The Grand Traverse Band of Ottawa and Chippewa Indians
Legal Department
2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7601 • FAX 231-534-7600

MANDATORY 30-DAY POSTING

MEMORANDUM

TO: Tribal Membership
FROM: GTB Legal Department
RE: 30-day posting regarding Resolution #26-44.3842 Emergency Reserve Fund Proposed Referendum
DATE: February 19, 2026

Please post the attached proposed Referendum for that was approved for a 30-day posting by Tribal Council at the Tribal Council Regular Session on February 18, 2025. Please post the above referenced ordinance in an area where GTB tribal members can review it for 30 days. This is an opportunity for tribal members to provide comments, if any, about this proposed ordinance. Your comments will be provided to Tribal Council prior to the adoption of this ordinance. This posting will end on March 21, 2025 and can be removed at that time.

Any comments regarding the above referenced should be directed to the GTB Legal Department either by writing to the GTB Legal Department, 2605 N.W. Bayshore Dr., Peshawbestown, MI 49682, or by telephone (231) 534-7601, or by e-mail, to page.paul2@gtb-nsn.gov

Posting Sites:

Administration Building
Accounting Department Annex
Annex II – Human Resources Building
Benodjehn Child Care Center
Clinic
Elder's Complex
Housing
SBR Plant
Natural Resources/Conservation
Maintenance Department
Benzie Satellite Office – via e-mail
Charlevoix Satellite Office – via e-mail
Traverse City Satellite Office - via e-mail
Strongheart Center
Library/Yo Building/Youth Center
Tribal Court

EDC Building

Leelanau Sands Casino – Employees/Supervisors' Break-room

Leelanau Sands "The Lodge" – Employees/Supervisors' Break-room

Turtle Creek Casino – Employees/Supervisors' Break-room

The Grand Traverse Band of Ottawa and Chippewa Indians

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TRIBAL COUNCIL RESOLUTION

Resolution #26-44.3842

TO: ESTABLISH AN EMERGENCY RESERVE FUND BY REFERENDUM, ARTICLE IX § 2(a)(b) § 3 TO PROVIDE AUTHORITY TO THE OFFICE OF MANAGEMENT AND BUDGET TO STRUCTURE A FINANCIAL FACILITY THAT WILL SUPPORT GOVERNMENT SERVICES IN THE EVENT OF AN EMERGENCY SHUTDOWN CAUSED BY NATURAL DIASASTER, FEDERAL POLICY AMENDMENTS, FINANCIAL CRISIS IN THE UNITED STATES OR CYBER RELATED EVENTS.

WHEREAS: The Grand Traverse Band of Ottawa and Chippewa Indians (GTB) became a federally recognized Indian Tribe having a government-to-government relationship with the United States effective May 27, 1980 (see 45 Fed. Reg. 18321-322 (March 25, 1980)) and GTB is organized under a Tribal Constitution approved by the Secretary of the Interior on March 29, 1988; and

WHEREAS: GTB has a full Tribal Council currently consisting of Sandra L. Witherspoon, Tribal Chairwoman; Jane Rohl, Vice Chair; Anna Miller, Secretary; Donna Swallows, Treasurer; Tina Frankenberger, Councilor; Brian Napont, Councilor; and Angelina Raphael, Councilor; and

WHEREAS: Article IV § 1 of the Tribal Constitution provides Powers of the Tribal Council provides that the Council "[S]hall be vested with all of the sovereign governmental executive and legislative powers of the Tribe;" and

WHEREAS: Article IV § 1(a) of the of the Tribal Constitution provides that a power of the Tribal Council is "[t]o promotes and protect the health, education, and general welfare of the Band and its members;" and

WHEREAS: Article IV, § (1)(h) of the Tribal Constitution provides that a power of the Tribal Council is "[t]o manages and control the economic affairs, enterprises, property, and all other interests of the Band; and

WHEREAS: By Motion of March 26, 2025, the Council directed Legal, OMB and the TMO "[T]o structure an account that would support Tribal Government Services if an emergency shut should occur;" and

WHEREAS: The Tribe may at some immediate date be subject to a natural disaster event in which no federal, or limited federal, resources are available to meet the tribal needs of an immediate natural disaster crisis; and

WHEREAS: The Tribe may be subject to the withdrawal of federal funding through a "freeze" of current restricted funding, or through a federal claw backs authorized by statute or the cancellation of signed funding contracts or other methods that will impede

or stop tribal governmental funding that will create a significant and unexpected shortfall in federal funding for critical tribal programs involving the health and safety of tribal members; and

WHEREAS: Article IV, Section (1)(c) of the Tribal Constitution provides that a power of the Tribal Council is "[t]o make all laws, not inconsistent with this Constitution, which shall be necessary and proper to carry out the sovereign powers of the Tribe, and to implement and enforce the same;" and

WHEREAS: The Council desires to create a tribal authority to control unrestricted tribal revenue streams (RAO, Tax Agreement and internet gaming revenue) to the general account to fund emergency shortfall in the event of a natural disaster or a federal change in policy will create an immediate and significant risk to the continued operation of essential tribal government functions; and

WHEREAS: The Tribe has a responsibility to ensure the continued provision of essential services to its members; and

WHEREAS: Article IX §2(a)(b)(1)(2) §3 provides Council Referendum Authority to establish Law by Referendum subject to amendment only by subsequent Referendum, Article IX §3.

NOW THEREFORE, BE IT RESOLVED, that the Tribal Council proposes the **Tribal Emergency Reserve Fund** for adoption by Referendum in the May 5, 2026, regularly scheduled Election to be administered under the following rules:

SECTION 1: Purpose and Establishment

The Tribal Emergency Reserve Fund shall be created to provide funding for the continued operation of essential tribal government functions during periods of federal funding shortfalls or other unforeseen emergencies.

SECTION 2: Funding Source

The Tribal Emergency Reserve Fund shall be funded by:

a. A dedicated portion of unrestricted tribal revenues, initially funding to be set at $8,000,000 from current unrestricted tribal funds and $1,000,000 to be assessed quarterly from future unrestricted tribal receipts, with such unrestricted revenue subject to the principles of program income, until a cap of $20,000,000 has been established.

b. The office of OMB shall determine the amount of Tribal Emergency Reserve Fund revenue necessary to maintain essential governmental services, "essential" governmental services herein is defined by Appendix A attached hereto, for a period of 3months at which point the tax assessments identified in Section 2 a shall sunset.

c. The Tribal Emergency Reserve Fund Revenue shall then be invested in "Laddered Certificate of Deposits" or other agreed upon investment tranches of equity or bonds based on the advice of licensed professional investment advisors to come due in a parallel manner to the monthly amount to maintain the essential government services causes by the emergency.

d. The office of management and budget is authorized to transfer the amount above the designated number established in Section 2 b. herein to an investment account or accounts established in Section 2 c. herein.

e. The procedure for transfers shall be done consistently with standards internal controls on not less than two members of the OMB agreeing on the transfer amount and a third member of OMB implementing the transfer or transfers.

f. The transfer amount, or transfer amounts, in Section 2 e. will be reported to the Council at the next Regular Session.

SECTION 3: Fund Usage

The Tribal Emergency Reserve Fund shall be used solely for the following purposes:

1. To cover essential tribal government operational costs during periods of federal funding shortfalls created by the change in federal policy, including but not limited to:
    a. Salaries for essential tribal government employees
    b. Operating expenses for critical tribal government programs
    c. Emergency repairs or upgrades to tribal infrastructure related to sewer and potable water systems, and information systems
    d. Operation of Health and Housing Program
    e. Natural Disaster
2. To support emergency relief efforts for tribal members affected by the federal funding shortfall or other emergencies.

SECTION 4: Management and Oversight

An Emergency Tribal Reserve Fund Committee (ETRFC) is created by this legislation action. The ETRFC shall consist of the Tribal Manager, the CFO, The Tribal Chairperson, The Tribal Treasurer, and the Secretary of the Tribal Council. The ETRFC shall be responsible for managing and overseeing the Tribal Emergency Reserve Fund, including:

1. Ensuring the proper allocation of funds.

2. Monitoring fund balance of the general account and ensuring sustainability.
3. Monitoring the fund balance of the tribal reserved restricted accounts that receive transfers from the general account.
3. Providing regular reports to the Tribal Council on the status of the general account and transferring from the general account to the restricted reserve accounts.

SECTION 5: Emergency Declaration

The Tribal Council may declare an emergency and authorize the release of funds from the Tribal Emergency Reserve Fund upon a determination that a significant shortfall in federal funding or other *Tribally declared* emergencies exists.

SECTION 6: Transparency and Accountability

The Tribal Council shall ensure that all transactions related to the Tribal Emergency Reserve Fund are transparent and accountable, including:

a. Providing regular public reports on fund usage.
b. Conducting periodic audits of the fund's operations.
c. A separate account entitled "Emergency Reserve Fund" shall be established within the OMB which is governed by this Statue.

SECTION 7: Amendments

This Statute is subject to Article IX §3 of the GTB Constitution for purposes of amendment and may be amended by the provisions of the Tribal Council.

WHEREAS: Title One, Chapter One, Legislative Procedures Sections 103, 104, and 105 authorize Council acting in its Legislative Capacity to propose legislation (Section 103), to propose a legislative bill (Section 104), to review and comment by Council for 30 days, Section (105), to post for 30 days for review and comment by Tribal Members (Section 106).

NOW, THEREFORE BE IT RESOLVED that by this Resolution the Tribal Council acknowledges that it has reviewed this proposed Emergency Reserve Fund Referendum pursuant to Title 1 Section 105 and therefore approves the public posting of this proposed Referendum for a 30-day comment period by Tribal members pursuant Section 106 of Title 1 Chapter 1 Legislative Procedures.

APPROVED: **ADOPTED:**

Jane A Rohl FOR Anna Miller

Sandra L. Witherspoon, Chairwoman Anna Miller, Secretary

CERTIFICATION

As Secretary of the Tribal Council of the Grand Traverse Band of Ottawa and Chippewa Indians, I hereby certify that the above resolution was approved and adopted at a Regular Session of the Tribal Council held in Peshawbestown, Michigan, on February 18, 2026, by a vote of:

5 FOR, Ø AGAINST, 1 ABSTAINING, and Ø ABSENT.

ATTEST:

Anna Miller

Anna Miller, Secretary

The Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7750

Certification of Tribal Council Action

Regular Session of February 18, 2026

I hereby certify as the Tribal Council Secretary that the foregoing Motion was Approved and Adopted at the Regular Session of the Grand Traverse Band of Ottawa & Chippewa Indians Tribal Council

Emergency Reserve Fund Proposal for Referendum

Motion made by Tribal Council and Supported by Tribal Council to approve Resolution #26-44.3842

5-FOR; 0-AGAINST; 0-ABSENT; 1-ABSTAINING (Rohl)
Motion Carries

FOR Anna Miller, GTB Tribal Council Secretary

CC: John Petoskey-Legal