priority allocation percentages for FY 2016 be allocated to the Tribal Government at 30.29%, Economic Development at 9.70%, General Welfare at 41.49%, Distributions at 18.21%, Donations at 0.31%;

F. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of \$12,700,000 as follows: Legislative 11.16%, Judicial 9.57%, Prosecutor 1.45 %, Election Board 0.84 %, Executive Branch 76.98%;

G. THEREFORE BE IT FURTHER RESOLVED that the 2016 operating budgets are adopted as presented on the approved budget summary pages one to six in the amount of \$2,212,522.33 for the Legislative Branch; \$1,216,000 for the Judicial branch; \$106,311.00 for the Election Board; \$183,950 for the Prosecutor; \$28,196,068.25 for the Executive Branch. This total budget of \$31,914,851.58 includes the revenues derived from the casino operation in accordance with the financing loan agreement that is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

H. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed fifteen percent (15%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2008-004 Section V, Budget Modifications, Transfers and Rescissions.

(Source: TRIBAL RESOLUTION #042715-01)

18.297(5.15)(a) TO APPROPRIATE TO ODAWA ECONOMIC DEVELOPMENT MANAGEMENT, INC. (OEDMI) \$1,115,700.00 TO COME FROM THE RESTRICTED

GENERAL FUND BALANCE FUNDS- ECONOMIC DEVELOPMENT RESERVE

- A. WHEREAS** OEDMI was created as a Tribally Chartered Corporation through WOS 2009-24 for non-gaming economic development;
- B. WHEREAS** OEDMI was charged with the development of the property at 1966 US 131 S, Petoskey, MI, now known as The Shops at Victories Center;
- C. WHEREAS** OEDMI has developed the current site plan proposing a three-phase “lifestyle center” type of mixed-use development that benefits from both excellent U.S. 131 visibility and valuable views from the site to the eastern valley and using a dense site layout and development concept creates a “destination” that results in a shopping atmosphere that encourages extended stays;
- D. WHEREAS** in order for OEDMI to redevelop the site with a developer, the infrastructure of water and sewer is needed to update the site to hold the capacity of new development;
- E. WHEREAS** after considerable assessment by consultants, Exxel Engineering, John Ernst, PE and Wade Trim, the current sewer and water system will not support the capacity of the site plan;
- F. WHEREAS** in order to maximize revenue returns to the tribe, OEDMI is working with Odawa Casino Resort to utilize the current sanitary sewer system held by the Odawa Casino Resort;
- G. WHEREAS** the onsite sanitary sewer system needs to be connected to OCR to utilize the current sanitary sewer system held by the Odawa Casino Resort and the cost to connect to the existing system and make improvements to the OCR’s system is \$1,115,700.00;
- H. WHEREAS** the Appropriations and Finance Committee motioned, at its regularly scheduled meeting held on May 12, 2015, to recommend to Tribal Council to approve the appropriation of funds requested from OEDMI, in the amount of \$1,115,700.00 to come from

the restricted General Fund Balance Funds- Economic Development reserve.

I. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funding to OEDMI in the amount of \$1,115,700.00 to cover expenses associated the sanitary sewer system, to come from the restricted General Fund Balance Funds- Economic Development reserve.

J. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #052115-01)

18.298(5.15)(b) ESTABLISH AN ODAWA ECONOMIC DEVELOPMENT MANAGEMENT, INC. (OEDMI) LINE OF CREDIT IN THE AMOUNT OF \$585,000.00

A. WHEREAS OEDMI was created as a Tribally Chartered Corporation through WOS 2009-24 for non-gaming economic development;

B. WHEREAS OEDMI was charged with the development of the property at 1966 US 131 S, Petoskey, MI, now known as The Shops at Victories Center;

C. WHEREAS OEDMI has developed the current site plan proposing a three-phase “lifestyle center” type of mixed-use development that benefits from both excellent U.S. 131 visibility and valuable views from the site to the eastern valley and using a dense site layout and development concept creates a “destination” that results in a shopping atmosphere that encourages extended stays;

D. WHEREAS in order for OEDMI to redevelop the site with a developer, the infrastructure of water and sewer is needed to update the site to hold the capacity of new development;

E. WHEREAS after considerable assessment by consultants, Exxel Engineering, John Ernst, PE and Wade Trim, the current sewer and water system will not support the capacity of

the site plan;

F. WHEREAS in order to maximize revenue returns to the tribe, OEDMI is working with Odawa Casino Resort to utilize the current sanitary sewer system held by the Odawa Casino Resort;

G. WHEREAS OEDMI needs a line of credit in the amount \$585,000.00 to make sanitary sewer system improvements on the site, and anticipates receiving funds from the developer and Michigan Economic Development Corporation to reimburse the expenses to the Tribe;

H. WHEREAS the Appropriations and Finance Committee motioned, at its regularly scheduled meeting held on May 12, 2015, to recommend to Tribal Council to approve the line of credit in the amount \$585,000.00, and an appropriation of \$1,115,700.00 to come from the restricted General Fund Balance Funds- Economic Development reserve.

I. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and establishes a line of credit for Odawa Economic Development Management, Inc. (OEDMI) in the amount of \$585,000.00, the cost of sanitary sewer system and all funds extended to OEDMI will be repaid to the Tribe within thirty-six month to come from the cash flow of the restricted General Fund Balance Funds- Economic Development reserve.

J. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as established by Tribal Council.

(Source: TRIBAL RESOLUTION #052115-02)

18.299(6.15)(a) TO APPROPRIATE TO ODAWA CASINO RESORT THE AMOUNT OF \$3,320,000.00 TO COME FROM THE RESTRICTED GENERAL FUND BALANCE FUNDS- ECONOMIC DEVELOPMENT RESERVE AND ALLOW FOR OCR TO RESERVE PROFITS TO IMPLEMENT THE FIVE YEAR STRATEGIC PLAN

A. WHEREAS the Odawa Casino Resort (OCR) presented the Little Traverse Bay Bands of

Odawa Indians Five-year Strategic Economic Development Plan dated May 7, 2015 to Tribal Council;

B. WHEREAS the plan includes three-phases of development where Phase I of the plan is the building of a casino within the Village of Mackinaw City;

C. WHEREAS Tribal Council approved the Little Traverse Bay Bands of Odawa Indians Five-year Strategic Economic Development Plan at its regularly scheduled meeting held on May 7, 2015;

D. WHEREAS in order to implement Phase I and Phase II of the approved plan, the Odawa Casino Resort and the Gaming Enterprise Board or its successor will need appropriations in the amount of \$3,320,000.00.

E. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funds to Odawa Casino Resort and the Gaming Enterprise Board or its successor in the amount of \$3,320,000.00 to implement of the Little Traverse Bay Bands of Odawa Indians Five-year Strategic Economic Development Plan to establish a 64 slot machine and to partially fund the casino expansion to come from the restricted General Fund Balance Funds- Economic Development reserve.

F. FURTHER BE IT RESOLVED Odawa Casino Resort and the Gaming Enterprise Board or its successor can retain from the profits of the Mackinaw Casino the amount of \$880,000.00 to complete the RV Park and the casino expansion, and such funds can only be expended if Class III gaming is utilized.

G. FURTHER BE IT RESOLVED that the appropriated funds will be set apart and deposited into account entitled the Odawa Casino Resort Project Development checking account and administered by Odawa Casino Resort and the Gaming Enterprise Board or its successor, in accordance with Addendum A, and such funds shall be carried over each fiscal year.

H. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #061815-01)

18.300(10.15)(a) TRANSFER OF FUNDS FROM THE LEGISLATIVE BRANCH AD-HOC AGRICULTURAL WORK GROUP FUND TO ZIIBIMIJSWANG, INC., A TRIBALLY CHARTERED CORPORATION, IN THE AMOUNT OF \$31,136.46

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council approved the *Designation of Land Use and Transfer of Property Use* that transferred the house at Ziibimijwang Farm, 5055 Gill Road, Carp Lake, to Ziibimijwang, Inc.;

B. WHEREAS with the transfer of the house to Ziibimijwang, Inc., the corporation will be responsible for the general maintenance of the house located at the Ziibimijwang Farm;

C. WHEREAS the Ad Hoc Agricultural Work Group, (AAWG) was given funding to cover maintenance of the property and house at the Ziibimijwang Farm and with the transfer to Ziibimijwang, Inc. the AAWG will no longer be in need of the funds.

D. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the transfer of funds from the Legislative Branch Ad Hoc Agricultural Work Group fund to Ziibimijwang, Inc., a Tribally Chartered Corporation, in the amount of \$31,136.46 to maintain the house and surrounding property located at Ziibimijwang Farm.

E. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the transfer of funds from the Legislative Branch Ad Hoc Agricultural Work Group fund to Ziibimijwang, Inc., a Tribally Chartered Corporation, in the amount of \$31,136.46 to maintain the house and surrounding property located at Ziibimijwang Farm.

F. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #100815-01)

18.300(12.15)(a) AMENDMENT TO TRIBAL RESOLUTION # 042715-01, APPROPRIATION OF FUNDS FOR THE 2016 OPERATING BUDGETS AND RESTATEMENT OF FUNDING ALLOCATION FOR THE 2016 FISCAL YEAR, TO ADDRESS FY 2016 BUDGET EMERGENCY

- A. WHEREAS** in accordance with the Constitution, Tribal Council enacted Tribal Resolution # 042715-01, an annual budget for the fiscal year 2016;
- B. WHEREAS** the FY 2016 Budget, as approved, is \$31,914,851.58 and distributed to the Tribal Government Branches as following: \$2,212,522.33 for the Legislative Branch; \$1,216,000.00 for the Judicial Branch; \$106,311.00 for the Election Board; \$183,950.00 for the Prosecutor; \$28,196,068.25 for the Executive Branch;
- C. WHEREAS** the FY 2016 Budget includes General Fund Revenue and Spending in the amount of \$12,700,000 and the estimated revenue distributions from the Odawa Casino Resort to be \$12,500,000;
- D. WHEREAS** the FY 2016 Odawa Casino Resort Budget currently estimates the net revenue distributions to the LTBB Government to be \$11,385,000 creating a deficit position in the FY 2016 General Fund Budget of \$1,115,000.00;
- E. WHEREAS** \$600,000 of the budget deficit may be mitigated by emerging economic development efforts;
- F. WHEREAS** the goal of any fiscally responsible government is a balanced budget;
- G. WHEREAS** Waganakising Odawak Statute #2015-016 Tribal Government Budget Formulation Process, Section XVII, states that at any time during the fiscal year, the Treasury Office, based on a revenue analysis and other factors, may recommend to Tribal Council to declare a budget emergency;

H. THEREFORE, BE IT RESOLVED that the Tribal Council declares the FY 2016 to be in a state of budget emergency, in accordance with WOS 2015-016.

I. THEREFORE BE IT FURTHER RESOLVED to meet the requirement of a balanced budget, the Tribal Government Divisions have amended their General Fund Budgets as follows: Legislative \$1,302,688, Judicial \$1,095,772, Prosecutor \$270,491, Election Board \$90,000, Executive \$9,423,812.

J. FINALLY BE IT RESOLVED that the FY 2016 operating budget is amended as presented, dated December 21, 2015, in the amount of \$2,098,284 for the Legislative Branch; \$1,095,772 for the Judicial Branch; \$90,000 for the Election Board; \$270,491 for the Prosecutor; \$27,843,068 for the Executive Branch. The amended budget, for a total of \$31,397, 615.00, includes the anticipated revenues derived from the casino operation in accordance with the financing loan agreement that is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

(Source: TRIBAL RESOLUTION #122115-02)

18.300(8.16)(a) BUDGET MODIFICATION FOR SAFETY BUDGET

A. WHEREAS, In accordance with Waganakising Odawak Statute 2015-004, Process for Appropriations of Supplemental Funding, the Appropriations and Finance Committee reviewed the information concerning the financial needs for the safety program; and

B. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approved the budget modification in the amount of \$28,400.00 for purpose of providing funds for the Safety position.

(Source: TRIBAL RESOLUTION #081816-02)

18.300(7.17)(a) BUDGET MODIFICATION FOR ELDERS AND CAPITAL IMPROVEMENTS

A. WHEREAS Fringe and Indirect Costs are lower than expected in the FY 2017 Tribal Governmental Budget ; and

B. WHEREAS In accordance with Waganakising Odawak Statute 2015-004, the modification has been posted to the Tribal Website for (7) seven days and has been submitted to the Tribal Council.

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification of excess fringe and indirect costs in the FY 2017 General Fund Executive Budgets to move \$52,000.00 to Elders Department budget and 109,346.00 to Capital Improvements .

(Source: TRIBAL RESOLUTION #062217-01)

18.300(7.17)(b) TO APPROPRIATE TO ODAWA ECONOMIC DEVELOPMENT MANAGEMENT, INC. (OEDMI) \$895,559.00 TO COME FROM THE RESTRICTED GENERAL FUND BALANCE FUNDS- ECONOMIC DEVELOPMENT FOR THE SEPTIC EQUALIZATION TANK AT THE ODAWA CASINO RESORT WASTEWATER TREATMENT FACILITY

A. WHEREAS OEDMI was created as a Tribally Chartered Corporation through WOS 2009-24 for non-gaming economic development;

B. WHEREAS OEDMI was charged with the development of the property at 1966 US 131 S, Petoskey, MI, now known as The Shops at Victories Center;

C. WHEREAS OEDMI has developed the current site plan proposing a three-phase “lifestyle center” type of mixed-use development that benefits from both excellent U.S. 131 visibility and valuable views from the site to the eastern valley and using a dense site layout and development concept creates a “destination” that results in a shopping atmosphere that encourages extended stays;

D. WHEREAS in order for OEDMI to redevelop the site, water and sewer infrastructure was needed to update the site to hold the capacity of the new development;

E. WHEREAS on May 21, 2015, the Tribal Council appropriated funds to OEDMI to be used to upgrade the Odawa Casino Resort waste water treatment plant in order to hold the capacity needed from the OEDMI site;

F. WHEREAS since May 21, 2015 OEDMI and Odawa Casino Resort have been working together pursuant to a Memorandum of Understanding dated September 3, 2015 to upgrade the Odawa Casino Resort waste water treatment plant, and have completed the first two of three phases necessary to upgrade the plant;

G. WHEREAS since May 21, 2015 OEDMI and Odawa Casino Resort have learned that the costs to complete the last phase of the waste water treatment plant upgrade is more expensive than anticipated due to a growing economy and more costly material and labor costs;

H. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funding to OEDMI in the amount of \$895,559.00 to cover expenses necessary to complete the waste water treatment plant, to come from the restricted General Fund Balance Funds- Economic Development reserve.

I. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #072717-01)

18.300(12.06)(a) THE ESTABLISHMENT OF A CAPITAL PROJECT FUND FOR THE CONSTRUCTION OF THE FISHERIES ENHANCEMENT FACILITY (HATCHERY) AT THE DRIER ROAD PROPERTY

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected governing body of the Tribe;

B. WHEREAS the Tribe seeks to develop and construct a fisheries enhancement facility that will be used to enhance local populations of culturally significant species;

C. WHEREAS excepted benefits of the project include but are not limited to; Increased Self Governance, Treaty Rights Protection, Increased Management and Research Capabilities, Educational and Training Opportunities and Partnerships with other Natural Resource Agencies;

D. WHEREAS the Tribal Council has approved the purchase and is seeking to have placed in Trust a eighty acre piece of property on Drier Road for the construction of the facility;

E. WHEREAS the Natural Resource Department sought and received grant funds to be used toward the completion and/or construction of the fisheries enhancement facility;

F. THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians hereby establishes a capital project fund for the construction of the Fisheries Enhancement Facility (Hatchery) at the Drier Road. Property and that all expenditures will be done in accordance with the “Policy for the Management of Capital Project Funds”;

G. BE IT FURTHER RESOLVED that the Fisheries Enhancement Facility capital project fund be initially funded by transferring \$250,000 from the 2006 NRD RCDI Fisheries Account Hatchery line item, 3113-5-6810 to the newly established Fisheries Enhancement Facility capital project fund account.

(Source: TRIBAL RESOLUTION #121706-01)

18.300(8.17)(a) BUDGET MODIFICATION FOR TRADITIONAL POW WOW

A. WHEREAS The Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and

B. WHEREAS In accordance with the WOS 2015-016 Tribal Government Budget Formulation and Modification Statute, the modification has been posted to the Tribal Website for

(7) seven days and has been submitted to the Tribal Council.

C. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification for the Traditional Powwow in the amount of \$4,660.00.

Source: TRIBAL RESOLUTION #083117-01)

18.300(9.17)(a) USE OF 3RD PARTY SUPPORT REVENUES FOR TRIBAL PHARMACY IN THE AMOUNT OF \$292,000.00

A. WHEREAS The Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and

B. WHEREAS More funding is needed to hire another Pharmacist and tech for Prescription services; and

C. WHEREAS In accordance with the WOS 2015-016 Tribal Government Budget Formulation and Modification Statute;

D. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves use of in the amount of \$292,000.00 for the purpose additional staff for the Pharmacy 2017 with funding to come 3rd Party Support Revenues.

(Source: TRIBAL RESOLUTION #092817-02)

18.300(9.17)(b) BUDGET MODIFICATION FOR DETENTION COSTS

A. WHEREAS The Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and

B. WHEREAS In accordance with the WOS 2015-016 Tribal Government Budget Formulation and Modification Statute, the modification has been posted to the Tribal Website for (7) seven days and has been submitted to the Tribal Council.

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification for Detention costs in the amount of \$10,000.00.

(Source: TRIBAL RESOLUTION #092817-03)

18.300(9.17)(c) TO RE-APPROPRIATE TO ODAWA CASINO RESORT THE AMOUNT OF \$820,000 TO COME FROM THE RESTRICTED GENERAL FUND BALANCE FUNDS- ECONOMIC DEVELOPMENT RESERVE AND ALLOW FOR OCR TO RESERVE PROFITS TO IMPLEMENT THE UPDATED FIVE YEAR STRATEGIC PLAN

A. WHEREAS Tribal Council approved Tribal Resolution # 061815-01 that appropriated Odawa Casino Resort the Amount of \$3,320,000.00 to implement the Little Traverse Bay Bands of Odawa Indians Five-year Strategic Economic Development Plan including the allowance for OCR to Reserve Profits to implement the Five Year Strategic Plan;

B. WHEREAS the Odawa Casino Resort (OCR) has \$820,000 remaining from the original appropriation of \$3,320,000, and an estimated \$810,000 of profits reserved from the Mackinaw Casino, for fiscal years 2016 and 2017;

C. WHEREAS the Odawa Casino Resort (OCR) presented the updated Little Traverse Bay Bands of Odawa Indians Five-year Strategic Economic Development Plan on August 10, 2017, and provided supplemental information on September 13, 2017, to Tribal Council that included expanding the Mackinaw Casino to 220 machines and adding food and beverage services;

D. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council rescinds Tribal Resolution # 061815-01 and re-appropriates the \$820,000 remaining from the original appropriation of \$3,320,000 to implement the updated Little

Traverse Bay Bands of Odawa Indians Five-year Strategic Economic Development Plan as presented by the Odawa Casino Resort on August 10, 2017, along with supplemental information provided on September 13, 2017.

E. FURTHER BE IT RESOLVED Odawa Casino Resort and the Gaming Enterprise Board or its successor may retain from the profits of the Mackinaw Casino in the estimated amount of \$810,000.00 for Fiscal years 2016 and 2017 to implement the updated Little Traverse Bay Bands of Odawa Indians Five-year Strategic Economic Development Plan as presented by the Odawa Casino Resort on August 10, 2017 and supplemented on September 13, 2017.

F. FURTHER BE IT RESOLVED that the appropriated funds will be set apart and deposited into an account entitled the Odawa Casino Resort Project Development checking account and administered by Odawa Casino Resort and the Gaming Enterprise Board or its successor and such funds shall be carried over each fiscal year.

G. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #091417-01)

18.300(12.17)(a) BUDGET MODIFICATION FOR EMPLOYEE APPRECIATION

A. WHEREAS The Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and

B. WHEREAS In accordance with the Waganakising Odawak Statute 2015-016 Tribal Government Budget Formulation and Modification the modification has been posted to the Tribal Website for (7) days and has been submitted to the Tribal Council;

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification of \$11,000.00 for the purpose of providing funds for Employee Appreciation with funding to come from Capital Expenditures.

(Source: TRIBAL RESOLUTION #121417-01)

18.300(1.18)(a) THE 3RD PARTY SUPPORT REVENUES FOR TRIBAL PHARMACY IN THE AMOUNT OF \$242,000 FOR FY 2018

A. WHEREAS Tribal Council authorized the use of third-party Support Revenues through Tribal Resolution 092817-02 *Use of 3rd Party Support Revenues for the Tribal Pharmacy in the Amount of 292,000.00* at the end of FY 2017;

B. WHEREAS Of the original FY 2017 appropriations of \$292,000, there remains \$242,000;

C. WHEREAS In order to utilize these funds, there needs to be an official action of Tribal Council, in accordance with the Grant, Donation and Other Funding Policy and the Tribal Government Budget Formulation and Modification Statute;

D. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the Pharmacy to utilize over the remaining balance of the original appropriation of 3rd Party Support Revenues in the amount of \$242,000.00 to be used in FY 2018.

(Source: TRIBAL RESOLUTION #012518-01)

18.300(1.18)(b) USE OF 3RD PARTY SUPPORT REVENUES FOR ITC MDHHS MENTAL HEALTH BLOCK GRANT MATCH IN THE AMOUNT OF \$74,100

A. WHEREAS Tribal Council supported the idea to utilize Third- party support revenues in Certified Motion 012518-05 as the match portion for the ITC MDHHS Mental Health Block Grant; and

B. **WHEREAS** In accordance with the WOS 2015-016 Tribal Government Budget Formulation and Modification Statute Tribal Council;

C. **THEREFORE, BE IT RESOLVED**, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the use of Third Party support revenue in the amount of \$74,100.00 for the match portion of ITC MDHHS Mental Health Block Grant.

D. **BE IT FURTHER RESOLVED**, the \$74,100.00 in match may be used for the term of the granting period so long as the match is not over the amount of \$74,100.00.

(Source: TRIBAL RESOLUTION # 012518-02)

18.300(3.18)(a) USE OF 3RD PARTY SUPPORT REVENUES FOR HEARING AID PROGRAM FY 2018

A. **WHEREAS** Tribal Council appropriates funds and enacted a statute for Tribal Government Budget Formulation and Modification;

B. **WHEREAS** In accordance with the WOS 2015-016 Tribal Government Budget Formulation and Modification Statute;

C. **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves use of 3rd party support revenues in the amount of \$150,000.00 to fund the hearing aid program.

(Source: TRIBAL RESOLUTION #032218-01)

18.300(3.18)(b) USE OF 3RD PARTY SUPPORT REVENUES FOR ELDER DENTAL PROGRAM FY 2018

A. **WHEREAS** Tribal Council appropriates funds and enacted a statute for Tribal Government Budget Formulation and Modification;

B. WHEREAS In accordance with the WOS 2015-016 Tribal Government Budget Formulation and Modification Statute;

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves use of 3rd party support revenues in the amount of \$100,000.00 to fund the Elders Dental program.

(Source: TRIBAL RESOLUTION #032218-01)

18.300(2.18)(a) APPROPRIATION OF FUNDS FOR THE LEGAL FUND-RESERVATION BOUNDARY IN THE AMOUNT OF \$1.5 MILLION AND RESTRICT AN ADDITIONAL \$1 MILLION FOR A RESERVATION LITIGATION CONTINGENCY, INCLUDING POST LITIGATION SUPPORT

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians Constitution recognizes that as a Tribe *“We will work together in a constructive, cooperative spirit to preserve and protect our lands, resources and Treaty Rights, and the right to an education and a decent standard of living for all our people.”*;

B. WHEREAS the territory of the Little Traverse Bay Bands of Odawa Indians shall encompass all lands and waters within the Reservation as defined in Article III of the Tribal Constitution: *“Unless otherwise specified in this Constitution “Reservation” means all lands within the boundaries of the reservations for the Little Traverse Bay Bands of Odawa Indians as set out in Article I, paragraphs third and fourth of the Treaty of 1855, 11 Stat. 621, plus any lands set out in Articles Second and Third of the Treaty of March 28, 1836, 7 Stat. 491, . . .”*

C. WHEREAS the Little Traverse Bay Bands of Odawa Indians retained Hogen Adams PLLC, in April of 2015, to file a complaint in the U.S. District Court for the Western District of Michigan against the State of Michigan to obtain a declaratory judgment recognizing the historic Little Traverse Reservation—as established by Executive Orders of 1855 and the 1855 “Treaty with the Ottawa and Chippewa”—and declaring that all lands within the Little Traverse Reservation are Indian country under Federal law, and enjoining the State from its improper

exercises of authority within the Reservation;

D. WHEREAS in accordance with the Court’s schedule, there has been an exchange of Expert Witness Reports (six for the Tribe and six for the Defendants); and discovery, including depositions of all expert witnesses, will continue through May, 2018 with a date for trial set for the late 2018 or early 2019.

E. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funding to the Enjinaaknegeng – Legal Fund-Reservation Boundary in the amount of \$1.5 million to cover expenses associated with litigation, and post litigation support, to come from the General Fund-Fund Balance; and restrict an additional \$1 million General Fund, Fund Balance for Legal Fund- Reservation Boundary for a Reservation Litigation contingency, including post litigation support.

F. FURTHER BE IT RESOLVED that any remaining balance of the Legal Reservation Boundary fund as the end of the Reservation Litigation, including post litigation support, will be returned to the general fund.

G. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council

(Source: TRIBAL RESOLUTION #022218-02)

18.300(4.18)(a) USE OF 3RD PARTY SUPPORT REVENUES FOR EXPANSION OF DENTAL PROGRAM

A. WHEREAS Expansion of the dental care at our Tribal Health Clinic is needed to keep up with the patient load.

B. WHEREAS In accordance with the WOS 2015-016 Tribal Government Budget Formulation and Modification Statute;

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the use of 3rd party support revenues in the amount of \$274,319.00 for use in FY 2018 for the expansion of the dental program at the Mina Mskiki Gumik Clinic.

(Source: TRIBAL RESOLUTION #041918-01)

18.300(4.19)(b) AMENDED FISCAL YEAR 2018 GOVERNMENTAL BUDGETS

A. WHEREAS in accordance with the LTBB Constitution, Tribal Council enact the FY 2018 governmental budget, Tribal Resolution #042017-01, *Appropriation of Funds for the 2018 Fiscal Year Operating Budgets*;

B. WHEREAS If at any time during the fiscal year, there is a reduction in the forecasted revenue, the Sr. Financial Analyst shall recommend to Tribal Council to declare a budget emergency;

C. WHEREAS in March of 2018, it was reported that there will be a decrease in the anticipated revenue for FY 2018 budget, based on this decrease the Sr. Financial Analyst recommended that a budget emergency should be put in place;

D. WHEREAS Tribal Council via the Appropriation and Finance Committee met with the various governmental branches requesting that the branches reduce expenses and implement some cost savings measures by amending the various budgets while safeguarding that such budget reductions and cost savings measures do not impair services, programs or personnel that serve our Tribal Citizens;

E. WHEREAS Waganakising Odawak Statute 2015-016, Section XIII.2 states that “The annual budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the tribal-wide budget”;

F. WHEREAS the Appropriation and Finance Committee received the amended governmental budget for FY 2018 from the various branches and has recommended to Tribal

Council to adopt the amended governmental budgets with attached detailed worksheet of the tribal-wide budget;

G. WHEREAS the amended FY 2018 Budget revenue is \$12,578,175.00 from the following sources: Enterprise revenues, grants, Fund Balance, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues;

H. THEREFORE, BE IT RESOLVED that General Fund allocation percentages for the amended FY 2018 governmental budget will be allocated to the Tribal Government at 29.84%, Economic Development at 10.71%, General Welfare at 40.73%, Distributions at 18.23%, Donations at 0.40%;

I. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of \$12,578,175.00 as follows: Legislative 9.11%, Judicial 9.70%, Prosecutor 2.29%, Executive Branch 78.16%, Election Board .74%;

J. THEREFORE BE IT FURTHER RESOLVED that the amended FY 2018 governmental budgets are approved as presented on the budget summary pages in the following amounts: Legislative Branch, \$1,859,997.54; Judicial Branch, \$1,220,615.00; Prosecutor, \$288,000.00; Executive Branch, \$30,352,355.95; Election Board, \$92,500.00. This total budget of \$33,813,468.49 includes the revenues derived from the casino operation in accordance with the financing loan agreement that is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

K. THEREFORE BE IT FURTHER RESOLVED this Resolution repeals and replaces Tribal Resolution #042017-01, *Appropriation of Funds for the 2018 Fiscal Year Operating Budgets*.

L. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2015-016 Section XV, Budget Modifications.

Codification Note: For attached detailed worksheet of the tribal-wide budget, See Resolution #041918-02 on the Legislative Website)

(Source: TRIBAL RESOLUTION #041918-02)

18.300(6.18)(a) TO ALLOCATE UNRESTRICTED CASH TO SHORT-TERM INVESTMENT ACCOUNTS IN THE AMOUNT OF \$5,000,000.00

A. WHEREAS on September 9, 2012, Tribal Council approved the Waganakising Odawak Statute 2012-012 Investment Statute that sets forth how the Tribe invests its funds that are received from federally funded contracts and programs; LTBB enterprises; and other funds and revenues;

B. WHEREAS on January 23, 2017, Tribal Council approved the Short-Term Investment policy that establishes a process for identifying available cash and converting it into United States Treasury bonds or Certificate of Deposits;

C. WHEREAS in accordance with the Statute and policy, the Office of Finance and Revenue (OFR) with the Tribal Chief Financial Officer (CFO) has determined that there is \$5,000,000 of unrestricted cash available to initiate the short-term investment accounts;

D. WHEREAS in accordance with the Statute and policy, the OFR will work with the Tribal CFO to prepare and present a monthly spreadsheet to Tribal Council that makes recommendations on the availability of unrestricted cash and how much of the funds should be withdrawn or deposited.

E. THEREFORE BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council approves and authorizes the Treasurer and the Office of Finance and Revenue - Sr. Finance Analyst to invest the unrestricted available cash in the amount of

\$5,000,000.00 into short-term investments.

F. FURTHER BE IT RESOLVED, that the Tribal Council may adjust the amount of funds that should be withdrawn or deposited based on the recommendations from the Office of Finance and Revenue (OFR) with the Tribal Chief Financial Officer (CFO).

G. FINALLY BE IT RESOLVED, that the Treasurer and the Sr. Finance Analyst is authorized to execute any documents necessary to invest the unrestricted available cash, administer, and maintain such funds in accordance with the Short-Term Investment Policy.

(Source: TRIBAL RESOLUTION #060718-02)

18.300(6.18)(b) AUTHORIZING THE PLANNING, ZONING AND BUILDING DEPARTMENT TO CARRYOVER FUNDS

A. WHEREAS The Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and

B. WHEREAS The Planning, Zoning and Building Department is charged with the regulation of land use; setting of standards for the construction of buildings, structures, appurtenances, additions and decorations which may accompany them; and other developmental characteristics which may have an effect upon the public health, safety, and general welfare;

C. WHEREAS the Grant, Donation, or Other Funding Policy requires miscellaneous and program revenues received by the Tribe, on a regular basis, be deposited into the Tribe's general fund to be appropriated by Tribal Council, except where Tribal Council has already taken official action to approve automatic deposits into appropriate program accounts;

D. WHEREAS the Planning, Zoning and Building Department collects fees to cover the cost of paying for building project inspections and code reviews and would like these funds to be carried over for this use. in subsequent years so funds are always available for professional inspection and code review services needed to protect and promote health and safety.

E. THEREFORE, BE IT RESOLVED that any revenues collected for the purpose of paying inspection and code review costs will rollover to the next fiscal year and will continue to rollover for future fiscal years if unspent including any funds collected in fiscal year 2018. Such funds will be for the sole use of paying for the professional inspection and code review services and any related administration costs.

F. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #062818-02)

18.300(6.18)(c) APPROPRIATION OF FUNDS TO ENJINAAKNEGENG (LEGAL) DEPARTMENT FOR LEGAL SERVICES PROVIDED BY MICHIGAN INDIAN LEGAL SERVICES IN THE AMOUNT OF \$25,000.00

A. 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;

B. 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);

C. WHEREAS the Little Traverse Bay Bands of Odawa Indians Constitution provides the Directive Principle: *“that Promote with special care the health, educational and economic interests of all the people, especially our children and elders, and shall protect them from social injustice and all forms of exploitation”*;

D. WHEREAS on June 28, 2018, Tribal Council approved an agreement with Michigan Indian Legal Services (MILS), wherein MILS will provide pre-litigation assessment, investigation, settlement, and recommendation on sexual harassment and discrimination cases for

all employees of the Tribe;

E. WHEREAS MILS will charge the Tribe an hourly rate of \$150.00 to be paid monthly from the Enjinaaknegeng (Legal) Department;

F. WHEREAS the estimated costs for the first year of utilizing MILS for legal services is \$25,000.00.

G. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funding to Enjinaaknegeng (Legal) Department in the amount of \$25,000.00 to cover legal expenses of Michigan Indian Legal Services to provide pre-litigation assessment, investigation, settlement, and recommendation on sexual harassment and discrimination cases for all employees of the Tribe government and Enterprises, to come from the General Fund, Fund Balance-Supplemental.

H. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #062818-04)

18.300(7.18)(a) TRANSFER OF FUNDS IN EXCESS OF “THREE YEAR FREE PLAY AMOUNT”

A. WHEREAS starting in 2010 the Odawa Casino Resort segregated and maintained funds that represented the difference between the proper GAAP valuation of promotional free play as a zero-cent wager and the artificial assignment of value in calculating amounts due the State and Local Revenue Sharing Board under the Compact;

B. WHEREAS the Loan Agreement between the Tribe and Wells Fargo Bank, National Association requires keeping these funds in a Free Play Reserve Account;

C. WHEREAS on June 14, 2018, the Tribe and Wells Fargo entered into an amendment to their Amended and Restated Loan Agreement of March 28, 2017. The 2018 Amendment

requires the Tribe to keep Free Play Assessments in the Free Play Reserve Account for the amount accumulated for the past three calendar years. The 2018 Amendment says that “to the extent that the amounts on deposit in the Free Play Reserve Account exceed the Three Year Free Play Amount calculated as of the most recent fiscal year end, the Borrower may withdraw such excess amount from the Free Play Reserve Account and utilize such amount for such purposes as may be authorized by the Tribal Council or otherwise permitted by Applicable Law;

D. WHEREAS as of December 31, 2017 there was \$3,403,465 in the Free Play Reserve Account, with the Three Year Free Play amount being \$1,111,307, leaving \$2,292,158 available for withdrawal.

E. THEREFORE BE IT RESOLVED THAT the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes and directs that \$2,292,158 be transferred from the Free Play Reserve Account to the Tribal government’s Primary Account-General Fund-Fund Balance for future appropriations.

F. FURTHER BE IT RESOLVED THAT the any remaining balance in the Free Play Reserve Account shall be maintained in a segregated account and shall only be released by future Tribal Resolution(s).

Source: TRIBAL RESOLUTION #071218-01)

18.300(7.18)(b) BUDGET MODIFICATION FOR YOUTH SERVICES VEHICLE IN THE AMOUNT OF \$42,490.00

A. WHEREAS In accordance with the Waganakising Odawak Statute 2015-016 Tribal Government Budget Formulation and Modification the modification has been posted to the Tribal Website for (7) days and has been submitted to the Tribal Council;

B. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification of \$42,490.00 for the purpose of providing funds to the Youth Services department to purchase a replacement vehicle.

(Source: TRIBAL RESOLUTION #072818-01)

18.300(7.18)(c) BUDGET MODIFICATION FOR NRD MODULAR IN THE AMOUNT OF \$32,000.00

A. WHEREAS In accordance with the Waganakising Odawak Statute 2015-016 Tribal Government Budget Formulation and Modification the modification has been posted to the Tribal Website for (7) days and has been submitted to the Tribal Council;

B. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification of \$32,000.00 for the purpose of providing funds to the Natural Resources Department to build a modular.

(Source: TRIBAL RESOLUTION #072818-02)

18.300(9.18)(a) BUDGET MODIFICATIONS FOR FY 2018 INCREASED CONSOLIDATED TRIBAL GOVERNMENT PROGRAM (CTGP) RELATED GENERAL FUND NEEDS IN OTHER PROGRAMS

A. WHEREAS The Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and

B. WHEREAS In accordance with the Waganakising Odawak Statute 2015-016 Tribal Government Budget Formulation and Modification the modification has been posted to the Tribal Website for (7) days and has been submitted to the Tribal Council;

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the attached budget modifications for FY 2018 for the purpose of utilizing increased Consolidated Tribal Government Program (CTGP) funds and related General Fund needs in other programs.

(Source: TRIBAL RESOLUTION #092718-02)

18.300(9.18)(b) BUDGET MODIFICATION FOR EDUCATION DEPARTMENT VAN PURCHASE TO NOT EXCEED \$35,000.00

- A. WHEREAS** The Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and
- B. WHEREAS** In accordance with the Waganakising Odawak Statute 2015-016 Tribal Government Budget Formulation and Modification the modification has been posted to the Tribal Website for (7) days and has been submitted to the Tribal Council;
- C. THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modification to not exceed \$35,000.00 for the purpose of providing funds for the Education Department to purchase a van with funding to come from Capital Expenditures.

(Source: TRIBAL RESOLUTION #092718-03)

18.300(11.18)(a) LTBB FISCAL YEAR 2019 BUDGET MODIFICATION FOR TRIBAL WIDE BUDGET FOR ALL GOVERNMENTAL BRANCHES 110918

- A. WHEREAS** in accordance with the LTBB Constitution, 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;
- B. WHEREAS** in accordance with the LTBB Constitution, the Chairperson shall submit a proposed budget for the next fiscal year to the Tribal Council;
- C. WHEREAS** the Tribal Chair was asked by the Legislative Leader to submit a modified budget for FY 2019;

D. WHEREAS the budget for FY 2019 Tribal Wide Budget is \$33,813,468.49 from the following sources: Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery, General Fund-fund balance and other revenues.

E. WHEREAS the budget for FY 2019 is modified to \$35,355,265.00 from the following sources: Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery, General Fund-fund balance and other revenues.

F. THEREFORE, BE IT RESOLVED that the Tribal Government budget is based on the General Fund amount of \$12,771,615.00 and Cost Recovery amounts of \$10,213,500.00.

G. THEREFORE, BE IT FURTHER RESOLVED that the FY 2019 operating budgets are modified to the following levels. General fund: Legislative Branch, from \$1,145,900.00 to \$1,148,000.00; Judicial Branch, from \$1,220,615.00 to \$1,245,615.00; Prosecutor, from \$288,000.00 to \$288,000.00; Executive Branch, from \$9,831,160.00 to \$9,955,000.00; Election Board, from \$92,500.00 to \$135,000.00. This results in a total General Fund budget of \$12,771,165.00 for FY2019. Cost recovery Funds including indirect, space cost, fringe, and copier are modified to the following levels: Legislative Branch from \$714,097.54 to \$714,000.00; Executive Branch from \$9,350,735.00 to \$9,499,500.00. This results in a total of Tribal Wide Cost Recovery Funds of \$10,213,500.00. Special Revenue funds are modified from \$11,170,460.95 to 12,370,150.00.

H. FINALLY, BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2015-016 Section XV, Budget Modifications.

(Source: Tribal Resolution #112118-01)

18.300(12.18)(a) TO APPROPRIATE TO THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS TRIBALLY CHARTERED CORPORATIONS IN THE

**AMOUNT OF \$40,000.00 TO COME FROM THE RESTRICTED GENERAL FUND
BALANCE FUNDS- ECONOMIC DEVELOPMENT RESERVE**

A. WHEREAS Tribal Council has created several Tribally Chartered Corporation, Odawa Economic Affairs Holding Corporation, Odawa Aviation Corporation, Odawa Construction Corporation, for non-gaming economic development;

B. WHEREAS each of these corporations have been charged with creating economic opportunities that will benefit the Tribe and its Tribal Citizens.

C. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funding to the Tribe's Corporations in the amount of \$40,000.00 for startup funding in order to create economic opportunities that will benefit the Tribe and its Tribal Citizens, to come from the restricted General Fund Balance Funds- Economic Development reserve as follows: Odawa Economic Affairs Holding Corporation-\$10,000.00; Odawa Aviation Corporation-\$10,000.00; Odawa Construction Corporation-\$20,000.00.

D. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: Tribal Resolution #122018-05)

**18.300(5.19)(a) APPROPRIATION OF FUNDS FOR THE 2020 FISCAL YEAR
OPERATING BUDGETS**

A. WHEREAS in accordance with the LTBB Constitution, 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;

B. WHEREAS Waganakising Odawak Statute 2015-016, Section XIII.1 states that “The Tribal Council shall approve the annual budget by the annual meeting”;

C. WHEREAS Waganakising Odawak Statute 2015-016, Section XIII.2 states that “The annual budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the tribal-wide budget”;

D. WHEREAS the FY 2020 Budget revenue is \$37,753,819.48 from the following sources: Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery, and other revenues.

E. THEREFORE, BE IT RESOLVED that General Fund allocation percentages for FY 2020 be allocated to the Tribal Government at 30.11%, Economic Development at 10.33%, General Welfare at 40.53%, Distributions at 18.64%, Donations at 0.40%;

F. THEREFORE, BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of \$37,753,819.48 as follows: Legislative 9.18%, Judicial 9.75%, Prosecutor 2.33%, Executive Branch 78%, Election Board .74%;

G. THEREFORE, BE IT FURTHER RESOLVED that Tribal Council rejects the Tribal Chair’s proposed budget for FY 2020 and approves the FY 2020 operating budgets as set forth on the budget summary pages and in the attached detailed worksheet of the tribal-wide budget, in the following amounts: Legislative Branch, \$1,826,199.48; Judicial Branch, \$1,205,615.00; Prosecutor, \$287,885.00; Executive Branch, \$34,342,620.00; Election Board, \$91,500. This total budget of \$37,753,819.48 includes the revenues derived from Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery, and other revenues.

H. FINALLY, BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2015-016 Section XV, Budget Modifications.

(Source: TRIBAL RESOLUTION #050119-01)

18.300(5.19)(b) APPROPRIATION TO THE PLANNING DEPARTMENT TO OBTAIN ENGINEERED PLANS FOR APARTMENT BUILDING AT MTIGWAAKIIS HOUSING (MURRAY ROAD), IN THE AMOUNT OF \$200,000.00 TO COME FROM THE GENERAL FUND-FUND BALANCE

A. WHEREAS the Tribe has an opportunity to apply for funding through the Indian Community Development Block Grant program for housing construction and the application requires engineered plans;

B. WHEREAS there may be additional funding sources available that will also require engineered plans.

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves supplemental funding for the Planning Department in the amount of \$200,000.00 to use solely for the purpose of obtaining engineering plans for apartment buildings to be located at Mtigwaakiis Housing (Murray Road) to come from the General Fund-Fund Balance.

D. FINALLY, BE IT RESOLVED the Planning Department shall give preference to LTBB Tribal Citizen Contractors/Vendors and Tribally-owned Corporations in accordance with WOS 2018-019 Contracting Statute, as amended.

(Source: TRIBAL RESOLUTION #052319-01)

18.300(5.19)(c) INCREASE MIS FY2019 OPERATING BUDGET BY \$82,000.00 FOR SOFTWARE AND LICENSING AGREEMENTS

- A. **WHEREAS** Tribal Council authorizes and appropriates budgets through Tribal Resolution;
- B. **WHEREAS** a funding increase is needed to provide Software and licensing agreements for the LTBB Government to add extra protection to our networking systems.
- C. **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the increase of \$82,000.00 to the FY 2019 MIS budget for software and licensing agreements.

(Source: TRIBAL RESOLUTION #052319-03)

18.300(5.19)(d) BUDGET MODIFICATIONS FOR FY 2019 IN THE AMOUNT OF \$34,532.00 TO FUND FACILITIES

- A. **WHEREAS** In accordance with the Waganakising Odawak Statute 2015-016 Tribal Government Budget Formulation and Modification the modification has been posted to the Tribal Website for (7) days and has been submitted to the Tribal Council ;
- B. **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the attached budget modifications for FY 2019 for the purpose of funding the Facility Maintenance General Fund for staff to maintain Tribal roads and infrastructure. \$14,532.00 will be reallocated from the Human Services General Fund and \$20,000.00 from the Capital Expenditure Fund.

(Source: TRIBAL RESOLUTION #052319.04)

18.300(5.19)(e) BUDGET MODIFICATIONS FOR FY 2019 INCREASED CONSOLIDATED TRIBAL GOVERNMENT PROGRAM (CTGP) RELATED GENERAL FUND NEEDS IN OTHER PROGRAMS

- A. **WHEREAS** In accordance with the Waganakising Odawak Statute 2015-016 Tribal Government Budget Formulation and Modification the modification has been posted to the

Tribal Website for (7) days and has been submitted to the Tribal Council;

B. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the attached budget modifications FY 2019 for the purpose of utilizing increased Consolidated Tribal Government Program (CTPG) funds and related General Fund needs in other programs.

(Source: TRIBAL RESOLUTION #052319-05)

18.300(6.19)(a) AUTHORIZATION OF USE OF THE ODAWA ECONOMIC DEVELOPMENT MANAGEMENT, INC. (OEDMI) LINE OF CREDIT

A. WHEREAS OEDMI was created as a Tribally Chartered Corporation through WOS 2009-24 for non-gaming economic development;

B. WHEREAS OEDMI was charged with the development of the property at 1966 US 131 S, Petoskey, MI, now known as The Shops at Victories Center;

C. WHEREAS Tribal Resolution #052115-02, Establish an Odawa Economic Development Management, Inc. (OEDMI) line of credit in the amount of \$585,000.00 that provided funding to OEDM for the cost of sanitary sewer system and the funds were to be repaid to the Tribe within thirty-six months;

D. WHEREAS Tribal Council authorized Tribal Resolution #082318-01, that allowed for the remaining \$85,682.92 from the original line of credit to be used for expenses associated with the common areas at the Victories Square site;

E. WHEREAS OEDMI has requested that the \$85,682.92 remaining from the original line of credit also be used for potential economic development purposes.

F. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes Odawa Economic Development Management, Inc. (OEDMI) to utilize the remaining funds in the amount of \$85,682.92 for expenses associated with the

common areas at the Victories Square site and for potential economic development purposes.

G. FURTHER BE IT RESOLVED the time-frame that OEDMI will repay the Tribe the full amount of \$585,000.00 is December 31, 2021.

H. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as established by Tribal Council.

(Source: TRIBAL RESOLUTION #062719-01)

18.300(6.19)(b) TO AUTHORIZE ODAWA ECONOMIC DEVELOPMENT MANAGEMENT, INC. (OEDMI) USE OF THE REMAINING FUNDS OF \$79,000 FOR ECONOMIC DEVELOPMENT PURPOSES

A. WHEREAS Odawa Economic Development Management, Inc. (OEDMI) was created as a Tribally Chartered Corporation through WOS 2009-24 for non-gaming economic development;

B. WHEREAS OEDMI was charged with the development of the property at 1966 US 131 S, Petoskey, MI, now known as The Shops at Victories Center;

C. WHEREAS Tribal Council authorized by Tribal Resolution #052115-01, that appropriated \$1,115,700.00 to OEDMI for a sanitary sewer system that connected to the existing system at the Odawa Casino Resort;

D. WHEREAS of the original appropriations there is approximately \$79,000 remaining;

E. WHEREAS OEDMI is requesting the use of the remaining \$79,000 be used for economic development purposes;

F. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves Odawa Economic Development Management, Inc. to use of the remaining funds of \$79,000 for economic development purposes;

G. FINALLY BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #062719-02)

18.300(1.20)(a) AUTHORIZATION OF ODAWA CASINO RESORT BUSINESS BANKING ACCOUNT AND TREASURY MANAGEMENT DOCUMENTS AND LIMITED WAIVER OF SOVEREIGN IMMUNITY AND RELATED MATTERS

A. WHEREAS the Tribal Constitution adopted February 1, 2005 (the "Constitution") provides the authority to the LTTB Tribal Council to establish the management of any and all economic affairs and enterprises, by Statute, that will further the economic development of the Tribe or its members;

B. WHEREAS WOS 2018-016, Gaming Authority Statute was enacted into law on September 13, 2018 (the "Statute"), and provides for the establishment of the Gaming Authority (the "Gaming Authority") as a subordinate entity of LTTB, in accordance with the Constitution;

C. WHEREAS the Gaming Authority Statute assigns the duty and authority to the Authority to establish and maintain bank accounts and to manage accounting and cash management as may be necessary for the operations of the Odawa Casino Resort and ancillary enterprises and activities and other LTBB owned enterprises or businesses related to gaming (collectively, the "Enterprises");

D. WHEREAS the Gaming Authority desires to designate PNC Bank, National Association ("Bank") as a depository of the Gaming Authority with full authority to accept deposits of money, checks and other instruments (collectively "Items") to the credit of the Gaming Authority in accounts with the Bank in accordance with all written instructions of any person making a deposit, and subject to the present or subsequently amended Business Account Agreement between the Gaming Authority and the Bank (the "Account Agreement");

E. WHEREAS the Gaming Authority now wishes to enter into the Bank's agreements for treasury management services including, without limitation, the Bank's Master Agreement for treasury management services, the Account Agreement, the Bank's Master Repurchase Agreement and the Bank's agreements for purchasing card or other commercial card services (collectively such agreements are termed the "Treasury Management Documents");

F. WHEREAS one of the purposes of this Resolution is to authorize the execution of the Treasury Management Documents by the Gaming Authority;

G. WHEREAS LTBB Tribal Council understands that the Bank requires certain representations and warranties and a limited waiver of sovereign immunity to assure enforceability of the Treasury Management Documents;

H. NOW THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council hereby approves the Treasury Management Documents and expressly authorizes execution of all such Treasury Management Documents by the Gaming Authority.

I. BE IT FURTHER RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council hereby approves and incorporates into this Resolution the entirety of Exhibit 1 attached hereto containing certain representations, warranties, and a limited waiver of sovereign immunity.

(Source: TRIBAL RESOLUTION #012320-01)

18.300(2.20)(a) SIX-MONTH DELAY IN THE TRANSFER OF FUNDS IN EXCESS OF "THREE YEAR FREE PLAY AMOUNT"

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians ("LTBB") 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);

B. WHEREAS Tribal Resolution # 030719-03, Transfer of Funds in Excess of “Three Year Free Play Amount” and direct the Odawa Casino Resort to transfer all funds in the Free Play Escrow Account as of the end of fiscal year 2018 in excess of three years be transferred to the Tribal government and at the end of subsequent years, all funds in excess of three years be calculated and transferred to the Tribal government no later than January 31st of subsequent year.

C. WHEREAS Odawa Casino Resort has requested a six-month delay in the transfer of Funds in Excess of “Three Year Free Play Amount” for FY 2016 in the amount of \$332,024.77.

D. THEREFORE, BE IT RESOLVED THAT the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes Odawa Casino Resort to delay in the transfer of Funds in Excess of “Three Year Free Play Amount” for FY 2016 in the amount of \$332,024.77.

E. FURTHER, BE IT RESOLVED THAT the Odawa Casino Resort will transfer the Funds in Excess of “Three Year Free Play Amount” for FY 2016 on or before June 1, 2020, with additional monies comparable to market-rate interest.

F. FINALLY, BE IT RESOLVED THAT in accordance with Tribal Resolution # 030719-03, Transfer of Funds in Excess of “Three Year Free Play Amount”, will be transferred to the short-term investment account until the best interest-bearing accounts can be selected for deposit.

(Source: TRIBAL RESOLUTION #013020-01)

18.300(3.20)(a) COVID-19 SUSPENSION OF DEADLINES FOR WOS 2015-016 TRIBAL GOVERNMENT BUDGET FORMULATION AND MODIFICATION PROCESS STATUTE, AND WAIVER OF APPROVAL REQUIREMENT OF GRANT, DONATION, OR OTHER FUNDING POLICY

Codification Note: This Tribal Resolution has been repealed by Tribal Resolution #102722-02 at 18.300(10.22)(c) of this chapter.

- A. WHEREAS** The Little Traverse Bay Bands of Odawa Indian has declared a Tribal Emergency on March 16, 2020, as a result of the Coronavirus Disease 2019 (COVID-19);
- B. WHEREAS** The Governor of the State of Michigan has issued an Executive Order “Stay Home, Stay Safe” No. 2020-21 on March 23, 2020, as a result of the Coronavirus Disease 2019 (COVID-19);
- C. WHEREAS** the Tribal Government Budget Formulation and Modification Process Statute, WOS 2015-016, has several statutory deadlines including establishing an annual budget calendar, dates of governmental branch hearings, a public hearing, and date for approval of the final budget;
- D. WHEREAS** the Tribal Government Budget Formulation and Modification Process Statute, WOS 2015-016, has several statutory deadlines including establishing an annual budget calendar, dates of governmental branch hearings, a public hearing, and date for approval of the final budget;
- E. WHEREAS** the Grant, Donation, or Other Funding Policy, January 10, 2020, requires the Appropriation and Finance Committee to make recommendations on funding and grant requests, or shall reject such requests for funding or grants, and shall forward the Committee’s recommendations to the Tribal Council;
- F. WHEREAS** in order to effectively prepare the Annual Budget and access potential funds related to COVID-19, Tribal Council will waive the statutory deadlines and policy requirements contained within the Tribal Government Budget Formulation and Modification Process Statute, WOS 2015-016 and Grant, Donation, or Other Funding Policy.
- G. THEREFORE, BE IT RESOLVED** that the Tribal Council approves suspending the deadlines as set forth in WOS 2015-016 Tribal Government Budget Formulation and Modification Process Statute.
- H. FURTHER, BE IT RESOLVED** that the Tribal Council approves any application for

funding and/or grants pertaining to emergency needs related to COVID-19, and waives the requirement of prior approval, provided that Tribal Council will receive notice of all funds that are requested related to COVID-19, and reserve the right to reject the funds per the Grant, Donation, or Other Funding Policy. Any grants that require a match or hiring of personnel will require prior approval of Tribal Council.

I. FINALLY, BE IT RESOLVED that the deadlines as set forth in WOS 2015-016 Tribal Government Budget Formulation and Modification Process Statute shall be suspended and the Tribal Council requirement of approval for all grants pertaining to emergency needs related to COVID-19 shall be waived for the duration of the Tribal State of Emergency for COVID-19.

(Source: TRIBAL RESOLUTION #032420-01)

18.300(4.20)(a) TRANSFER OF FUNDS FROM LTBB SHORT-TERM INVESTMENT ACCOUNTS TO ODAWA CASINO RESORT IN THE AMOUNT OF \$2.3 MILLION AS A RESULT OF THE UNANTICIPATED COVID-19 RELATED EXPENSES

A. WHEREAS the Waganakising Odawak, known in English as Little Traverse Bay Bands of Odawa Indians is a nation of citizens with inherent sovereignty and right to self-governance;

B. WHEREAS the Little Traverse Bay Bands of Odawa Indians (“LTBB”) 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);

C. WHEREAS Tribal Resolution #030319-03, Transfer of Funds in Excess of “Three Year Free Play Amount” transferred \$ 2,654,106.42 from the Odawa Casino Resort to the Tribal Government and the funds were placed in short-term investments;

D. WHEREAS in accordance with the agreement between the Little Traverse Bay Bands Odawa (LTBB) Indians and the Health Department of Northwest Michigan (HDNWM)-Relating

to Disease and Contamination Control Measures that grants the HDNWM the authority over LTBB Tribal Lands, People on Tribal Lands, and LTBB Tribal members off LTBB Tribal Lands under the Michigan Emergency Management Act (PA 390), MCL 30.401 *et seq.* and the laws of the county(ies) and the United States, LTBB acknowledged the State of Michigan Governor's action under Executive Order No. 2020-9 *Temporary restrictions on the use of places of public accommodation* and closed the Odawa Casino Resort.

E. WHEREAS in order to reopen the Odawa Casino Resort, anticipated by May 1, 2020, the National Indian Gaming Commission requires that a certain amount of cash must be on hand at the casino;

F. WHEREAS based on the information provided by the Gaming Authority and the Odawa Casino Resort, the Odawa Casino Resort would need \$2.3 million in order to have adequate cash on hand and begin operations on May 1, 2020.

G. THEREFORE, BE IT RESOLVED THAT the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes and directs the transfer of \$2.3 million from the LTBB short-term investment accounts to the Odawa Casino resort as a result of the unanticipated COVID-19 related expenses.

(Source: TRIBAL RESOLUTION #040120-01)

18.300(6.20)(a) AMENDMENT TO FY 2020 BUDGET, TRIBAL RESOLUTION #050119-01 APPROPRIATION OF FUNDS FOR THE 2020 FISCAL YEAR OPERATING BUDGETS, TO ADDRESS EMERGENCY REVENUE SHORTFALL. RESOLUTION# TO BE POSTED TO THE TRIBAL WEBSITE IN ACCORDANCE WITH TRIBAL RESOLUTION # 052920-01, DECLARATION OF A BUDGET EMERGENCY FOR FY2020

A. WHEREAS The Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and

B. WHEREAS In accordance with the Constitution, the Tribal Council enacted Tribal Resolution #050119-01, an annual budget for the fiscal year 2020; and

C. WHEREAS The FY 2020 Budget planned General Fund Revenue in the amount of \$12,365,000 for FY 2020; and

D. WHEREAS Due to the COVID-19 Pandemic the General Fund Revenue for FY 2020 is currently estimated to total \$5,450,000, creating a deficit position in the FY 2020 Budget of \$6,915,000; and

E. WHEREAS \$1,316,169.93 of the budget deficit may be offset by General Fund-Fund Balance;

F. THEREFORE, BE IT RESOLVED that the Tribal Council declares the FY 2020 to be in a state of budget emergency, in accordance with WOS 2020-006.

G. FINALLY BE IT RESOLVED that the FY 2020 General Fund portion of the operating budgets is amended as presented, dated June 8, 2020 to the levels set forth on the attached budget summary pages. The General fund changes are summarized as follows: Legislative Branch, from \$1,135,000.00 to \$981,272.00; Judicial Branch, from \$1,205,615.00 to \$473,055.93; Prosecutor, from \$287,885.00 to \$111,128.00; Executive Branch, from \$9,645,000.00 to \$5,128,714.00; and Election Board, from \$91,500.00 to \$72,000.00. This results in a total General Fund portion of the FY 2020 budget of \$6,766,169.93.

(Source: TRIBAL RESOLUTION #060820-01

18.300(7.20)(a) APPROPRIATION OF FUNDS FOR OPERATOR’S LICENSE APPLICATION FEES UNDER MICHIGAN LAWFUL INTERNET GAMING ACT AND LAWFUL SPORTS BETTING ACT

A. WHEREAS to promote the general welfare of the Tribe and its citizens LTBB intends to apply for and obtain operator’s licenses from the State of Michigan through its Michigan Gaming

Control Board to conduct Internet gaming and sports betting under the Michigan Lawful Internet Gaming Act and Lawful Sport Betting Act;

B. WHEREAS to aid with the Tribe’s online gaming operations, LTBB through its Gaming Authority, has entered into a contract with TSG Interactive US Services Limited (aka Stars Group) under which the Stars Group will pay the Tribe’s application and license fees;

C. WHEREAS the Tribe is completing its operator’s license application to the Michigan Gaming Control Board for online gaming and sports betting. The application fee is \$50,000 each, necessitating that a check for \$100,000 payable to the State of Michigan be submitted with the application;

D. WHEREAS to submit the application in a timely manner the Tribe needs to appropriate money for the application fees which it will then invoice the Stars group to reimburse;

E. THEREFORE, BE IT RESOLVED that the Tribal Council appropriates \$100,000.00 from prior period funds economic development to the Enjinaaknegeng budget for payment of the operator’s license application fees to the State of Michigan for Internet gaming and sports betting.

(Source: TRIBAL RESOLUTION #072320-01)

18.300(7.20)(b) APPROPRIATIONS OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (“CARES ACT”) IN THE AMOUNT OF \$3,519,051.41

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005;

B. WHEREAS Little Traverse Bay Bands of Odawa Indians received funding under the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) 2nd round in the amount of \$3,519,051.41 to be used within the guidelines provided by the U.S. Department of Treasury;

C. WHEREAS Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) funds may be used by the Tribe for public health needs as referenced in the *COVID-19 Emergency*

Disaster Relief Payment Program, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures;

D. WHEREAS the *COVID-19 Emergency Disaster Relief Payment Program* will provide Emergency Disaster Relief Payments to LTBB Tribal Citizens to help meet their needs for one or both of the following areas:

- Unanticipated losses or reduction of income from employment, employment, business interruption or other revenue sources, in the form of reduced or shorter work hours, cut in salary or pay, furlough, reduce capacity, limited hours of operations, infected with COVID-19, quarantined or assisted an immediate family member who has been infected with COVID-19 or quarantined, stay at home orders, and unable to work due to having to take care of children that were required to stay at home from school as a result of school closures.
- Unanticipated additional expenditures including sanitizing supplies, personal protection equipment, increased food costs, increased utility costs, increased health-care or medical expenses, cost related to online education, distance learning, teleworking, funerals and other general health and welfare expenses related to the COVID-19 Emergency Disaster.

E. WHEREAS in accordance with the U.S. Department of Treasury guidelines, the Tribe allocates the funds to the following service area:

- 90.47% Relief payments to Tribal Citizens and associated administrative costs
- 9.53% Executive Branch expenses related to COVID-19

F. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribe authorizes and approves funding in the amount of \$ 3,183,800.00 to provide a funding for the *COVID-19 Emergency Disaster Relief Payment Program* to come from Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) funds. Payment made

under the program will be tax exempt under the WOS 2017-002 General Welfare Statute. Any *COVID-19 Emergency Disaster Relief Payment Program* funds unspent, remaining or unclaimed by December 1, 2020 will be considered forfeited and reserved for grants to Tribal Citizens' owned businesses to reimburse the costs of business interruption or closures due to COVID-19.

G. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribe authorizes and approves funding to Executive Branch for expenses related to unemployment during the COVID-19 Pandemic and other related COVID-19 Expenses in the amount of \$335,251.41 for Executive Branch to come from Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") funds.

H. FURTHER, BE IT RESOLVED after December 1, 2020, any unspent, remaining or unclaimed/ forfeited *COVID-19 Emergency Disaster Relief Payment Program* funds will be available for additional Safety and equipment upgrades to the government buildings in response to COVID-19 pandemic.

I. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #072320-02)

18.300(7.20)(c) TO AUTHORIZE THE MAAMWI COUNCIL TO CARRYOVER UNUSED FUNDS RAISED THROUGH FUND-RAISING EVENTS OR DONATIONS

A. WHEREAS Maamwi Council is a LTBB youth council that that is being developed by joint leadership, Legislative and Executive, and will be housed under the Youth Department;

B. WHEREAS the Maamwi Council will be holding various fund-raising events throughout the year along with accepting donations;

C. WHEREAS the Grants, Donations and Other Funding Policy allows Tribal Council to exempt certain funds from being automatically rolled over into the General Fund-Fund Balance

at the end of a Fiscal Year;

D. WHEREAS the Maamwi Council is requesting to be exempt from the automatic rollover in accordance with the Grants, Donations and Other Funding Policy for any monies raised through fund-raising events or donations.

E. THEREFORE, BE IT RESOLVED that Maamwi Council's funds raised through fund-raising events or donations will not automatically rollover into the General Fund-Fund Balance at the end of a Fiscal and shall remain as carryover funds and be available for the Maamwi Council's use.

F. FURTHER, BE IT RESOLVED that Maamwi Council is allowed to carryover funds that were raised through fund-raising events or donations at the end of the Fiscal Year beginning in FY2020 and shall continue until repealed or replaced by Tribal Resolution.

(Source: TRIBAL RESOLUTION #072320-03)

18.300(8.20)(a) BUDGET MODIFICATION FOR FY 2020 TO REALLOCATE FROM THE TRIBAL CHAIR'S GENERAL FUND BUDGET TO THE CAPITAL EXPENDITURE FUND FOR COSTS RELATED SOLELY FOR THE MARKET-RATE RENTAL HOMES AND THE WILDERNESS CABINS REPAIRS IN THE AMOUNT OF \$40,000.00

A. WHEREAS in accordance with the Waganakising Odawak Statute 2020-06 Tribal Government Budget Formulation and Modification Statute, and the modification has been posted to the Tribal Website for (7) days and has been submitted to the Tribal Council;

B. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the budget modifications for FY 2020 for the purpose of funding improvements in the amount of \$40,000.00 that will be reallocated from the Tribal Chair's General Fund Budget to the Capital Expenditure Fund for cost related solely for the market-rate rental homes and the Wilderness cabins.

C. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #082020-01)

18.300(10.20)(a) APPROPRIATIONS OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (“CARES ACT”) IN THE AMOUNT OF \$1,111,279.40

A. WHEREAS Little Traverse Bay Bands of Odawa Indians received additional funding under the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) 3rd installment in the amount of \$1,111,279.40 to be used within the guidelines provided by the U.S. Department of Treasury;

B. WHEREAS Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) funds may be used by the Tribe for public health needs, as well as expenditures incurred to respond to effects of the emergency, such as business interruptions due to COVID-19-related business closures;

C. WHEREAS in accordance with the U.S. Department of Treasury guidelines, the Tribe allocates the funds to the following service area:

- 54% to LTBB Government offices expenses related to COVID-19 for building closure;
- 36% to COVID 19 Safety upgrades for programs and buildings;
- 10% to COVID 19 Citizen Response.

D. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribe authorizes and approves funding to the Executive Branch in the amount of \$1,111,279.40 as follows: 54% to LTBB Government offices expenses related to COVID-19 for building closure; 36% to COVID-19 Safety upgrades for programs and buildings; and 10% to COVID-19 Citizens’ Response during the COVID-19 Pandemic.

E. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #102220-01)

**18.300(10.20)(b) APPROPRIATION OF FUNDS FOR THE 2021 FISCAL YEAR
OPERATING BUDGETS**

A. WHEREAS in accordance with the LTBB Constitution, 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;

B. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The Tribal Council shall approve the annual budget by the annual meeting”;

C. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The annual budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the tribal-wide budget.”;

D. WHEREAS the FY 2021 Budget revenue is \$36,173,000.63 from the following sources: Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

E. THEREFORE, BE IT RESOLVED that General Fund allocation percentages for FY 2021 be allocated to the Tribal Government at 37.23%, Economic Development at 13.53%, General Welfare at 48.92%, Distributions at 0%, Donations at .32%;

F. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of

\$9,263,000 as follows: Legislative 11.34%, Judicial 11.98%, Prosecutor 2.75%, Executive Branch 72.33%, Election Board 1.6%;

G. THEREFORE BE IT FURTHER RESOLVED that the FY 2021 operating budgets are approved as presented on the budget summary pages in the following amounts: Legislative Branch, \$1,705,280.00; Judicial Branch, \$1,110,000.00; Prosecutor, \$254,000.00; Executive Branch, \$32,955,220.63; Election Board, \$148,000.00; This total budget of \$36,173,600.63 includes the revenues derived from the casino operation in accordance with the financing loan agreement that is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

H. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2020-006 Tribal Government Budget Formulation and Modification Process, Section XV, Budget Modifications.

Codification Note: For detailed worksheet of the tribal-wide budget, See Tribal Resolution #102220-02 on the LTBB Website.

(Source: TRIBAL RESOLUTION #102220-02)

18.300(12.20)(a) INTERFUND LOAN FROM 3RD PARTY BILLING REVENUE TO THE GENERAL FUND FOR THE 1ST QUARTER OF 2021 FOR CASH FLOW NEEDS FOR TRIBAL CITIZEN PROGRAMMING

A. WHEREAS the directive principles of our constitution direct the Legislative, Executive and Judicial Branches of Government to *“Promote with special care the health, educational, and economic interests of all the people especially our children and elders..”*.

B. WHEREAS Revenues funding the approved Fiscal Year 2021 Budget are not anticipated to be received by the Component Units until March of 2021, but benefit programs begin on January 1, 2021, cash flow is needed to provide government programming in the beginning of 2021 through March 31, 2021;

C. THEREFORE, BE IT RESOLVED, the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves an interfund loan for use of 3rd Party Revenue Fund Balance for cash flow purposes only, up to \$1,000,000 to meet the needs of the Tribal Government operations and citizen benefit programs from 01/01/2021 until 3/31/2021. Any revenue utilized from the interfund loan, shall be replaced upon receipt of cash transfers from the LTBB component units associated.

D. FURTHER BE IT RESOLVED the Executive shall utilize the funds to continue government operations and provide no break in services to our General Fund services such as Elders Food and Utilities program, Michele Chingwa Education Assistance, and Burial assistance.

(Source: TRIBAL RESOLUTION #121720-01)

18.300(12.20)(b) PROVIDING \$75,000.00 TO ODAWA ONLINE, GSP, LLC AS STARTUP OPERATING CAPITAL

A. WHEREAS under the authority of Tribal statute WOS 2020-011, the Gaming Authority is authorized to operate, including entering into contracts to aid in the operation of, off-reservation on-line sports betting and gaming as may be authorized by Michigan law, and to apply for and maintain, or assist the Tribal government to apply for and maintain, any necessary State licenses. The Gaming Authority may, in its discretion form a sub- entity such as an LLC to carry out this duty;

B. WHEREAS the Gaming Authority has established Odawa Online GSP, LLC for day-to-day operations as authorized under statute WOS 2020-11;

C. WHEREAS the Gaming Authority has determined that Odawa Online GSP, LLC requires \$75,000 as startup operating capital to pay ongoing expenses until funds are received from The Stars Group in alignment with the contract between the Little Traverse Bay Bands of Odawa Indians and The Stars Group.

D. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes funding for Odawa Online, GSP, LLC, in the amount of \$75,000.00 to come from the General Fund- Fund Balance.

E. FURTHER, BE IT RESOLVED that in accordance with the Constitution, the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #121720-04)

18.300(12.20)(c) APPROPRIATION OF \$15,958.50 FOR DECOMMISSIONING LEARS ROAD PUMP STATION

A. WHEREAS at its regular meeting on March 12, 2020 Tribal Council adopted a motion to approve the agreement with Bear Creek Township, and Springvale-Bear Creek Sewage Disposal Authority for Sewer Services and Maintenance Access for operation of the sewer line along the Tribe’s Victories Square and Health Park trust properties (#s 19-07-400-031, 19-07-400-034) along Lears Road, and authorized the Chairperson to sign the agreement.

B. WHEREAS the Agreement stated that “LTBB and the Township/Authority shall equally divide the costs of decommissioning and/or modifying the existing pump station that would be eliminated by this agreement and the costs of any associated repair of Lears Road.”;

C. WHEREAS the Township/Authority spent \$31,917.50 to decommission the former pump station and for related road repairs, so per the Agreement sent the Tribe a reimbursement request for \$15,958.50;

D. THEREFORE, BE IT RESOLVED that the Tribal Council appropriates \$15,958.75 to come from the General Fund-Fund Balance restricted for Economic Development to the

Chairperson’s budget for payment to Bear Creek Township for the Tribe’s share of decommissioning the Lears Road Pump Station.

(Source: TRIBAL RESOLUTION #121720-05)

18.300(12.20)(d) ZIIBIMIJSWANG, INC. REQUESTS FOR FY2021 CONTRIBUTION IN THE AMOUNT OF \$138,063.00 TO COME FROM THE GENERAL FUND-FUND BALANCE RESTRICTED FOR ECONOMIC DEVELOPMENT

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council approved the creation of the Ziibimijwang, Inc., a Tribally Chartered Corporation located at Ziibimijwang Farm, 5055 Gill Road, Carp Lake;

B. WHEREAS Ziibimijwang, Inc. provide food sovereignty within LTBB; Improve health of Tribal Citizens by providing healthful food and engaging in active participation in growing and gathering food; Provide education opportunities for Tribal Citizens; and Provide subsistence opportunities for Tribal Citizens;

C. WHEREAS Ziibimijwang, Inc. submitted a detailed budget to Appropriations and Finance Committee on December 8, 2020 that set forth the costs for staffing and insurance; board stipends; audit and accounting; operating expenses; and utilities for the 2021 planting season;

D. WHEREAS Ziibimijwang, Inc., has made tremendous progress in implementing its business plan and requires resources to support staff and the farm operations for the 2021 growing season.

E. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the funding for Ziibimijwang, Inc. in the amount of \$138,063.00 to come from the General Fund-Fund Balance restricted for Economic Development, with the understanding the Ziibimijwang, Inc. will repay the funds to the Tribe in accordance with the Ziibimijwang, Inc. charter.

F. FURTHER, BE IT RESOLVED that the distribution of funding for Ziibimijwang, Inc. will be made in equal quarterly installment in the amount of \$34,515.75, beginning on January 1, 2021 and following each quarter thereafter.

(Source: TRIBAL RESOLUTION #121720-06)

18.300(2.21)(a) THE ESTABLISHMENT OF A FUND FOR THE CONSTRUCTION AND OPERATING COSTS OF A MIGIZI (EAGLE) REHABILITATION/AVIARY CENTER TO BE LOCATED AT THE LTBB HATCHERY PROPERTY OFF OF DRIER ROAD

A. WHEREAS Migizi (Bald Eagle, *Haliaeetus leucocephalus*) is a highly revered and culturally significant species to the Little Traverse Bay Bands of Odawa Indians (“LTBB” or “Tribe”) and has faced significant threats since the mid-20th century. Preserving Migiziik (plural) for the next seven generations is a high priority;

B. WHEREAS the LTBB Natural Resource Department seeks to construct a Migizi (Eagle) Rehabilitation/Aviary Center that will provide for the rehabilitation of injured eagles for their release back into the wild, for the permanent care of a certain number of non-releasable eagles and for the collection and distribution of molted eagle feathers;

C. WHEREAS the a Migizi (Eagle) Rehabilitation/Aviary Center would be the 1st Tribally operated facility East of the Mississippi.

D. WHEREAS the facility is in line with the goals of the LTBB Bald Eagle Management Plan;

E. WHEREAS expected benefits of the project include but are not limited to; Increased Self Governance, Furtherance of LTBB Culture and the Maintenance of Cultural Responsibilities, Increased Management and Research Capabilities, Educational and Training Opportunities and Partnerships with other interested organizations such as Wings of Wonder;

F. WHEREAS the Tribal Council Land Reservation Committee has reviewed and approved the site plan of the Center;

G. WHEREAS the Natural Resource Department is developing partnerships and seeking donations, grants and appropriations to be used toward the completion and/or construction of the Migizi (Eagle) Rehabilitation/Aviary Center;

H. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council hereby establishes a restricted fund for monies that are received by donation, grant or appropriation for the construction and operation of the Migizi (Eagle) Rehabilitation/Aviary Center to be located at the Hatchery Property, Drier Road.

I. FINALLY, BE IT RESOLVED that any remaining funds in the restricted Migizi (Eagle) Rehabilitation/Aviary Center fund shall carry over each fiscal year.

(Source: TRIBAL RESOLUTION #0223521-01)

18.300(2.21)(b) AMENDED APPROPRIATION OF FUNDS FOR THE 2021 FISCAL YEAR OPERATING BUDGETS

A. WHEREAS in accordance with the LTBB Constitution, 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;

B. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The Tribal Council shall approve the annual budget by the annual meeting”;

C. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The annual budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the tribal-wide budget.”;

D. WHEREAS the FY 2021 Budget revenue is \$36,173,000.63 from the following sources: Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

E. THEREFORE, BE IT RESOLVED that General Fund allocation percentages for FY 2021 be allocated to the Tribal Government at 37.23%, Economic Development at 13.53%, General Welfare at 48.92%, Distributions at 0%, Donations at .32%;

F. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government percentage allocation from above is to be split among all Divisions, based on an anticipated amount of \$9,263,000 as follows: Legislative 11.34%, Judicial 11.98%, Prosecutor 2.75%, Executive Branch 72.33%, Election Board 1.6%;

G. THEREFORE BE IT FURTHER RESOLVED that the FY 2021 operating budgets are approved as presented on the budget summary pages in the following amounts: Legislative Branch, \$1,705,280.00; Judicial Branch, \$1,110,000.00; Prosecutor, \$254,000.00; Executive Branch, \$32,955,220.63; Election Board, \$148,000.00; This total budget of \$36,173,600.63 includes the revenues derived from the casino operation in accordance with the financing loan agreement that is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, General Fund-Fund Balance, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

H. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2020-006 Tribal Government Budget Formulation and Modification Process, Section XV, Budget Modifications.

Codification Note: The Appropriation of Funds can be found with the resolution on the LTBB Website.

(Source: TRIBAL RESOLUTION #021121-01)

18.300(3.21)(a) AUTHORIZING THE NATURAL RESOURCE DEPARTMENT TO RETAIN REVENUE FROM TREATY RIGHTS RELATED AND/OR RECREATIONAL FACILITIES

A. WHEREAS The in WOS 2008-12 *Natural Resource Protection* in Section VI.F list a duty of the Department as *Management of the Tribe's parks, campgrounds, wild areas, preserves, research areas, forests, docks, boat launches/access sites, or other similar natural or outdoor recreation areas.*

B. WHEREAS The Grant, Donation, or Other funding Policy requires miscellaneous and program revenues received by the Tribe, on a regular basis, be deposited into the Tribe's general fund to be appropriated by Tribal council, except where Tribal council has already taken official action to approve automatic deposits into appropriate program accounts;

C. WHEREAS The Natural Resource Department collects fees associated with use of NRD facilities and properties including docks, boat launches, wild areas, parks and campgrounds or renting of recreational buildings such as the cabins at the Tribe's property near Wilderness State park. The Department seeks authorization to retain these funds and to use those funds to offset the cost of running, maintaining and improving such facilities.

D. THEREFORE, BE IT RESOLVED Any revenue collected by the LTBB Natural Resource Department in use fees or renting of Treaty Rights Related and/or Recreational Facilities of the LTBB NRD be retained by the Department in a dedicated fund and that unspent funds will be carried over and retained by the account on an annual basis. The fund use shall be limited to the offset of costs related to operating, maintaining and improving the Recreational and/or Treaty Rights related properties or facilities the Department manages.

E. BE IT FURTHER RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION # 032521-01)

18.300(4.21)(a) APPROPRIATION FOR SYSTEM UPGRADES TO IMPLEMENT ALL INCLUSIVE RATE REIMBURSEMENTS

A. WHEREAS LTBB is a member of the United Tribes of Michigan which unanimously adopted Resolution 075-10-29-2020 stating “that the United Tribes of Michigan, on behalf of its members and their tribal health facilities, fully supports the creation and implementation of an MDHHS State Plan Amendment that allows for Medicaid reimbursement of unlimited pharmacy services at the IHS All Inclusive Rate (AIR);

B. WHEREAS to implement the AIR reimbursement the State of Michigan will need to perform IT system upgrades costing a total of \$1,502,380.00, and the Tribes collectively will need to cover 10% of this cost, being \$150,238.00;

C. WHEREAS to expedite implementation of the AIR reimbursement system LTBB will pay the Tribes’ share of the IT upgrade expense with the understanding that each of the 11 other Federally recognized Tribes in Michigan intend to reimburse LTBB a 1/12 share of this cost (approx. \$12,521.50 each). However, LTBB’s \$150,238.00 payment commitment for IT system upgrades is not contingent on the status of reimbursements;

D. THEREFORE, BE IT RESOLVED that the Tribal Council appropriates \$150,238.00 from third party billing revenue to the Chairperson’s budget for payment to the Michigan Department of Health and Human Services to cover the 12 Federally recognized Tribes’ share of IT upgrade costs needed to implement All Inclusive Rate reimbursement.

(Source: TRIBAL RESOLUTION #040821-01)

18.300(4.21)(b) APPROPRIATION OF FUNDS FOR THE 2022 FISCAL YEAR OPERATING BUDGETS

A. WHEREAS in accordance with the LTBB Constitution, 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;

B. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The Tribal Council shall approve the annual budget by the annual meeting”;

C. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The annual budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the tribal-wide budget.”;

D. WHEREAS the FY 2022 Budget revenue is \$44,235,449.36 from the following sources: Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

E. THEREFORE, BE IT RESOLVED that General Fund allocation percentages for FY 2022 be allocated to the Tribal Government at 32.38%, Economic Development at 13.40%, General Welfare at 53.79%, Distributions at 0%, Donations at .42%;

F. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government allocation from General Fund revenue, based on an anticipated amount of \$11,231,000 is to be split among all Divisions as follows: Legislative at 10.22%, Legislative – Charter Funding at 1.78%, Judicial at 10.8%, Prosecutor at 2.48%, Executive Branch at 65.73%, Executive Branch – General Welfare at 8.10%, Election Board .89%;

G. THEREFORE BE IT FURTHER RESOLVED that the FY 2022 operating budgets are approved as presented on the budget summary pages in the following amounts: Legislative Branch, \$2,035,516.10; Judicial Branch, \$1,213,000.00; Prosecutor, \$278,000.00; Executive Branch, \$40,608,933.26; Election Board, \$100,000.00; This total budget of \$44,235,449.36 is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings,

cost recovery and other revenues.

H. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2020-006 Tribal Government Budget Formulation and Modification Process, Section XV, Budget Modifications.

Codification Note: The Appropriation of Funds can be found with the resolution on the LTBB Website.

(Source: TRIBAL RESOLUTION #042221-01)

18.300(5.21)(a) BUDGET MODIFICATION FOR DEVELOPMENT OF THE CROSS VILLAGE CAMPGROUND AND MIGIZI AVIARY REHABILITATION CENTER PROJECTS

A. WHEREAS In accordance with the WOS 2020-006 Tribal Government Budget Formulation and Modification Statute the modification has been posted;

B. THEREFORE, BE IT RESOLVED, the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves a budget modification to in the amount of \$204,300.00 from program 2204-5-21 to program 2208-5-21 for the purposes of funding the campground and aviary.

C. FURTHER BE IT RESOLVED that that in accordance with the Constitution the Executive Branch shall administer such funds as authorized by Tribal Council.

(Source: TRIBAL RESOLUTION #052021-01)

18.300(5.21)(b) FUNDING IN THE AMOUNT OF \$300,000.00 TO COME FROM THE THIRD-PARTY REVENUE TO FUND THE PLANNING AND DESIGN OF NEW LTBB HEALTH PARK

A. WHEREAS The directive principles of our constitution direct the Legislative, Executive and Judicial Branches of Government to *Promote with special care the health of all the people especially our children and elders.*

B. WHEREAS The LTBB Health Department is responsible for overseeing all health related programs and personnel including physical and mental health to ensure a holistic approach by respecting and intertwining both modern and traditional healing.

C. WHEREAS The LTBB Health Department has grown and exceeded the capacity of its current building at 1260 Ajijaak Avenue, Petoskey, MI.

D. WHEREAS The LTBB Health Department and Executive Office are engaging an architecture and engineering firm to assist in planning and designing a new LTBB Health Park that will serve the current and future health needs of the community.

E. THEREFORE, BE IT RESOLVED, the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates \$300,000 from the Third-Party Revenue fund for use by the Health Department and Executive Office to plan and design a new LTBB Health Park.

(Source: TRIBAL RESOLUTION #052021-02)

18.300(6.21)(a) AUTHORIZATION OF THE COVID-19 FINANCIAL IMPACT RELIEF PAYMENT PROGRAM THAT ALLOWS A ONE THOUSAND FIVE HUNDRED DOLLARS (\$1500.00) PAYMENT TO LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS CITIZENS TO COME FROM AMERICAN RESCUE PLAN ACT (“ARP”) FUNDS

A. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared Tribal State of Emergency in order to promote the special care of health, educational and economic interests of all the people, especially our children and elders;

B. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) funds that may be used by the Tribe for *Impacts on Households and Individuals* as a result of the public health emergency;

C. WHEREAS in order to assist Little Traverse Bay Bands of Odawa Indians Citizens, the Tribe has authorized the *COVID-19 Financial Impact Relief Payment Program* that allows for a one-time payment to its Tribal Citizens of one thousand five hundred dollars (\$1500.00) to be paid from ARP funds and tax exempt under the WOS 2017-002 General Welfare Statute.

D. THEREFORE, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the allocation of funds in the amount of Seven million dollars (\$7,000,000.00) to the Department of Human Services for the purpose of funding the *COVID-19 Financial Impact Relief Payment Program*, to come from American Rescue Plan Act (“ARP”) funds.

E. FURTHER, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorized the *COVID-19 Financial Impact Relief Payment Program* that allows for a one-time payment to its Tribal Citizens in the amount of one-thousand five hundred dollars (\$1500.00) to come from ARP funding.

F. FURTHER, BE IT RESOLVED that the one-time payment, issued in accordance with the *COVID-19 Financial Impact Relief Payment Program*, to its Tribal Citizens of one thousand five hundred dollars (\$1500.00) will be tax exempt under the WOS 2017-002 General Welfare Statute.

G. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #061021-01)

18.300(9.21)(a) APPROPRIATION OF FUNDS FOR THE LEGAL FUND-RESERVATION BOUNDARY LITIGATION IN THE AMOUNT OF \$150,000 TO COME FROM THE GENERAL FUND-FUND BALANCE

A. WHEREAS the territory of the Little Traverse Bay Bands of Odawa Indians shall encompass all lands and waters within the Reservation as defined in Article III of the Tribal Constitution: *“Unless otherwise specified in this Constitution “Reservation” means all lands within the boundaries of the reservations for the Little Traverse Bay Bands of Odawa Indians as set out in Article I, paragraphs third and fourth of the Treaty of 1855, 11 Stat. 621, plus any lands set out in Articles Second and Third of the Treaty of March 28, 1836, 7 Stat. 491, . . .”*

B. WHEREAS a lawsuit has been filed by the Tribe that requests the State of Michigan to recognize the Little Traverse Bay Bands of Odawa Indians Reservation as defined in Article III of the Tribal Constitution and the 1855 “Treaty with the Ottawa and Chippewa”— declaring that all lands within the Little Traverse Reservation are Indian country and that those Treaty boundaries have not been changed or diminished over time.

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates funding to the Enjinaaknegeng – Legal Fund-Reservation Boundary Litigation in the amount of \$150,000 to cover expenses associated with the litigation to come from the General Fund-Fund Balance. Any remaining FY21 funds shall rollover into FY22 Reservation Boundary Litigation Fund.

D. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #090221-01)

18.300(9.21)(b) AUTHORIZATION OF THE ODAWA CASINO RESORT COVID-19 EMPLOYEE COMPENSATION FUND, IN THE AMOUNT OF \$1,472,800.00 TO COME FROM AMERICAN RESCUE PLAN ACT (“ARP”) FUNDS

A. WHEREAS on March 11, 2021, the United States enacted the American Rescue Plan Act of 2021, also called the COVID-19 Stimulus Package or American Rescue Plan, Pub L. No. 117-2;

B. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) funds. These funds may be used for COVID-19 response and prevention to cover costs from March 11, 2021 incurred through December 31, 2024, in particular to prevent COVID-19 spread through safety measures needed in dense worksites, and public;

C. WHEREAS the Odawa Casino Resort requires “Team members” be removed from the schedule for a minimum of fourteen (14) days if any of the following occur: 1) a Team member test positive for COVID-19, 2) a Team member who reside in the same household as someone who has tested positive for COVID-19, or 3) a Team Member experiencing any of the symptoms related to COVID-19 and additionally has a temperature of 100 degrees Fahrenheit or higher;

D. WHEREAS the Odawa Casino Resort requires “Team members” be removed from the schedule for a minimum of 3 days if any of the following occur: 1) a Team Member who had a temperature reading of 100 degrees Fahrenheit or higher without any other symptoms, 2) Team Member who became sick during their shift, 3) Team Members who were experiencing symptoms related to COVID-19 but tested negative;

E. WHEREAS Odawa Casino Resort requires that if twenty-five percent (25%) or more of the work force is removed from the schedule as a result of testing positive for COVID-19 as outlined, Odawa Casino will close its doors to the general public for a minimum of forty-eight (48) hours.

F. WHEREAS when the Odawa Casino Resort requires “Team members” be removed from the schedule for a minimum of fourteen (14) days or three (3) days, or when the Odawa Casino closes, Team members are not compensated;

G. WHEREAS the Odawa Casino Resort has two-hundred and sixty-eight (268) non-exempt employees that do not have the option of “working from home” and will not be paid when they are removed from the schedule including: Dealers, Slot Attendants, Housekeepers,

Cage Main-bank positions;

H. WHEREAS the Odawa Casino Resort has forty-four (44) exempt employees that do not have the option of “working from home” and will not be paid when they are removed from the schedule including such positions as: AV Technicians, Surveillance Lead Operators, Staff Accountants, Benefits Coordinators;

I. WHEREAS a *COVID-19 Employee Compensation Fund* is an allowable use of the American Rescue Plan Act (“ARP”) funds according to the Department of Treasury, 31 CFR Part 35, Coronavirus State and Local Fiscal Recovery Funds.

J. THEREFORE, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the allocation of funds in the amount of \$1,472,800.00 to the Odawa Casino Resort for the purpose of funding the *COVID-19 Employee Compensation Fund*, for team members who are removed from the schedule because of COVID-19 or a COVID-19 related closure of the Odawa Casino to cover costs, from March 11, 2021 through December 31, 2024, to come from American Rescue Plan Act (“ARP”) funds.

K. FURTHER, BE IT RESOLVED, that the Odawa Casino Resort shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #091621-01)

18.300(10.21)(a) TO UTILIZE OF THE AMERICAN RESCUE PLAN ACT (“ARP”) FUNDS IN THE AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) FOR THE PURPOSES OF UTILITY WATER SEWER UPGRADES

A. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared Tribal State of Emergency in order to promote the special care of health, educational and economic interests of all the people, especially our children and elders;

B. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) funds and these funds may be used for COVID-19 response and prevention to cover costs from March 11, 2021

incurred through December 31, 2024;

C. WHEREAS LTBB wishes to update utility, water, and sewer upgrades that improve wastewater infrastructure systems.

D. THEREFORE, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves use of American Rescue Plan Act (“ARP”) funds in the amount of two million dollars (\$2,000,000.00) to be used solely for the purpose of utility, water, and sewer upgrades, to include the expansion/upgrade of the Water Treatment plant located 1760 Lears Road, Petoskey, Michigan.

E. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #102121-01)

18.300(10.21)(b) TO UTILIZE OF THE AMERICAN RESCUE PLAN ACT (“ARP”) FUNDS IN THE AMOUNT OF ONE MILLION SIX HUNDRED SEVEN THOUSAND SEVEN HUNDRED EIGHTY-NINE DOLLARS AND EIGHTY CENTS. (\$1,607,789.80) FOR THE PURPOSES OF ASSISTANCE TO BUSINESSES FROM THE DEPARTMENT OF COMMERCE

A. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared Tribal State of Emergency in order to promote the special care of health, educational and economic interests of all the people, especially our children and elders;

B. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) funds and these funds may be used for COVID-19 response and prevention to cover costs from March 11, 2021 incurred through December 31, 2024;

C. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) funds and these funds may be used for relief programming for non-profits, small businesses and businesses in

affected industries, in the forms of loans, grants and other assistance;

D. WHEREAS LTBB wishes to provide programing to respond to negative economic impacts and provide grants to LTBB tribally owned businesses and LTBB Tribal Citizen owned businesses and non-profits.

E. THEREFORE, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves use of American Rescue Plan Act (“ARP”) funds in the amount One Million Six Hundred Seven Thousand Seven Hundred Eighty-Nine dollars and eighty cents. (\$1,607,789.80) for the purposes of the Department of Commerce to issue grants and other assistance.

F. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #102121-02)

18.300(10.21)(c) TO UTILIZE OF THE AMERICAN RESCUE PLAN ACT (“ARP”) FUNDS IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED THOUSAND (\$1,800,000.00) FOR THE PURPOSES OF TRIBAL GOVERNMENT COVID-19 MITIGATION, STAFF SAFETY, PROGRAMMING TO ADDRESS DISPARITIES TO BUILD STRONGER COMMUNITY AND ADDRESS EDUCATIONAL DISPARITIES DUE TO THE COVID-19 PANDEMIC

A. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared Tribal State of Emergency in order to promote the special care of health, educational and economic interests of all the people, especially our children and elders;

B. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) funds and these funds may be used for COVID-19 response and prevention to cover costs from March 11, 2021 incurred through December 31, 2024;

C. **WHEREAS** the Tribe received American Rescue Plan Act (“ARP”) to Address the Exacerbation of Pre-existing Disparities and COVID 19 Mitigation;

D. **WHEREAS** LTBB wishes to respond to the COVID 19 pandemic and provide for the public health need and expenses to keep our staff and citizens safe.

E. **THEREFORE, BE IT RESOLVED**, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves use of American Rescue Plan Act (“ARP”) funds in the amount One Million Eight Hundred thousand dollars (\$1,800,000.00) for COVID 19 Mitigation thru programming; safety protocols and supplies; technology applications; and building modifications to safely respond to the COVID-19 pandemic.

F. **FINALLY, BE IT RESOLVED** that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #102121-03)

18.300(10.21)(d) CARRYOVER OF UNSPENT FUNDS IN THE AMOUNT OF \$229,450.00 FOR THE WORK ON THE CROSS VILLAGE CAMPGROUND

A. **WHEREAS** In accordance with the WOS 2020-006 Tribal Government Budget Formulation and Modification Statute; and

B. **WHEREAS** Tribal Council approved *Tribal Resolution #052021-01 Budget Modification for development of the Cross Village Campground and Migizi Aviary Rehabilitation Center Projects*; and

C. **WHEREAS** The project is not able to be completed by this fiscal year 2021 due to the COVID-19 pandemic.

D. **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa Indians Tribal Council hereby authorizes and approves the amount of \$229,450.00 to carry forward into the 2022 budget for the Cross Village Campground uncompleted planned work

from FY 2021.

E. FURTHER BE IT RESOLVED that any funds which are carried forward, but not expended for the purposes set forth above, shall revert back to the Tribe’s General Fund balance and shall be not added to the Natural Resources 2023 budget and shall not be permitted to be utilized for purposes other than those authorized in this Resolution.

(Source: TRIBAL RESOLUTION #102121-05)

18.300(10.21)(e) AUTHORIZATION OF THE COVID-19 FINANCIAL IMPACT RELIEF PAYMENT PROGRAM POLICY II THAT ALLOWS A ONE THOUSAND FIVE HUNDRED DOLLARS (\$1500.00) PAYMENT TO LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS CITIZENS TO COME FROM CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (“CARES ACT”) AND AMERICAN RESCUE PLAN ACT (“ARP”) FUNDS

A. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared Tribal State of Emergency in order to promote the special care of health, educational and economic interests of all the people, especially our children and elders;

B. WHEREAS the Tribe received Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) and American Rescue Plan Act (“ARP”) funds that may be used by the Tribe for *Impacts on Households and Individuals* as a result of the public health emergency;

C. WHEREAS Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds, 31 CFR Part 35, RIN 1505-AC77, Interim final rule the *Impacts on Households and Individuals*: “The public health emergency, including the necessary measures taken to protect public health, resulted in significant economic and financial hardship for many Americans.” and “Although many have returned to work, as of April 2021, the economy remains 8.2 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether relative to February 2020.” and “Rates of unemployment are particularly severe among workers of color and workers with lower levels of educational attainment;

D. WHEREAS further the Interim final rule states: “the negative economic impacts of the COVID-19 pandemic are particularly pronounced in certain communities and families. Low- and moderate-income jobs make up a substantial portion of both total pandemic job losses, and jobs that require in-person frontline work, which are exposed to greater risk of contracting COVID-19. Both factors compound pre-existing vulnerabilities and the likelihood of food, housing, or other financial insecurity in low- and moderate-income families and, given the concentration of low- and moderate-income families within certain communities, raise a substantial risk that the effects of the COVID-19 public health emergency will be amplified within these communities”;

E. WHEREAS in order to assist Little Traverse Bay Bands of Odawa Indians Citizens, the Tribe has authorized the **COVID-19 Financial Impact Relief Payment Program Policy II** that allows for a one-time payment to its Tribal Citizens of one thousand five hundred dollars (\$1500.00) to be paid from CARES and ARP funds and tax exempt under the WOS 2017-002 General Welfare Statute.

F. THEREFORE, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the allocation of funds in the amount of six million dollars, seven hundred and twenty-six thousand (\$6,726,000.00) to the Department of Human Services for the purpose of funding the **COVID-19 Financial Impact Relief Payment Program Policy II**, to come from Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) (\$500,000) and American Rescue Plan Act (“ARP”) funds (\$6,226,000).

G. FURTHER, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorized the **COVID-19 Financial Impact Relief Payment Program Policy II** that allows for a one-time payment to its Tribal Citizens in the amount of one thousand five hundred dollars (\$1500.00) to come from CARES and ARP funding.

H. FURTHER, BE IT RESOLVED that the one-time payment, issued in accordance with the **COVID-19 Financial Impact Relief Payment Program Policy II**, to its Tribal Citizens of one thousand five hundred dollars (\$1500.00) will be tax exempt under the WOS 2017-002 General Welfare Statute.

I. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #102121-08)

18.300(11.21)(a) USE OF AMERICAN RESCUE PLAN ACT ("ARPA"), RESTRICTED FOR AFFORDABLE HOUSING DEVELOPMENT FUNDS, IN THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000), FOR THE DEVELOPMENT OF MODULAR OR SINGLE-FAMILY HOMES AT WAH WAAS NO DE KE, HARBOR SPRINGS, MI

A. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared Tribal State of Emergency in order to promote the special care of health, education and economic interests of all the people and especially our children and elders;

B. WHEREAS the Tribe received American Rescue Plan Act ("ARP") funds and these funds may be used for COVID-19 response and prevention to cover costs from March 11, 2021 incurred through December 31, 2024, to prevent housing insecurity, more specifically to be used for Affordable housing development to increase the supply of affordable and high-quality living units;

C. WHEREAS Tribal Council approved Certified Motion #102121-08, To restrict a Portion of the American Rescue Plan Act ("ARP") Funds for Affordable Housing Development in the amount of five million dollars (\$5,000,000).

D. WHEREAS the Tribe wishes to use one million dollars (\$1,000,000) of these restricted funds for the development of at least five (5) Modular and for additional single-family homes, located at Wah Waas No De Ke, Harbor Springs, MI.

E. THEREFORE, BE IT RESOLVED the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates the use of ARPA funds that are restricted for Affordable Housing Development in the amount of one million dollars (\$1,000,000) for the development of five (5) Modular and additional single-family homes, located at Wah Waas No

De Ke, Harbor Springs, MI, to prevent housing insecurity.

F. FINALLY, BE IT RESOLVED that that in accordance with the Constitution the Executive Branch shall administer such funds as authorized by Tribal Council.

(Source: TRIBAL RESOLUTION #111821-01)

18.300(11.21)(b) TO TRANSFER \$2.3 MILLION FROM THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS' GENERAL FUND ACCOUNT TO THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS' SHORT-TERM INVESTMENT ACCOUNT

A. WHEREAS In accordance with the National Indian Gaming Commission, the Little Traverse Bay Bands of Odawa Indians enacted Tribal Resolution #030319-03, *Transfer of Funds from LTBB Short-Term Investment Accounts to Odawa Casino Resort in the amount of \$2.3 Million as a result of the Unanticipated COVID-19 Related Expenses* that transferred funds to the Odawa Casino Resort in order to have adequate cash on hand to begin operations on May 1, 2020, after being closed for COVID-19;

B. WHEREAS the funds were transferred from the Little Traverse Bay Bands of Odawa Indians' Short-term Investment Account to the Odawa Casino Resort on April 6, 2020.

C. WHEREAS during Fiscal Year 2021 the Odawa Casino Resort had higher revenues than what was anticipated and was able to transfer \$2.3 million to the Tribe and has met the anticipated budgeted revenues for Fiscal Year 2021;

D. WHEREAS both of the funds received from Odawa Casino Resort, \$2.3 million and the anticipated budgeted revenues, are currently being held in the Tribe's General Fund Account.

E. THEREFORE, BE IT RESOLVED THAT the Little Traverse Bay Bands of Odawa Indians authorizes and directs that \$2.3 million be transferred from General Fund Account to the

LTBB Short-term Investment Account by the end of Fiscal Year 2021.

F. FURTHER BE IT RESOLVED THAT any funds deposited within the LTBB Short-term Investment Account shall be restricted and be accounted for separately, until such time that Tribal Council has either allocated or appropriated the funds.

(Source: TRIBAL RESOLUTION #111821-02)

18.300(11.21)(c) USE OF AMERICAN RESCUE PLAN ACT ("ARP") FUNDS IN THE AMOUNT OF FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000.00) FOR THE EQUIVALENT TO THE REDUCTION OF REVENUE DUE TO THE PANDEMIC

A. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) funds in the amount of \$34,153,389.80; and

B. WHEREAS the Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds, 31 CFR Part 35, RIN 1505-AC77, Interim final rule states that Tribes can utilized funds for the provision of government services, equivalent to the reduction of revenue, due to the pandemic loss relative to revenues collected in the most recent full fiscal year prior to the emergency (2019); and

C. WHEREAS in accordance with the WOS 2020-006 Tribal Government Budget Formulation and Modification Statute, the Executive Branch supports and recommends the use \$4,500,000.00 to fund government services for FY budget 2021.

D. THEREFORE, BE IT RESOLVED the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and appropriates the use of American Rescue Plan Act (“ARP”) funds in the amount of Four Million Five Hundred Thousand Dollars (\$4,500,000.00), in accordance with the Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds, 31 CFR Part 35, RIN 1505-AC77, Interim final rule that allows for Tribes to utilize funds for the provision of government services, equivalent to the reduction of revenue due to the pandemic

loss, relative to revenues collected in the most recent full fiscal year prior to the emergency (2019).

E. FINALLY, BE IT RESOLVED that that in accordance with the Constitution the Executive Branch shall administer such funds as authorized by Tribal Council.

(Source: TRIBAL RESOLUTION #111821-05)

18.300(11.21)(d) AUTHORIZATION OF THE COVID-19 EMPLOYEE FINANCIAL IMPACT RELIEF PAYMENT PROGRAM THAT ALLOWS FOR A ONE HUNDRED DOLLARS (\$100.00) PAYMENT TO LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS EMPLOYEES TO COME FROM AMERICAN RESCUE PLAN ACT (“ARP”) FUNDS IN THE AMOUNT OF SIXTY-ONE THOUSAND AND ONE HUNDRED DOLLARS (\$61,100.00) FOR SIX HUNDRED AND ELEVEN EMPLOYEES

A. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared Tribal State of Emergency in order to promote the special care of health, educational and economic interests of all the people, especially our children and elders;

B. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) funds that may be used by the Tribe for *Impacts on Households and Individuals* as a result of the public health emergency or its negative economic impacts, including assistance to households, or aid to impacted industries such as tourism, travel, and hospitality;

C. WHEREAS the Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds, 31 CFR Part 35, RIN 1505-AC77, Interim final rule the *Impacts on Households and Individuals*: “The public health emergency, including the necessary measures taken to protect public health, resulted in significant economic and financial hardship for many Americans.” and “Similarly, communities or households facing economic insecurity before the pandemic were less able to weather business closures, job losses, or declines in earnings . . .”;

D. WHEREAS further the Interim final rule states: “the negative economic impacts of the COVID-19 pandemic are particularly pronounced in certain communities and families. Low- and

moderate-income jobs make up a substantial portion of both total pandemic job losses, and jobs that require in-person frontline work, which are exposed to greater risk of contracting COVID-19. Both factors compound pre-existing vulnerabilities and the likelihood of food, housing, or other financial insecurity in low- and moderate-income families and, given the concentration of low- and moderate-income families within certain communities, raise a substantial risk that the effects of the COVID-19 public health emergency will be amplified within these communities”;

E. WHEREAS Tribal Employees, whether they work for the Tribal Government, Enterprises, Tribally Charters or tribal business, have felt the negative economic impact of the COVID-19 pandemic, most particular such employees that work in the industries such as tourism, travel, and hospitality;

F. WHEREAS Tribe has at total of six-hundred and eleven (611) employees that work at either the Tribal Government, Enterprise, Tribally Charter Corporation or tribal business, which include the following: three hundred and twenty-three (323) employed by the Odawa Casino Resort and Hotel, two hundred and twenty-nine (229) employed by the Tribal Government, six (6) employed by Biindigen’s Gas Station, three (3) employed by Ziibimijwang, Inc., forty-eight (48) employed by Odawa Economic Development Management, Inc./Marriott Hotel, and two (2) employed by Odawa Economic Affairs Holding Corporation;

G. WHEREAS in order to assist Little Traverse Bay Bands of Odawa Indians employees, with COVID Prevention efforts, and COVID-related negative economic impacts, the Tribe has authorized the **COVID-19 Employee Financial Impact Relief Payment Program** that allows for a one-time payment to its Tribal employees of one hundred dollars (\$100.00) to be paid from ARP funds and tax exempt under the WOS 2017-002 General Welfare Statute.

H. THEREFORE, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the allocation of American Rescue Plan Act (“ARP”) funds in the amount of sixty-one thousand and one hundred dollars (\$61,100.00) for the purpose of funding the **COVID-19 Employee Financial Impact Relief Payment Program**, as set forth in this Resolution.

I. FURTHER, BE IT RESOLVED that the **COVID-19 Employee Financial Impact Relief Payment Program** is available to all employees that work at either the Tribal Government, Enterprise, Tribally Charter Corporation or tribal business, as of the date of enactment of this Tribal Resolution.

J. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians authorizes the appropriation of American Rescue Plan Act (“ARP”) funds to the Odawa Casino Resort in the amount of thirty-two thousand and three hundred dollars (\$32,300.00) for the purposes of providing their employees a one-time payment of one hundred dollars (\$100.00) under the **COVID-19 Employee Financial Impact Relief Payment Program**.

K. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians authorizes the appropriation of American Rescue Plan Act (“ARP”) funds to the Tribal government, Human Resources Department, in the amount of twenty-two thousand dollars and nine hundred dollars (\$22,900.00) for the purposes of providing their employees a one-time payment of one hundred dollars (\$100.00) under the **COVID-19 Employee Financial Impact Relief Payment Program**.

L. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians authorizes the appropriation of American Rescue Plan Act (“ARP”) funds to the Biindigen Gas Station in the amount of six hundred dollars (\$600.00) for the purposes of providing their employees a one-time payment of one hundred dollars (\$100.00) under the **COVID-19 Employee Financial Impact Relief Payment Program**.

M. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians authorizes the appropriation of American Rescue Plan Act (“ARP”) funds to the Odawa Economic Affairs Holding Corporation in the amount of two hundred dollars (\$200.00) for the purposes of providing their employees a one-time payment of one hundred dollars (\$100.00) under the **COVID-19 Employee Financial Impact Relief Payment Program**.

N. FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians authorizes the appropriation of American Rescue Plan Act (“ARP”) funds to Ziibimijwang, Inc., in the amount of three hundred dollars (\$300.00) for the purposes of providing their employees a

one-time payment of one hundred dollars (\$100.00) under the **COVID-19 Employee Financial Impact Relief Payment Program**.

O. FURTHER, BE IT RESOLVED that the one-time payment, issued in accordance with the **COVID-19 Employee Financial Impact Relief Payment Program**, by LTBB to its Tribal employees of one hundred dollars (\$100.00) will be tax exempt under the WOS 2017-002 General Welfare Statute.

P. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #111821-06)

18.300(1.22)(a) INCREASE FACILITIES FY2022 OPERATING BUDGET BY \$28,000.00 FOR A TEMPORARY MAINTENANCE WORKER TO HELP COVER PROPERTY MAINTENANCE TO COME FROM SPACE COST RECOVERY

A. WHEREAS Tribal Council authorizes and appropriates budgets through Tribal Resolutions; and

B. WHEREAS a funding increase is needed to provide salary coverage for a temporary worker to cover property maintenance for the LTBB Government.

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the increase of \$28,000.00 to the FY 2022 Facilities budget for a temporary maintenance worker to help cover property maintenance for the LTBB Government; and increase the Space Cost Recovery by \$28,000 to cover the additional expense.

D. FINALLY, BE IT RESOLVED that in accordance with the Constitution, the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #012022-01)

18.300(2.22)(a) AUTHORIZES AND APPROVES THE REALLOCATION OF \$20,000 TO THE OFFICE OF FINANCE AND REVENUE FOR THE PURPOSES OF RESOLVING OUTSTANDING EXPENSES OF ODAWA CONSTRUCTION CORPORATION, INC.

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians (“LTBB”) 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);

B. WHEREAS in 2018, Tribal Council created Odawa Construction Corporation for non-gaming economic development;

C. WHEREAS Tribal Resolution #122018-05 authorized and appropriated \$20,000.00 to Odawa Construction Corporation, with funding to come from the General Fund-Fund Balance restricted for Economic Development;

D. WHEREAS because a checking account was never established, the funds were never transmitted to the Odawa Construction Corporation and the corporation’s expenses were not paid.

E. WHEREAS the board is currently vacant and not operational.

F. THEREFORE, BE IT RESOLVED THAT the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes and approves the reallocation of \$20,000.00 that were originally appropriated through Tribal Resolution #122018-05, to the Office of Finance and Revenue for the purposes of resolving any outstanding expenses of Odawa Construction Corporation.

(Source: TRIBAL RESOLUTION #021722-02)

**18.300(2.22)(b) USE OF AMERICAN RESCUE PLAN ACT (“ARP”),
RESTRICTED FOR AFFORDABLE HOUSING DEVELOPMENT FUNDS, IN THE
AMOUNT OF FOUR MILLION DOLLARS (\$4,000,000) FOR THE DEVELOPMENT
OF MULTI-UNIT HOUSING AT INDIAN TOWN (SECOND STREET), HARBOR
SPRINGS, MICHIGAN**

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians are governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005;

B. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared a Tribal State of Emergency in order to promote the special care of health, education, and economic interests of all the people and especially our children and elders;

C. WHEREAS Tribal Council approved Certified Motion #102121-08, To restrict a Portion of the American Rescue Plan Act (“ARP”) Funds for Affordable Housing Development in the amount of five million dollars (\$5,000,000).

D. WHEREAS the Tribe wishes to use four million dollars (\$4,000,000) for the development of multi-unit housing located at Indian Town (Second Street), Harbor Springs, MI.

E. THEREFORE, BE IT RESOLVED that the Tribal Council authorizes and approves the use of ARPA funds that are restricted for Affordable Housing Development in the amount of four million dollars (\$4,000,000) for the development of multi-unit housing, located at Indian town (Second Street), Harbor Springs, MI, to prevent housing insecurity.

F. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #022522-01)

**18.300(3.22)(a) TO ESTABLISH THE FY 2022 COST OF LIVING (COLA) FOR
LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS (LTBB) GOVERNMENT
EMPLOYEES AND ODAWA CASINO RESORT EMPLOYEES, AND TO**

APPROPRIATE TO THE TRIBAL GOVERNMENT FY 2022 LTBB OPERATING BUDGET AN AMOUNT NOT TO EXCEED \$220,000.00 TO COME FROM GENERAL FUND-FUND BALANCE

A. WHEREAS the Preamble of the Tribal Constitution, adopted February 2, 2005, states as follows: *We will work together in a constructive, cooperative spirit to preserve and protect our lands, resources and Treaty Rights, and the right to an education and a decent standard of living for all the people. (emphasis added);*

B. WHEREAS in 2019, the Tribe established a Living Wage, WOS 2019-012, and states: “In order to maintain a minimum standard of living necessary for health, efficiency and general well-being of all employees within its jurisdiction, the Little Traverse Bay Bands of Odawa Indians has set forth the following to establish a LTBB Living Wage.”

C. WHEREAS the United States Bureau of Labor Statistics sets a cost of living percentage each year, known as the Consumer Price Index (inflation rate) based on an annual analysis of the cost of goods and items that people need to sustain their lives which includes: housing, utilities, food, gas and other necessities, and for 2022 the rate established by the United States Bureau of Labor Statistics *Consumer Price Index* for Urban Wage Earners and Clerical Workers (*CPI-W*) Cost of Living (COLA) was 5.9%;

D. WHEREAS the Executive Branch Personnel Policies Handbook effective January 1, 2021, includes the following provision; Section VIII. EMPLOYEE DEVELOPMENT & ENHANCEMENT, B.: “*Annual Cost of Living Increase. The amount of an annual cost of living increase, for employees who qualify, will be at the rate of 1.5% per year, or at a rate determined by the Executive by Executive Directive. Increases will be effective the work week following the anniversary date of hire. Salary caps may prevent these increases from being implemented.*” once an employee reaches the top of their level of pay, then they do not qualify for Cost of Living Allowance (COLA) and are not eligible for a COLA;

E. WHEREAS the Legislative Branch Operations Governmental Employee Personnel Policies that was updated by Resolution 012215-03 effective January 1, 2015, includes the following provision: Section IV. EMPLOYEE DEVELOPMENT & ENHANCEMENT, B.:

“Annual Monetary Compensation: The amount of annual monetary compensation increase will be at the rate of 1.5% per year.” Once an employee reaches the top of their level of pay, then they do not qualify for Cost of Living Allowance (COLA) and are not eligible for a COLA;

F. WHEREAS the Odawa Casino Resort Employee (OCR) FY 2022 Budget provides for an increase rate of 3% for employees earning more than the Living Wage;

G. WHEREAS the Cost of Living Allowance (COLA), set by the United States Bureau of Labor Statistics *Consumer Price Index* for Urban Wage Earners and Clerical Workers (*CPI-W*) for 2022 was set at a rate of 5.9% based on the Consumer Price Index (inflation), the highest in 40 years;

H. WHEREAS the Little Traverse Bay Bands of Odawa Indians (LTBB) government employees and OCR employees whose wages are below the Living Wage receive a rate of 3% annual increase (*Tribal Incremental Living Wage*), are earning at a rate of 2.9 % less than the CPI-W COLA;

I. WHEREAS LTBB government employees, who make more than the Living Wage, receive at a rate of 1.5% annual increase, and are earning at a rate of 4.4% less than the CPI-W COLA;

J. WHEREAS LTBB government employees, who make more than the Living Wage, and have reached the “*Salary caps*”, are earning at a rate of 5.9% less than the CPI-W COLA;

K. WHEREAS Odawa Casino Resort employee, who make more than the Living Wage, receive a rate of 3% annual increase, and are earning at a rate of 2.9% less than the CPI-W COLA;

L. WHEREAS the wages for LTBB government and OCR employees are not meeting the increase cost for housing, utilities, food, gas and other living necessities in order to achieve *a decent standard of living for all the people*.

M. THEREFORE, BE IT RESOLVED that Cost of Living Allowance (COLA) be paid for FY 2022 to all Little Traverse Bay Bands of Odawa Indians government employees and Odawa Casino Resort employees at the annual rate established by the United States Bureau of Labor Statistics *Consumer Price Index* for Urban Wage Earners and Clerical Workers (*CPI-W*) Cost of Living (COLA); and the annual rate of increase was 5.9% for 2022;

N. FURTHER BE IT RESOLVED the annual increase COLA at a rate of 5.9% for 2022, will be retroactive to January 1, 2022 for all Little Traverse Bay Bands of Odawa Indians government employees and Odawa Casino Resort employees. The increase COLA rate of 5.9% will be inclusive of:

1. the *Tribal Incremental Living Wage* (which increases annually by 3% at the beginning of each Fiscal Year for qualified employee in accordance with Tribal Resolution #102619-05) and
2. any other incremental increase for 2022 (i.e. 1.5% for LTBB Government employees and 3% for OCR employees);

and the increase COLA rate of 5.9% shall apply regardless of whether or not the employee has reached the cap for their pay level.

O. FURTHER BE IT RESOLVED Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and supplements funding to Fiscal Year 2022 LTBB Operating Budget, not to exceed the amount of \$220,000.00 to implement the United States Bureau of Labor Statistics *Consumer Price Index* for Urban Wage Earners and Clerical Workers (*CPI-W*) Cost of Living (COLA) at the increased rate of 5.9% for LTBB governmental employees to come from normal operating budgets for 2022 when possible, with supplemental funding to come from General Fund-Fund Balance where needed.

P. FURTHER BE IT RESOLVED Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the Odawa Casino Resort (OCR) to allocate funds to Fiscal Year 2022 Budget in the amount of \$388,000.00 to implement the United States Bureau of Labor Statistics

Consumer Price Index for Urban Wage Earners and Clerical Workers (*CPI-W*) Cost of Living (COLA) at the increase rate of 5.9% for OCR employees.

Q. FURTHER BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #030322-01)

18.300(3.22)(b) AUTHORIZATION OF *THE COVID-19 FINANCIAL IMPACT RELIEF PAYMENT PROGRAM POLICY III* THAT ALLOWS A ONE THOUSAND-DOLLAR (\$1,000.00) PAYMENT TO LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS CITIZENS TO COME FROM AMERICAN RESCUE PLAN ACT (“ARP”) FUNDS IN THE AMOUNT OF FOUR MILLION, FOUR HUNDRED, SEVENTY THOUSAND DOLLARS (\$4,470,000.00)

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005;

B. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared Tribal State of Emergency in order to promote the special care of health, educational and economic interests of all the people, especially our children and elders;

C. WHEREAS the Tribe received Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) and American Rescue Plan Act (“ARP”) funds that may be used by the Tribe for *Impacts on Households and Individuals* as a result of the public health emergency;

D. WHEREAS Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds, 31 CFR Part 35, RIN 1505-AC77, Interim final rule the *Impacts on Households and Individuals*: “The public health emergency, including the necessary measures taken to protect public health, resulted in significant economic and financial hardship for many Americans.”;

E. WHEREAS further the Interim final rule states: “the negative economic impacts of the COVID-19 pandemic are particularly pronounced in certain low- and moderate-income

communities and families;

F. WHEREAS according to the White House news briefings, “*COVID-19 pandemic has caused an unconventional recession, and we do not expect the recovery will be typical either. While the paramount policy goals are to control the virus, get to full employment, and make the necessary investments for a more resilient and inclusive recovery, economic uncertainties and risks demand careful attention going forward. One risk the Administration is monitoring closely is inflation.*”

G. WHEREAS inflation has caused significant economic and financial hardship for LTBB Tribal Citizens, just the increase cost of gas, food, rent, and heating energy costs alone have left many struggling, leaving the untenable choice of either going without or going into debt which will impact their future finances;

H. WHEREAS the global COVID-19 Health Emergency, has caused LTBB Citizens to experience inflation, supply chain issues and/or economic uncertainties causing financial hardship, including the unanticipated additional expenditures of higher costs of cost of gas, car payments, medical expenses, food, rent, and heating energy costs and other general health and welfare expenses as a result of the COVID-19 Health Emergency;

I. WHEREAS while President Biden’s “Build Back Better” bill languishes in Congress, the long-term financial impact of COVID-19 has impacted supply chains, and raised inflation which will increase poverty in 2022 for many Tribal families, so in order to assist Little Traverse Bay Bands of Odawa Indians Citizens, the Tribe has authorized the **COVID-19 Financial Impact Relief Payment Program Policy III** that allows for a one-time payment to its Tribal Citizens of one thousand dollars (\$1000.00) to be paid from ARP funds and is tax exempt under the WOS 2017-002 General Welfare Statute.

J. THEREFORE, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the allocation of funds in the amount of four million, four hundred, seventy thousand dollars (\$4,470,000.00) to the Department of Human Services for the purpose of funding the **COVID-19 Financial Impact Relief Payment Program**

Policy III, to come from American Rescue Plan Act (“ARP”) funds.

K. FURTHER, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorized the **COVID-19 Financial Impact Relief Payment Program Policy III** that allows for a one-time payment to its Tribal Citizens in the amount of one thousand dollars (\$1,000.00) to come from ARP funding.

L. FURTHER, BE IT RESOLVED that the one-time payment, issued in accordance with the **COVID-19 Financial Impact Relief Payment Program Policy III**, to its Tribal Citizens of one thousand dollars (\$1,000.00) will be tax exempt under the WOS 2017-002 General Welfare Statute.

M. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #031722-02)

**18.300(4.22)(a) APPROPRIATION OF FUNDS FOR THE 2023 FISCAL YEAR
OPERATING BUDGETS**

A. WHEREAS in accordance with the LTBB Constitution, 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;

B. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The Tribal Council shall approve the annual budget by the annual meeting”;

C. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The annual budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the tribal-

wide budget.”;

D. WHEREAS the FY 2023 Budget revenue is \$44,098,400.00 from the following sources: Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

E. THEREFORE, BE IT RESOLVED that General Fund allocation percentages for FY 2023 be allocated to the Tribal Government at 30.86%, Economic Development at 15.26%, General Welfare at 36.29%, Distributions at 17.13%, Donations at .46%;

F. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government allocation from General Fund revenue is based on an anticipated amount of \$13,765,000 of which \$13,158,000 is to be split among all Divisions as follows: Legislative at 10.24%, Judicial at 9.69%, Prosecutor at 2.28%, Executive Branch at 76.76%, Election Board 1.03%. All remaining revenues will be allocated to the General Fund – Fund Balance.

G. THEREFORE BE IT FURTHER RESOLVED that the FY 2023 operating budgets are approved as presented on the budget summary pages in the following amounts: Legislative Branch, \$2,114,900.00; Judicial Branch, \$1,275,000.00; Prosecutor, \$300,000.00; Executive Branch, \$39,666,500.00; Election Board, \$135,000.00; This total budget of \$43,491,400.00 is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

H. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS 2020-006 Tribal Government Budget Formulation and Modification Process, Section XV, Budget Modifications.

Codification Note: The Appropriation of Funds can be found with the Resolution on the LTBB

Website.

(Source: TRIBAL RESOLUTION #042122-02)

18.300(5.22)(a) TO RESTRICT \$2,500,000 OF THE RESERVED ACCOUNT SET ASIDE BY TRIBAL RESOLUTION # 071218-01 FOR LAND ACQUISITION FOR HUNTING AND EXERCISING TREATY RIGHTS, HOUSING, SERVICES AND ECONOMIC DEVELOPMENT

Codification Note: This Resolution is repealed by Tribal Resolution #101322-01, see 18.300(10.22)(a) of this Chapter.

- A. WHEREAS** in 2018 Tribe and Wells Fargo entered into an amendment to their Amended and Restated Loan Agreement of March 28, 2017. The 2018 Amendment requires the Tribe to keep Free Play Assessments in the Free Play Reserve Account for the amount accumulated for the past three calendar years. The 2018 Amendment says that “to the extent that the amounts on deposit in the Free Play Reserve Account exceed the Three-Year Free Play Amount calculated as of the most recent fiscal year end, the Borrower may withdraw such excess amount from the Free Play Reserve Account and utilize such amount for such purposes as may be authorized by the Tribal Council or otherwise permitted by Applicable Law;
- B. WHEREAS** the current balance as of May 10, 2022 of the Free Play set aside by Tribal Resolution # 071218-01 that exceeds three years is approximately three million, six hundred ninety-three thousand, seven hundred thirty-four dollars (\$3,693,734.00);
- C. WHEREAS** each year the Odawa Casino Resort transmit between two hundred thousand dollars (\$200,000.00) and six hundred and fifty thousand dollars (\$650,000.00) to the Tribal government;
- D. WHEREAS** in 1994, a hearing was held before the Committee on Indian Affairs in the United States Senate on Senate Bills S. 1066 and S. 1357, *To Reaffirm and Clarify the Federal Relationships of the Little Traverse Bay Bands of Odawa Indians*, in the testimony of Shirley M. Oldman, she stated the following: *In order to continue these cultures and traditions of the*

Odawa People, we need the existence of tribal land base. In treaty negotiations with the Federal Government, the maintaining of a tribal land base was always the highest priority of our Tribe;

E. WHEREAS the priority of maintain a tribal land base still exists today. Land acquisition is needed to continue the Tribe’s culture and traditions and also to meet the needs of the Tribal Citizens for hunting and exercising Treaty rights, housing, services and economic development.

F. THEREFORE, BE IT RESOLVED THAT the Little Traverse Bay Bands of Odawa Indians restricts \$2,500,000 of the amount set aside by Tribal Resolution # 071218-01 for land acquisition for culture and traditions, hunting and exercising Treaty rights, housing, services and economic development.

G. FURTHER BE IT RESOLVED THAT the transferred of funds to the Tribal Government under Tribal Resolution # 071218-01, Free Play Reserve Account, that exceeds the Three-Year Free Play Amount calculated as of the most recent fiscal year end annual, shall be restricted for the sole purpose of land acquisition for hunting and exercising Treaty rights, housing, services and economic development.

(Source: TRIBAL RESOLUTION #051922-01, repealed by Tribal Resolution #101322-01)

18.300(5.22)(b) TO UNRESTRICT \$30,000 THAT WAS PREVIOUSLY APPROPRIATED IN TRIBAL RESOLUTION #102619-02 FOR ZIIBIMIJWANG AND RETURN THE FUNDS TO THE GENERAL FUND – FUND BALANCE RESTRICTED FOR ECONOMIC DEVELOPMENT

A. WHEREAS the Tribe has established Ziihimijwang, Inc. as a Tribally Chartered Corporation to be a self-sustaining non-profit entity and shall provide for the health and welfare of the Tribal Community through the use of sustainable farming with emphasis toward organic foods, providing for exercising treaty rights of hunting, fishing and gathering, agricultural activities, caring for livestock, and other activities that promote nutrition, fitness and wellbeing;

B. WHEREAS Ziihimijwang, Inc. had an opportunity to apply for a Rural Development Grant through the Michigan Department of Agriculture and Rural Development during the 2020

Grant Cycle;

C. WHEREAS The Rural Development Grant had a maximum request amount of \$100,000 and required a 30% cash match for all funded projects which was to come from the General Fund-Fund Balance as appropriated by Tribal Resolution #102619-02

D. WHEREAS as of May 5, 2022, the match has not been requested or required by Ziibimijwang. Inc.

E. THEREFORE, BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians unauthorizes and removes the previous appropriation of \$30,000 made in Tribal Resolution #102619-02 , and returns the funds to the General Fund - Restricted for Economic Development.

(Source: TRIBAL RESOLUTION #051922-02)

18.300(5.22)(c) TO UNRESTRICT \$10,000 THAT WAS PREVIOUSLY APPROPRIATED IN TRIBAL RESOLUTION #122018-05 FOR ODAWA AVIATION AND RETURN THE FUNDS TO THE GENERAL FUND – FUND BALANCE RESTRICTED FOR ECONOMIC DEVELOPMENT

A. WHEREAS Tribal Council has created several Tribally chartered corporations, including Odawa Economic Affairs Holding Corporation, Odawa Aviation Corporation, Odawa Construction Corporation, for non-gaming economic development;

B. WHEREAS each of these corporations have been charged with creating economic opportunities that will benefit the Tribe and its Tribal Citizens;

C. WHEREAS Resolution #122018-05 appropriated \$10,000 for the Odawa Aviation Corporation but Odawa Aviation Corporation has remained undeveloped as of May 19, 2022;

D. THEREFORE BE IT RESOLVED that the Little Traverse Bay Bands of Odawa

Indians Tribal Council unauthorizes and removes the previous appropriation made in Resolution #122018-05 of \$10,000 for the Odawa Aviation Corporation, and returns the funds to the General Fund - Restricted for Economic Development.

(Source: TRIBAL RESOLUTION #051922-03)

18.300(6.22)(a) USE OF THIRD-PARTY SUPPORT REVENUE IN THE AMOUNT OF \$550,000 TO FUND THE START-UP EXPENSES OF A MEDICAID-ONLY CLINIC

A. WHEREAS the LTBB Constitution states the Directive Principle: “Promote with special care the health, educational, and economic interests of all the people, especially our children and elders [...]”; and

B. WHEREAS there is a critical need within the LTBB Community for the delivery of medical services to underserved Medicaid-eligible community members; and

C. WHEREAS third-party billing revenue received from offering additional Medicaid supportive services is a viable method of generating funding to sustain and expand LTBB health services to further support the wellbeing of the LTBB community;

D. THEREFORE, BE IT RESOLVED that the Tribal Council appropriates \$550,000 from third-party billing revenue to be used to fund the start-up expenses of a Medicaid-only Clinic.

E. FURTHER BE IT RESOLVED that in accordance with the Constitution, the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #063022-02)

18.300(7.22)(a) APPROPRIATION OF GENERAL FUNDS TO THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS (LTBB) PLANNING DEPARTMENT IN THE AMOUNT OF \$1,000,000 TO SUPPORT THE IHBG COMPETITIVE GRANTS PROGRAM FY 2021 CONSTRUCTION PROJECT

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected Legislative body of the Tribe;

B. WHEREAS the Tribal Council recognizes the importance of operating programs addressing housing for Tribal citizens;

C. WHEREAS the LTBB Housing Department strives to cultivate sustainable affordable housing communities and partnerships that inspire self-reliance, growth, and optimism through maintaining a working relationship with the Citizenship via communicating all development activities, encouraging a healthy home environment, seeking resources to build and rehabilitate affordable, high quality, safe and sanitary housing; and establishing opportunities for economic self-sufficiency.

D. WHEREAS the LTBB was awarded an IHBG Competitive Grants Program 60-month grant from the U.S. Department of Housing and Urban Development’s Public and Indian Housing Program Office of Native American Programs to construct strong and viable affordable housing projects in Indian Country, which will be implemented by the LTBB Planning Department.

E. WHEREAS the Tribal Council passed Certified Motion #102121-02 in which a cash contribution of \$1,000,000 from the General Fund was supported as a firm commitment of leveraged Tribal government funds toward the 60-month IHBG Competitive Grants Program project.

F. THEREFORE, BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Band of Odawa Indians appropriates \$1,000,000 to the LTBB Planning Department for the purpose of a firm commitment of Tribal government leveraged funds toward the IHBG Competitive Grants Program project.

(Source: TRIBAL RESOLUTION #071422-03)

18.300(9.22)(a) USE OF THIRD-PARTY SUPPORT REVENUE IN THE AMOUNT OF \$1,307,593.00 TO FUND THE CROOKED TREE WELLNESS CLINIC FY2023

BUDGET

- A. WHEREAS** Tribal Council authorizes the use of the third-party Support Revenues through Tribal Resolution; and
- B. WHEREAS** Tribal Council appropriated \$550,000 from third-party billing revenue to be used to fund the start-up expenses for a Medicaid-only Clinic.
- C. WHEREAS** additional funding is needed to support the operations and services provided by the Crooked Tree Wellness Clinic in FY 2023.
- D. THEREFORE, BE IT RESOLVED** that the Tribal Council authorizes the use of third-party billing revenue in the amount of \$1,307,593.00 for the purpose of funding the Crooked Tree Wellness Clinic FY2023 budget.
- E. FURTHER BE IT RESOLVED** that in accordance with the Constitution, the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #091522-01)

18.300(9.22)(b) APPROPRIATION OF GENERAL FUNDS TO THE EXECUTIVE BRANCH IN THE AMOUNT OF \$28,510.12 TO SUPPORT THE DEPARTMENT OF INTERIOR'S ROAD TO HEALING EVENT

- A. WHEREAS** the Department of Interior launched the Federal Indian Boarding School Initiative to bring awareness to the trauma that Indigenous people endure as a direct result of boarding schools; and
- B. WHEREAS** the Road to Healing Tour, a series of listening sessions within Indian Country, is an integral step in the Federal Indian Boarding School Initiative to hear from survivors and their descendants about their experiences and to influence subsequent work of the Initiative; and

C. WHEREAS the Little Traverse Bay Bands of Odawa Indians was selected as the Tribal Nation to host the Michigan-based segment of the Road to Healing Tour on August 13th, 2022; and

D. WHEREAS additional funding is required to cover the costs associated with hosting the Road to Healing listening session including shuttle services, food and drink, and basic event supplies.

E. THEREFORE, BE IT RESOLVED that the Tribal Council appropriates \$28,510.12 to the Executive Branch for the purpose of covering costs incurred from the Road to Healing event that was hosted by the Little Traverse Bay Bands of Odawa Indians, to come from the General Fund-Fund Balance.

(Source: TRIBAL RESOLUTION #091522-03)

18.300(9.22)(c) APPROPRIATION OF GENERAL FUNDS TO THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS HOUSING DEPARTMENT IN THE AMOUNT OF \$120,700.00 TO REPAIR 1431 US 31, PETOSKEY, MI, 49770 AND 3202 PICKEREL LAKE RD, PETOSKEY, MI, 49770

A. WHEREAS in 2022, LTBB purchased a commercial building, two homes, and one well on property situated in the City of Petoskey, County of Emmet, State of Michigan, described as follows:

NW ¼ of NW ¼ of NE ¼ lying N & W of HWY 31, Section 34, T35N, R5W containing approximately 2.87 acres; commonly known as 1483 US 31 N, Petoskey, Michigan. Tax ID# 01-16-34-200-001 and 01-103-941.

B. WHEREAS with CM# 072822-07, Tribal Council assigned 1431 US 31 N, Petoskey, MI, and 3202 Pickerel Lake Rd, Petoskey, MI to the Housing Department; and

C. **WHEREAS** funding is needed for repairs to maintain and improve the 1431 US 31 N, Petoskey, MI, and 3202 Pickerel Lake Rd, Petoskey, MI properties;

D. **THEREFORE, BE IT RESOLVED** that Tribal Council appropriates \$120,700.00 to the LTBB Housing Department for the purpose of repairing and maintaining 1431 US 31 N, Petoskey, MI, and 3203 Pickerel Lake Rd, Petoskey, MI properties, to come from the General Fund-Fund Balance. Funding shall be carried over until work has been completed.

E. **FURTHER, BE IT RESOLVED** that in accordance with the Constitution, the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #091522-05)

18.300(10.22)(a) TO RESTRICT AND APPROPRIATE \$1,627,168.83 OF THE RESERVED ACCOUNT SET ASIDE BY TRIBAL RESOLUTION # 071218-01 FOR LAND ACQUISITION FOR HUNTING AND EXERCISING TREATY RIGHTS, HOUSING, SERVICES AND ECONOMIC DEVELOPMENT

A. **WHEREAS** in 2018 Tribe and Wells Fargo entered into an amendment to their Amended and Restated Loan Agreement of March 28, 2017. The 2018 Amendment requires the Tribe to keep Free Play Assessments in the Free Play Reserve Account for the amount accumulated for the past three calendar years. The 2018 Amendment says that "to the extent that the amounts on deposit in the Free Play Reserve Account exceed the Three-Year Free Play Amount calculated as of the most recent fiscal year end, the Borrower may withdraw such excess amount from the Free Play Reserve Account and utilize such amount for such purposes as may be authorized by the Tribal Council or otherwise permitted by Applicable Law;

B. **WHEREAS** LTBB continues to maintain the Free Play Reserve Account protocol although not required under the current PNC loan which paid off the Wells Fargo loan;

C. **WHEREAS** the current balance as of October 12, 2022 of the Free Play set aside by Tribal Resolution # 071218-01 that exceeds three years is approximately \$2,543,483.54;

D. WHEREAS each year the Odawa Casino Resort transmit between \$200,000.00 and \$650,000.00 to the Tribal government for the Free Play Reserve Account;

E. WHEREAS in 1994, a hearing was held before the Committee on Indian Affairs in the United States Senate on Senate Bills S. 1066 and S. 1357, *To Reaffirm and Clarify the Federal Relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians*; in the testimony of Shirley M. Oldman, she stated the following: *In order to continue these cultures and traditions of the Odawa People, we need the existence of tribal land base. In treaty negotiations with the Federal Government, the maintaining of a tribal land base was always the highest priority of our Tribe;*

F. WHEREAS the priority of maintaining a Tribal land base still exists today. Land acquisition is needed to continue the Tribe's culture and traditions and also to meet the needs of the Tribal Citizens for hunting and exercising Treaty rights, housing, services and economic development.

G. THEREFORE, BE IT RESOLVED THAT

1. the Little Traverse Bay Bands of Odawa Indians restricts \$1,627,168.83 of the amount set aside by Tribal Resolution# 071218-01 for land acquisition for culture and traditions, hunting and exercising Treaty rights, housing, services and economic development;
2. the transferred funds to the Tribal Government under Tribal Resolution# 071218-01, Free Play Reserve Account, that exceed the Three-Year Free Play Amount calculated as of the most recent fiscal year end annually, shall be restricted for the sole purpose of land acquisition for hunting and exercising Treaty rights, housing, services and economic development;
3. to expedite land purchases the funds restricted under this Resolution are appropriated for new land acquisitions; and
4. this Resolution repeals and replaces Tribal Resolution 051922-01.

(Source: TRIBAL RESOLUTION #101322-01, Repeals Tribal Resolution #051922-01)

18.300(10.22)(b) AUTHORIZING THE NATURAL RESOURCE DEPARTMENT (NRD) TO MODIFY GENERAL FUND ACCOUNT 2204 AND 2208 AND ALLOW THE USE OF THE FUNDS IN FY2023

A. WHEREAS The Natural Resource Department’s Mission is: *To ensure the wise use of the Tribe’s natural resources and environment in order to promote, honor and respect our traditional, spiritual and cultural connection with the air, land, and waters for the future benefit of the Tribe’s next seven generations. To lead in the conservation, enforcement and management of tribal natural resources by successfully and responsibly preserving the LTBB’s sovereign right to hunt, fish and gather, both on the inland lands and waters as well as commercial and subsistence fishing on the 1836 Great Lakes; and*

B. WHEREAS WOS 2008-12 *Natural Resource Protection* Section VI.B lists as a duty of the Department: *Protect and conserve the natural resources of the Tribe through management, biological monitoring, research, and enhancement activities.*

C. WHEREAS The NRD employs qualified staff and purchases equipment necessary to fulfil its mission and duties as specified via WOS 2008-12 *Natural Resource Protection*.

D. WHEREAS: It is necessary to provide proper protection of equipment purchased through proper maintenance, use and shelter.

E. WHEREAS The NRD routinely applies for and is awarded outside grants or funds to assist in meeting its work plans, objectives and duties.

F. WHEREAS As a part of the BIA/NOAA COVID RESPONSE FUNDS grant (3624) there is \$32,144 available for a storage building and as part of a BIA Hatchery Maintenance grant (3792) awarded there is \$50,000 available.

G. WHEREAS: The estimated cost for the construction of a 60'X 80' storage building out at the hatchery property site is \$300,000-\$350,000.

H. WHEREAS The estimated cost for the Migizi Aviary and Rehabilitation Center is \$1.7 million with the first 2 phases estimated at \$1 million.

I. WHEREAS The NRD has received various grants and donations that amount to \$750,000 available for construction of the Migizi Aviary and Rehabilitation Center.

J. THEREFORE, BE IT RESOLVED the LTBB Natural Resource Department is authorized to modify its NRD Hatchery GF Account 2204 and NRD Administration GF Account 2208 by re-allocating 2204 funds from all other line items to the 6810 construction line item and re-allocate 2208 funds from the 5710 space cost line item to 6810 construction line item to be used for the construction of the hatchery storage building and the Migizi Aviary and Rehabilitation Center. And that those funds shall be available for use in FY2022 and FY2023.

K. BE IT FURTHER RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #102722-01)

18.300(10.22)(c) REPEAL OF TRIBAL RESOLUTION # 032420-01 COVID-19 SUSPENSION OF DEADLINES FOR WOS 2015-016 TRIBAL GOVERNMENT BUDGET FORMULATION AND MODIFICATION PROCESS STATUTE, AND WAIVER OF APPROVAL REQUIREMENT OF GRANT, DONATION, OR OTHER FUNDING POLICY

A. WHEREAS the Waganakising Odawak Statute #2015-016 Tribal Government Budget Formulation and Modification Process Statute, as noted in Tribal Resolution #032420-01 was repealed by Waganakising Odawak Statute #2020-006 Tribal Government Budget Formulation and Modification Statute on February 01, 2020.

B. WHEREAS the Temporary Amendment to Grant, Donation, or Other Funding Policy was approved on June 11, 2020 under the provisions of Tribal Resolution #032420-01;

C. WHEREAS Little Traverse Bay Bands of Odawa Indians Tribal Council finds that in accordance with Waganakising Odawak Statute #2015-019 Administrative Procedures, Section XI. Tribal Law, “A. In accordance with the Tribal Constitution, Tribal Council passes Laws. Laws shall be in the form of either a Resolution or Statute; or an amendment of the same”;

D. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council repeals Tribal Resolution #032420-01 Covid-19 Suspension of Deadlines for Waganakising Odawak Statute #2015-016 Tribal Government Budget Formulation and Modification Process Statute, and Wavier of Approval Requirement of Grant, Donation, or Other Funding Policy.

(Source: TRIBAL RESOLUTION #102722-02, Repeals TRIBAL RESOLUTION #032420-01)

18.300(10.22(d) USE OF LOCAL ASSISTANCE & TRIBAL CONSISTENCY (“LATC”) FUNDS IN THE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND (\$1,500,000.00), FOR THE DEVELOPMENT OF A MEDICAL CLINIC

A. WHEREAS on March 16, 2022 the Little Traverse Bay Bands of Odawa Indians declared a Tribal-State of Emergency in order to uphold the constitution’s directive principles of promoting the special care of health, education, and economic interests of all the people, especially our children and elders; and

B. WHEREAS the Tribe received Local Assistance and Tribal Consistency (“LATC”) funds which are intended to provide support for programs, services, and capital expenditures including costs associated with the development of core facilities and equipment; and

C. WHEREAS the Executive wishes to use one and a half million dollars (\$1,500,000.00) of LATC funds for the development of a medical clinic to expand on the Tribe’s capacity to provide medical services and to further support the wellbeing of the LTBB community;

D. THEREFORE, BE IT RESOLVED that the Tribal Council authorizes the use of Local Assistance and Tribal Consistency funds in the amount of \$1,500,000.00 for the development of a medical clinic.

E. FINALLY, BE IT RESOLVED that in accordance with the Constitution, the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #102722-03)

18.300(12.22(a) ZIIBIMIJSWANG, INC. REQUESTS FOURTH QUARTER FUNDING FOR FY2022 IN THE AMOUNT OF \$36,399.00 TO COME FROM THE GENERAL FUND-FUND BALANCE

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council approved the creation of the Ziibimijwang, Inc., a Tribally Chartered Corporation located at Ziibimijwang Farm, 5055 Gill Road, Carp Lake;

B. WHEREAS Ziibimijwang, Inc. provide food sovereignty within LTBB; Improve health of Tribal Citizens by providing healthful food and engaging in active participation in growing and gathering food; Provide education opportunities for Tribal Citizens; and Provide subsistence opportunities for Tribal Citizens;

C. WHEREAS Ziibimijwang, Inc. submitted a detailed budget to Appropriations and Finance Committee on December 14, 2021 that set forth the costs for staffing and insurance; board stipends; audit and accounting; operating expenses; and utilities for the 2022 planting season totaling \$175,141.00;

D. WHEREAS Ziibimijwang, Inc., has made tremendous progress in implementing its business plan and requires resources to support staff and the farm operations for the 2022 growing season.

E. WHEREAS Ziibimijwang, Inc., has received 1st Quarter funding of \$43,785.00, 2nd Quarter funding of \$58,785.00, 3rd Quarter funding of \$36,172.00, leaving a balance of

\$36,399.00 to be allocated.

F. WHEREAS Tribal Council allocated \$200,000 for Legislative Charter funding in 2022 that has been fully depleted.

G. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the funding for Ziibimijwang, Inc. in the amount of \$36,399.00 to come from the General Fund-Fund Balance with the understanding that Ziibimijwang, Inc. will repay the funds to the Tribe in accordance with the its charter.

H. FURTHER, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #121522-03)

18.300(12.22)(b) TRIBAL BURIAL BOARD, INC. REQUEST FOR FY2023 CONTRIBUTION IN THE AMOUNT OF \$103,344.17 TO COME FROM THE GENERAL FUND-FUND BALANCE

A. WHEREAS Waganakising Odawak Statute 2020-008 established the Tribal Burial Board;

B. WHEREAS The Tribal Burial Board, Inc. is requesting contribution funding of board stipends; office supplies; rent and utilities; and consultants in the amount \$103,344.17 for fiscal year 2023.

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the funding for Tribal Burial Board, Inc. in the amount of \$103,344.17 to come from the General Fund-Fund Balance with the understanding that the Tribal Burial Board, Inc. will repay the funds to the Tribe in accordance with the its charter.

(Source: TRIBAL RESOLUTION #121522-04)

18.300(12.22)(c) ZIIBIMIJSWANG, INC. REQUESTS FOR FY2023 CONTRIBUTION IN THE AMOUNT OF \$150,000.00 TO COME FROM THE GENERAL FUND-FUND BALANCE

A. WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council approved the creation of the Ziibimijwang, Inc., a Tribally Chartered Corporation located at Ziibimijwang Farm, 5055 Gill Road, Carp Lake;

B. WHEREAS Ziibimijwang, Inc. provide food sovereignty within LTBB; Improve health of Tribal Citizens by providing healthful food and engaging in active participation in growing and gathering food; Provide education opportunities for Tribal Citizens; and Provide subsistence opportunities for Tribal Citizens;

C. WHEREAS Ziibimijwang, Inc. submitted a detailed budget to Appropriations and Finance Committee on December 6, 2022 that set forth the costs for staffing and insurance; board stipends; audit and accounting; operating expenses; and utilities for the 2023 planting season;

D. WHEREAS Ziibimijwang, Inc., has made tremendous progress in implementing its business plan and requires resources to support staff and the farm operations for the 2023 growing season.

E. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes the funding for Ziibimijwang, Inc. in the amount of \$150,000.00 to come from the General Fund-Fund with the understanding the Ziibimijwang, Inc. will repay the funds to the Tribe in accordance with the Ziibimijwang, Inc. charter.

(Source: TRIBAL RESOLUTION #121522-05)

18.300(1.23)(a) INCREASE HUMAN RESOURCES DEPARTMENT FY 2023 OPERATING BUDGET IN THE AMOUNT OF \$40,000 FOR A WAGE GRID STUDY AND DESIGN

A. WHEREAS Tribal Council authorizes and appropriates budgets through Tribal Resolutions; and

B. WHEREAS an increase to Human Resources indirect funds is needed to conduct a new wage grid study and wage grid design.

C. THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves the increase to FY 2023 Human Resources department Indirect budget for a wage grid study and wage grid design.

D. FINALLY, BE IT RESOLVED that in accordance with the Constitution, the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #012623-03)

**18.300(4.23)(a) APPROPRIATION OF FUNDS FOR THE 2024 FISCAL YEAR
OPERATING BUDGETS**

Codification Note: The Appropriation of Fund can be found with the resolution on the LTBB Website

A. WHEREAS in accordance with the LTBB Constitution, 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. The Budget shall be a Tribal document, dispersed to Tribal members at the annual meeting of the Tribal Membership, or made available by mail as requested by Tribal members;

B. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The Tribal Council shall approve the annual budget by the annual meeting”;

C. WHEREAS Waganakising Odawak Statute 2020-006, Tribal Government Budget Formulation and Modification Process, Section XIII. states that “The annual budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the tribal-wide budget.”;

D. WHEREAS the FY 2024 Budget revenue is \$49,553,950.00 from the following sources: Enterprise revenues, grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

E. THEREFORE, BE IT RESOLVED that General Fund allocation percentages for FY 2024 be allocated to the Tribal Government at 30.61%, Economic Development at 10.52%, General Welfare at 43.29%, Distributions at 15.24%, Donations at .34%;

F. THEREFORE BE IT FURTHER RESOLVED that the Tribal Government allocation from General Fund revenue is based on an anticipated amount of \$13,765,000 of which \$13,158,000 is to be split among all Divisions as follows: Legislative at 10.24%, Judicial at 9.69%, Prosecutor at 2.28%, Executive Branch at 76.76%, Election Board 1.03%. All remaining revenues will be allocated to the General Fund – Fund Balance.

G. THEREFORE BE IT FURTHER RESOLVED that the FY 2024 operating budgets are approved as presented on the budget summary pages in the following amounts: Legislative Branch, \$2,553,900; Judicial Branch, \$1,362,000.00; Prosecutor, \$355,000.00; Executive Branch, \$49,553,950; Election Board, \$100,000.00; This total budget of \$49,515,950.00 is subject to the above funding allocation percentages, and the revenues and expenditures anticipated to be received from grants, carryover funds, taxes, refunds, rents, third party billings, cost recovery and other revenues.

H. FINALLY BE IT RESOLVED that monies can be transferred to another departmental budget provided it does not exceed four percent (4%) of the total departmental budget from which it is being transferred 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 unless approved by a majority vote of the Tribal Council, in accordance with WOS

2020-006 Tribal Government Budget Formulation and Modification Process, Section XV, Budget Modifications.

(Source: TRIBAL RESOLUTION #042023-02)

18.300(5.23)(a) TO UTILIZE OF THE AMERICAN RESCUE PLAN ACT (“ARP”) FUNDS IN THE AMOUNT OF FIFTEEN THOUSAND SIX HUNDRED NINETY-ONE (\$15,691.00) FOR THE PURPOSE OF COVID-19 MITIGATION THROUGH INCREASES IN TRIBAL COUNCIL TECHNOLOGY APPLICATIONS

A. WHEREAS on March 16, 2020, the Little Traverse Bay Bands of Odawa Indians declared Tribal State of Emergency in order to promote the special care of health, educational and economic interests of all the people, especially our children and elders;

B. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) funds and these funds may be used for COVID-19 response and prevention to cover costs from March 11, 2021 incurred through December 31, 2024;

C. WHEREAS the Tribe received American Rescue Plan Act (“ARP”) to Address the Exacerbation of Pre-existing Disparities and COVID 19 Mitigation;

D. WHEREAS LTBB wishes to respond to the COVID 19 pandemic and provide for the public health need and expenses to keep our staff and citizens safe.

E. THEREFORE, BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes and approves use of American Rescue Plan Act (“ARP”) funds in the amount Fifteen Thousand Six Hundred Ninety-One (\$15,691.00) for COVID 19 Mitigation thru programming; technology applications and building modifications for Tribal Council to safely respond to the COVID-19 pandemic.

F. FINALLY, BE IT RESOLVED that in accordance with the Constitution the Executive Branch shall administer such funds as appropriated by Tribal Council.

(Source: TRIBAL RESOLUTION #052523-02)