

## WAGANAKISING ODAWAK STATUTE 2007-003

### BUDGET FORMULATION PROCESS

#### SECTION I PURPOSE AND SHORT TITLE

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

#### SECTION II FISCAL YEAR

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

#### SECTION III STEPS IN PREPARATION OF ANNUAL BUDGET

A. 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 ½ months from this date. Prior to approval of this allocation the Tribal council may hold public hearings.

B. By December 15 all budgets, for the fiscal year specified in A above, from all divisions are to be turned in to the Tribal Council.

C. Between December 15 and May 1<sup>st</sup> the Tribal Council will schedule work sessions and public hearing(s) to reconcile the budget requests.

D. By May 1<sup>st</sup> the Tribal Council shall approve the annual budget.

F. Tribal Membership Input. The Tribal Council shall hold a public hearing on the budget at an open session of the Tribal Council. Members shall be given reasonable notice, such as an announcement in the newsletter of the date, time and location of such meeting. Copies of the draft budget and summary totals of each departmental request will be provided to the membership upon request. There will be time for comments from Tribal Council, Tribal Administration, and Tribal Membership.

## SECTION IV AVAILABILITY AND SURPLUS FUNDS

A. Funding Availability. Programs and budgeted items shall be subject to funding availability. If actual revenues during a fiscal period fall short of projected revenues the Tribal Council shall take necessary actions to reduce budgeted expenditures of all divisions in accordance with budgetary priorities.

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

## SECTION V BUDGETARY REVIEW

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

## SECTION VI BUDGET MODIFICATIONS

A. Prior to modifying their budget each division shall adopt and submit to Tribal Council for approval a method of conducting budget modifications that do not materially modify the scope of a program or increase the divisions overall budget.

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

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

## SECTION VII CHECK SIGNERS

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

## SECTION VIII SAVINGS CLAUSE

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

## SECTION IX EFFECTIVE DATE

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

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on February 25, 2007 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Regina Gasco Bentley	<u>X</u>	_____	_____	_____
Fred Harrington, Jr.	<u>X</u>	_____	_____	_____
Dexter McNamara	<u>X</u>	_____	_____	_____
Mary Roberts	<u>X</u>	_____	_____	_____
Rita Shananaquet	<u>X</u>	_____	_____	_____
Alice Yellowbank	<u>X</u>	_____	_____	_____
Shirley Oldman	<u>X</u>	_____	_____	_____
Melvin L. Kiogima	<u>X</u>	_____	_____	_____
Beatrice A. Law	<u>X</u>	_____	_____	_____

Date: \_\_\_\_\_

\_\_\_\_\_  
Beatrice A. Law, Legislative Leader

Date: \_\_\_\_\_

\_\_\_\_\_  
Melvin L. Kiogima, Secretary

Received by the Executive Office on \_\_\_\_\_ by \_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Frank Ettawageshik, Tribal Chairperson