

WAGANAKISING ODAWAK STATUTE # 2024-XXX
TRIBAL GOVERNMENT BUDGET STATUTE

SECTION I. PURPOSE AND SHORT TITLE

The purpose of this statute, which may be cited as the “Budget Act,” is to mandate a process and deadlines for the government of the Little Traverse Bay Bands of Odawa Indians to follow in the formulation and implementation of its annual budget. This statute repeals and replaces Waganakising Odawak Statute 2020-006.

SECTION II. DEFINITIONS

A. “Chief Financial Officer” or “CFO” means the Little Traverse Bay Bands of Odawa Indians’ Chief Financial Officer.

B. “Cost Recovery Fund” means the fund consisting of monies from Fringe Benefits, Maintenance, Indirect Costs and other restricted revenues.

C. “Fiscal Year” means the time period from January 1 to December 31.

D. “Fringe Benefits” means the non-wage expenses for the benefit of employees.

E. “Fund” means a segregated, self-balancing account, *i.e.* Grant/Federal Contract Funds, Cost Recovery Fund and General Funds, used to record revenues, expenditures, assets, liabilities and other financial transactions for a specific purpose, activity or objective.

F. “General Fund” means the fund consisting of monies from current year anticipated revenue, the General Fund Balance and any funds that have been restricted as Supplemental Funding, but are unspent.

G. “General Fund Balance” means the fund consisting of monies from prior years’ unrestricted general fund dollars that were budgeted but not expended in the year they were budgeted and that are returned to the general fund unrestricted balance available for appropriation in subsequent years.

LEG-339 sponsored by Councilor Jordan Shananaquet

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- H.** “General Fund Revenues” means unrestricted monies received by the Tribal Government from enterprises and other sources.
- I.** “Governmental Branches” means the Legislative, Executive and Judiciary branches of LTBB and, for purposes of this statute, the Tribe’s Election Board and Prosecutor.
- J.** “Grant/Federal Contract Fund” means the fund consisting of monies from recurring or anticipated revenue that is received by the Tribe from sources including, but not limited to, Indian Health Services, IHS; Bureau of Indian Affairs, BIA 638; and Native American Housing Assistance and Self Determination Act, NAHASDA.
- K.** “Indirect Costs” means the expenses that are incurred in joint usage of internally servicing a governmental program and are not directly assigned or identified with a direct program or function.
- L.** “Indirect Cost Rate” means the formula used by United States Department of the Interior that pools all of the indirect costs on an annual basis through an allocable, approved plan.
- M.** “LTBB” or “Tribe” means the Little Traverse Bay Bands of Odawa Indians.
- N.** “Maintenance or Space Costs” means the costs of all the government office building upkeep, allocated on a square foot basis. Costs include the wages and fringe of maintenance staff, cleaning and maintenance supplies and equipment, repairs made for regular upkeep, snow removal and lawn care, and utilities, including telephone and internet service.
- O.** “Operating Budget Modifications” means the transfer of monies between line-items within an individual fund within the same fiscal year.
- P.** “Tribal-Wide Budget Worksheet” means the worksheet listing governmental departments and individual programs that is attached to the Resolution approving the budget for a given fiscal year

1 **Q.** “Tribal Council” means the elected body created under Article VII of the Little
2 Traverse Bay Bands of Odawa Indians Tribal Constitution.

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4 **SECTION III. ANNUAL BUDGET CALENDAR**

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6 **A.** By **January 21st** of the year prior to the Annual Budget Fiscal year, a budget calendar
7 will be approved by Tribal Council and posted on the Tribal website.

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9 **B.** The budget calendar shall include the dates for the following:

- 10
11 1. Annual Meeting
12 2. Accounting Department Distribution of Budget Procedures
13 3. Report of the General Fund Balance to Tribal Council
14 4. Allocation Amounts of General Fund for Branches of Government
15 5. Deadline for Cost Recovery Budget Submissions to Tribal Council
16 6. Deadline for General Fund Budget Submission to Tribal Council
17 7. Deadline for Grant/Federal Contract Budget Submission to Tribal Council
18 8. Department / Branch Hearings
19 9. Proposed Final Budget Available to Tribal Citizens
20 10. Public Hearing
21 11. Final Annual Budget Approved by Tribal Council
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23 **SECTION IV. ANNUAL MEETING**

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25 In accordance with the Tribal Constitution, the Executive Branch is responsible to call an
26 annual meeting of the Tribal Membership each spring. The date of the annual meeting will
27 be provided to Tribal Council and included in the Annual Budget Calendar.
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29 **SECTION V. BUDGET PROCEDURES**

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31 Each year, by **February 1st**, the CFO shall distribute to Department Managers, Department
32 Directors, Branch Managers and other appropriate staff, updated Budget Procedures
33 including, but not limited to, the following:
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35 **A.** Budget templates

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- B.** Budget Planning Rates for:
 - 1.** Indirect Cost Rate
 - 2.** Fringe Benefit Rate
 - 3.** Space Costs
 - 4.** Cost of Living (COLA)

SECTION VI. GENERAL FUND ANNUAL BUDGET

- A.** Each year, by **February 1st**, the Office of Finance and Revenue, with information and assistance from the Accounting Department, shall report to Tribal Council the General Fund amount that may be utilized to formulate the budget.
- B.** Each year, by **February 15th**, Tribal Council shall approve the Governmental Branches allocation amounts of general funds that each branch of government may utilize for its base budget for the following Fiscal Year.
- C.** The allocated amounts of general funds will be based on anticipated revenues, anticipated outlays, available funds and historical numbers for the last three (3) years of actual spending by Governmental Branches.
- D.** Tribal Council may also, by Tribal Resolution, allocate and restrict any anticipated revenue, the General Fund Balance and any funds that have been restricted as Supplemental Funding, but are unspent from the prior year to be set aside for the proposed Governmental Branches budgets.

SECTION VII. COST RECOVERY FUND ANNUAL BUDGET

The Cost Recovery Fund Annual Budget shall be based on anticipated Cost Recovery revenues in the year being planned, current fund balance for the Cost Recovery Pool, anticipated outlays, and historical numbers for the last three (3) years of actual spending by Governmental Branches.

SECTION VIII. GRANT/FEDERAL CONTRACT FUND ANNUAL BUDGET

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2 Tribal Council shall approve the Grant/Federal Contract Revenues budget as part of the
3 Tribal-Wide Budget by the annual meeting.
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5 **SECTION IX. BUDGET SUBMISSIONS**
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7 **A.** All proposed Governmental Branches budgets shall be submitted to the Legislative
8 Office by **March 15th** of each year. Such budgets shall be made available to the Chief
9 Financial Officer.
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- 11 **1.** If there is a deletion of any program or service, a justification as to why the
12 program or service is no longer needed or not sustainable shall be provided
13 with the proposed budget by the Branch of Government.
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15 **2.** If there are any additions to program or service, a justification as to why the
16 program or service is necessary shall be provided with the proposed budget by
17 the Branch of Government.
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19 **B.** Based on input from the public hearings, Tribal Council may make deletions or
20 additions to Governmental Branch budgets. If there are any deletions or additions, Tribal
21 Council shall notify the appropriate entity after all public hearings have been conducted.
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23 **SECTION X. BUDGET HEARINGS**
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25 **A.** Budget Hearings shall be held by Tribal Council.
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27 **B.** All hearings shall be posted and held in open session. A quorum of Tribal Council is
28 desired but not required.
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30 **C.** Governmental Branch hearings are held to gather information from one or more
31 Department Managers, Department Directors, Branch Managers or other appropriate,
32 authorized staff.
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34 **D.** Any Department Managers, Department Directors, and the Branch Managers or other
35 appropriate, authorized staff may request a time for a Governmental Branch hearing.

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E. All Governmental Branch hearings shall be held during the first full week of April.

F. A public hearing for Tribal Citizenship input shall be held during the second full week of April. At the public hearing, copies of the draft budget will be provided to the Tribal Citizens.

SECTION XI. APPROVAL PROCESS

A. Tribal Council shall approve the Annual Budget by the annual meeting.

B. The Annual Budget shall be approved by Tribal Resolution and shall include an attached detailed worksheet of the Tribal-Wide Budget.

C. The approved Annual Budget shall be available for Tribal Citizens at the Annual Meeting in accordance with the Constitution.

D. The Annual Budget shall be deemed enacted if not expressly vetoed by the Tribal Chair within thirty (30) days of submission.

E. If the Chair vetoes the budget, then he or she must submit an Executive proposed signed Tribal Resolution and new proposed budget along with the veto to Tribal Council within the thirty (30) day time period allowed for the veto.

F. The Chair’s veto and proposed budget must be made available to Tribal Citizens and posted to the Tribe’s website.

G. Tribal Council may enact a budget by either overriding the veto by an affirmative vote of seven (7) Councilors or alternatively enact the Chair’s submitted signed Tribal Resolution with the proposed budget by an affirmative majority vote of Tribal Council. In enacting the Chair’s proposed budget, Tribal Council shall approve it as presented and shall not make any changes, additions or deletions to the proposed budget.

H. If the veto is not overridden within the time period as set forth in the Administrative

1 Procedures Act, nor has Tribal Council approved the Chair's proposed budget, the last
2 enacted budget will take effect at the beginning of the fiscal year.

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5 **SECTION XII. ALLOCATION OF GENERAL FUND BALANCE**

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7 **A.** Upon approval of the budget, Tribal Council may allocate and restrict funds from the
8 General Fund Balance and any funds that have been restricted as Supplemental Funding, but
9 are unspent from the prior year.

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11 **B.** To allocate and restrict funds under this Section, Tribal Council must enact a
12 Resolution specifying how the funds may be used, *e.g.* Supplemental Funding, Economic
13 Development, Investment, Sinking Fund, or other specific use.

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15 **C.** Funds restricted under this Section shall only be used for the specific use identified in
16 the authorizing Resolution.

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19 **SECTION XIII. SUPPLEMENTAL FUNDING PROCESS**

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21 **A.** Supplemental funding shall be appropriated by Resolution from the monies that have
22 been designated and restricted for Supplemental Funding.

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24 **B.** A request for supplemental funding shall include the following information:

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26 **1.** The reason for the requested supplemental funding:
27 **a.** Emergency,
28 **b.** Specific additional service or program or
29 **c.** Budget deficiency;

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31 **2.** A brief narrative;

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33 **3.** The amount requested;

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35 **4.** Required signatures; and

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5. Proposed funding source.

C. All requests must be received in accordance with Tribal Council Policy. Such policies shall include dates and deadlines for submissions, posting requirements and the approval process.

D. Special Tribal Council meetings may be called for emergency funding requests.

E. Any monies not expended during the fiscal year shall revert to General Fund Balance funds.

SECTION XIV. BUDGET MODIFICATIONS

A. No monies can be moved between two different revenue sources. Revenue sources are General Funds, Cost Recovery, and Grant/Federal Contract Funds.

B. Within a fiscal year, no more than 4% of the total amount of either budget can be moved between two different departments or individual program not within a specific department as listed on the approved Tribal-Wide Budget Worksheet, without Tribal Council approval. Such requests shall be posted for comment on the Tribal website for at least seven (7) days prior to Tribal Council approval. Tribal Council shall act on the request within thirty (30) days of receipt of the request.

C. Operating Budget Modifications are allowable so long as the CFO ensures that all space costs are adequately funded prior to approving any budget modification involving space costs.

D. All budget modifications must be reviewed by the CFO to ensure that no material change in an existing service or program is altered either in nature or scope. If there is a material change in an existing service or program by either a change in the nature or scope of the service or program, then the budget modification shall be submitted to Tribal Council for approval.

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SECTION XV. ADDITIONAL REVENUES

A. If actual revenues during a fiscal period exceed the projected revenues, the CFO, on a quarterly basis, will report to Tribal Council the amount of excess funds, the date of the receipt of the funds and the funding source.

B. If actual revenues during a fiscal period fall short of projected revenues, Tribal Council shall take necessary actions to ensure that funding for approved budgets is available by adding additional sources of revenue to the budget or shall declare a budget emergency.

SECTION XVI. EMERGENCY BUDGETS/RECISSIONS

A. At any time during the fiscal year, the Office of Finance and Revenue, based on a revenue analysis and other relevant factors, may recommend to Tribal Council to declare a budget emergency.

B. If Tribal Council declares a budget emergency, Tribal Council shall provide guidance and criteria for amended budgets that must be submitted by the Governmental Branches within the timeframe provided by Tribal Council. All amended budgets must be passed by Tribal Resolution.

C. Upon the declaration of a budget emergency by Tribal Council, Tribal Council shall take necessary steps to notify Tribal Citizens of the impact of the budget emergency.

SECTION XVII. SYSTEMATIC REDUCTIONS OF BUDGETS

Only through an approved Resolution may any systematic cuts to budgets occur.

SECTION XVIII. CHECK SIGNERS

The Tribal Chair shall have the authority to designate check signers and file the appropriate authorized forms to carry out this function.

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SECTION XIX. 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 XX. EFFECTIVE DATE

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

CERTIFICATION