Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Fred Kiogima, Tribal Chairman

7500 Odawa Circle, Harbor Springs, Michigan 49740

Phone 231-242-1401 • Fax 231-242-1412

February 5, 2014

Re: Veto of TR #120813-01

It is with a heavy heart and a reluctant pen that I am forced to veto **Tribal Resolution #120813-01, *Funding for Traditional Burial Grounds Board in the Amount of $40,000.00 for Fiscal Year 2014 to come from Prior Period Funds,*** which would provide $40,000 in funding to the Traditional Tribal Burial Board as an incorporated, for-profit entity.

A. Cultural Concerns

As a Tribal Citizen, I wholeheartedly support the principle that our fellow Citizens should have the option to be buried in whatever manner they choose, including access to burials that reflect the traditional practices of our Tribe. I also support and applaud the plan to develop an environmentally sensitive, or "green" cemetery, to provide an example of alternative practices that minimize negative impacts on the environment to the greatest extent possible. Both of these are worthy goals.

But I am concerned that by continuing to maintain the Traditional Tribal Burial Board as an incorporated entity, we are creating financial incentives that might not be appropriate in the area of traditional burial practices. As with any corporation, the Burial Board (as currently structured) has a duty to bring in enough revenue to cover the expenses of the Board's operations. There is also some expectation that the business will turn a profit. See Article XV of the Board's Corporate Charter, which states:

> *"The Board of Directors shall distribute annually fair and reasonable profits to the Tribal government beyond the amount required to maintain adequate funds in the Corporation for debt service, and maintenance and growth of business operations."*

Unfortunately, the only business revenue source available to the Burial Board appears to be the future sale of burial plots. I do not currently have the figures showing how many plots would have to be sold annually to fully cover the Burial Board's expenses, but that might be beside the point. In the traditional view, charging money for a burial plot is not consistent with the practice of our ancestors. Charging for plots also has the potential to create disadvantages for Tribal families with limited financial resources. Establishing an expectation of profit to the Tribal government from burials might be viewed as creating incentives that do not align with our traditions.

B. Short-Term and Long-Term Economics

In the next few years, the Burial Board plans to acquire a parcel of land and begin cemetery development. Business revenue during this start-up period will likely be zero. This will necessitate the continued funding of the Board by the Tribal Council via annual supplemental authorizations; however the lack of an official business plan makes budgeting for these authorizations impossible. Supplemental funding in this manner makes the annual budget process more challenging for the Tribal government as a whole, and impedes long-term planning for the growth of other tribal government services.

Over the long term, it does not appear that the Burial Board in its present form will ever generate sufficient revenue to be self-sustaining. As a consequence, either supplemental or some other type of funding will continue to be needed, probably every year, which is really not consistent with the suggestion in the Corporate Charter that the business will eventually be profitable. I also note that under the Charter, Board Members may be removed for failure to meet financial performance measures, but these measures remain undefined, and it does not seem that any individual Board Member would have any ability to influence how many plots are sold in a given year. Measuring the Board's performance of a traditional service (burials) by use of a corporate benchmark (profitability) leads directly to the question of whether we are setting Board Members up for failure.

C. Possible Alternatives

As noted above, I have nothing but support for the mission and the objectives of the Traditional Tribal Burial Board. But it is my sincere hope that the same services and functions can be carried out with a different structure, possibly as a program or service within the Archives and Records Department. This suggestion is made solely in the spirit of removing the emphasis on "profitability" from a Board that seeks to provide a very important service in a culturally appropriate manner. To prevent any uncertainty, I would not support any change in the existing Burial Assistance Program, which continues to operate independently of the Traditional Burial Board.

I would also support a meeting or process to obtain input from the Board Members on the best form of organization going forward. It appears that a request for further discussion on this and other issues was made at the December 2013 AFC meeting; however it does not appear that any discussion with Board Members took place prior to the Tribal Council's decision to pass the current funding resolution. It would be my hope that a discussion with the Board Members could resolve the concerns noted above, and result in a financially viable program that would meet the Board's objectives.

In closing, we encourage a meaningful discussion with the participation of all interested parties to determine the best structure and funding for the Traditional Tribal Burial Board in the future.

Respectfully submitted,

Fred Kiogima, Tribal Chairman

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL RESOLUTION # 120813-01

Funding for Traditional Burial Grounds Board in the Amount of $40,000.00 for Fiscal Year 2014 to come from Prior Period Funds

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Little Traverse Bay Bands of Odawa Indians enacted WOS 2009-018 that created the Tribally Chartered Corporation, Traditional Burial Grounds, Inc.;

WHEREAS in order for the initial Traditional Burial Grounds Board to adequately fulfill their duties in accordance with the Statute, funds are needed to cover startup costs and meeting expenses.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council authorizes funding to the Tribally Chartered Corporation, Traditional Burial Grounds, Inc for the purpose of startup costs and meeting expenses in the amount of $40,000 to come from prior period funds.

Secretary Shananaquet

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on December 8, 2013 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 1 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Bill A. Denemy	X			
John W. Keshick III	X			
Beatrice A. Law	X			
Michael J. Naganashe	X			
Aaron Otto	X			
Winnay Wemigwase			X	
Marcella R. Reyes	X			
Julia A. Shananaquet	X			
Regina Gasco Bentley	X			

Date: 1-5-14 Regina Gasco Bentley

Legislative Leader Regina Gasco Bentley

Date: 1-5-14 Julia Shananaquet

Secretary Julia A. Shananaquet

Received by the Executive Office on 1-6-14 by

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

Date: 2-5-14

VETO

Fred Kiogima, Tribal Chairperson