

**BAD RIVER COMMITTEE LIST**  
**AS OF 4/9/10**

**Judgement Fund**

**Chair:** Frank Connors, Sr.

**Vice-Chair:** Genevieve Powless

**Member:** Bruce Ford, Sr.

**Member:** Jackie Rose

**Member:** Joe Maday

**Member:** Marge Lemieux

**Member:** Jace Johnson

**Meets:** 3<sup>rd</sup> Wednesday of the month

**Time:**

**Where:** Wake House

**Election:** Fall of year

**Contact Person:** Dan Powless

**Phone:** 715-685-9726

**Fax:** 715-682-7118

THE BAD RIVER JUDGEMENT FUND COMMITTEE BY-LAWS

PREFACE:

The Bad River Judgement Fund Committee is authorized by resolution from the Bad River Tribal Council on October 1, 1986 to review all funds considered under the "Programming Aspects" of the resolution. "As of the effective date of the plan, all funds considered under this section of the plan (20% portion and other income as mentioned earlier), will constitute the principal to be used exclusively for investments and shall remain as principal of the investment fund for perpetuity. On an annual basis, all investment income accrued shall be utilized by the Bad River Band for Tribal purposes. These purposes will be identified by a Tribal Investment Programming Committee, and subject to an annual referendum vote of the Bad River Members.

According to the Indian Claims Commission Dockets 18C and 18T, and any other amounts of income which the Tribal Council may elect to retain and add to the fund, shall be invested by the Secretary under Authority of 25 USC 162a.

The Purpose of this document is to carry out the goals and intentions of the above mentioned resolution by providing an organizational structure to give the Bad River community members an opportunity to participate in the administration of the 20% Claims fund.

ARTICLE I: NAME:

The Bad River Judgement Fund Committee.

..KA: The Tribal Investment Programming Committee as mentioned above.

ARTICLE II: PURPOSE:

1. To review all plans submitted to the committee during Public Hearings annually.
2. To submit proposed plans received during Public Hearings to the Tribal Council for approval.
3. Prepare proposals for referendum vote upon approval from the Tribal Council.

ARTICLE III: MEMBERSHIP:

1. This committee will consist of seven regular members and two alternates.
2. Membership will be considered after a sign up period of thirty (30) days.
3. Appointment by Tribal Council upon submission of name to them from the Judgement Fund Committee.

ARTICLE IV: MEETINGS:

1. There will be open meetings every third Wednesday of the month at 6:30 P.M.
2. Committee members will be notified by post card of all meetings.
3. Special meetings will be decided at the regular monthly meetings if needed. There will be a permanent posting up for the regular monthly meeting at the Community Center.
  - a). Public Hearings will be held in June, July and August of every year.
  - b). To receive input from the Bad River Community members.
  - b). To accept any proposals from the community.

6. Order of Business:

Roll Call  
Approval of meeting minutes  
Financial Report  
Old Business  
New Business  
Community Concerns/Input  
Adjournment

**ARTICLE V: QUORUM:**

Any four (4) members of the committee present at any regular or special meeting shall constitute a quorum.

**ARTICLE VI: VACANCIES:**

1. Should any member of the committee miss three(3) consecutive regular meetings, unless such is excusable, the position shall be declared vacant.
2. Vacancies shall be filled from the alternates list, when they occur.
3. Alternates name will be submitted to the Tribal Council for appointment to the committee.

**ARTICLE VII: AMENDMENTS:**

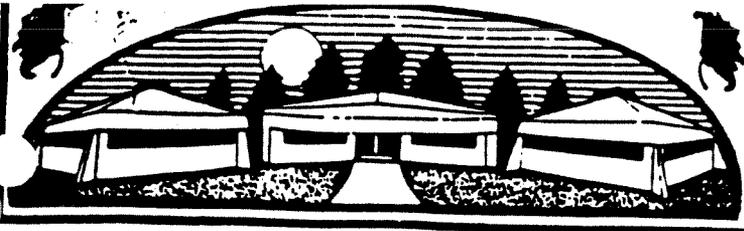
The By-Laws of the Judgement Fund Committee shall be amended only with the approval of at least four (4) members of the committee at any committee meeting provided that at least thirty days notice thereof has been previously given to all committee members.

All amendments must also be approved by the Tribal Council.

**ARTICLE VIII: CONFLICTS OF INTEREST:**

No Judgement Fund employee shall serve as a Judgement Fund Committee member.

The Judgement Fund Coordinator is an employee of the Judgement Fund Committee and as such shall not vote on issues presented to the committee, the Coordinator is the liaison between the Tribal Council, Tribal Administration, Projects Funded and this committee.



Telephone:  
715/682-4212  
715/682-9200

Mashkisibi Center

**BAD RIVER BAND OF LAKE SUPERIOR  
TRIBE OF CHIPPEWA INDIANS**  
P.O. Box 39, Odanah, WI 54861

RESOLUTION NO. 10-1-86-72\*  
19131841173

- WHEREAS, the Bad River Band of Lake Superior Chippewa Indians has been awarded a share in a judgement under Dockets 18C and 18T of the Indian Claims Commission for additional compensation for land deeded to the United States by the Treaty of July 29, 1837, 7 Stat. 536, and
- WHEREAS, the Bad River Band of Lake Superior Chipepwa Indians share of this judgement is presently invested by the United States, under authority provided by the Act of June 24, 1938 - 52 Stat. 1037, 25 U.S.C. 162a, in various financial institutions throughout the United States wherein these funds earn interest, and
- WHEREAS, the Bad River Tribal Council has held public meetings on the Bad River Reservation on June 21, 1986 and September 20, 1986 with Tribal members to discuss the use and distribution of these judgement funds derived from Dockets 18 C and 18T, and
- WHEREAS, the Bad River Tribal Council has heeded the wishes of the majority of Tribal members and requests that eighty percent (80%) of these judgement funds be distributed in the form of per capita payments to Tribal members and that the remaining twenty percent (20%) of these judgement funds be used as principal and as such be invested by the Tribe or the BIA at the Tribe's discretion for perpetuity, and
- WHEREAS, the annual investment income and interest accrued on said principal shall be used for tribal programs as agreed to by the Bad River Tribal members annually at the Tribal Council election, and
- WHEREAS, the federal regulations require a Hearing of Record be held on the Tribal plan before the plan is approved;
- NOW THEREFORE BE IT RESOLVED, that the Bad River Tribal Council does hereby present the attached plan for the use and distribution of judgement funds awarded to the Bad River Band of Lake Superior Chippewa Indians in Indian Claims Commission Dockets 18C and 18T and request that the required Hearing of Record be held as soon as possible.

BE IT FURTHER RESOLVED: that the Bureau of Indian Affairs make the per capita distribution as provided for in the attached plan, as soon as such plan has been cleared for implementation.

## CERTIFICATION

I, the undersigned, as Secretary of the Bad River Band of Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Re-organization Act, hereby certify that the Tribal Council is composed of 7 members, of whom 7 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the \*3<sup>rd</sup> day of October, 1986; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 6 members; 0 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.

Carol Scott

Carol Scott, Secretary  
Bad River Tribal Council

\*Note: The date of October 3, 1986 was an incorrect date. The Council meeting was actually held on October 1, 1986. This resolution was corrected by motion at the 2-17-87 Council meeting.

Judgement Fund Distribution  
Plan

This plan is for the use and distribution of the Bad River Band of Lake Superior Chippewa Indians share of the Mississippi and Lake Superior Chippewa judgement funds awarded in Dockets 18C and 18T.

The funds appropriated for the Bad River Band of Lake Superior Chippewa Indians in satisfaction of awards granted respectively in Dockets 18C and 18T, before the Indian Claims Commission, including all interest and investment income accrued, less attorney fee and litigation expenses shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall divide such funds on the basis of historic populations previously used in connection with Dockets 18C and 18T. The participating entities and their respective shares are as follows:

Lake Superior Bands - State of Wisconsin

Bad River Band	1259th/16,061
Lac Courte Oreilles Band	1691th/16,061
Lac du Flambeau Band	832th/16,061
Sokaogon Chippewa (Mole Lake Community)	187th/16,061
Red Cliff Band	645th/16,061
St. Croix Band	299th/16,061

Lake Superior Bands - State of Michigan

Keweenaw Bay Community (L'Anse, Lac Vieau Desert and Ontonagon Bands)	939th/16,061
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Lake Superior Bands - State of Minnesota

Minnesota Chippewa Tribe affiliates,

For du Lac Band	1346th/16,061
Grand Portage Band	387th/16,061
Nett Lake Band	704th/16,061
White Earth Band	148th/16,061

Mississippi Bands - State of Minnesota

Minnesota Chippewa Tribe affiliates,

Milles Lac Band	569th/16,061
White Earth Band	6431th/16,061
Leech Lake Band	624th/16,061

The Dockets 18S and 18C shall be divided on the basis of two-third (2/3) of such funds to be apportioned among the Lake Superior Bands and one third (1/3) among the Mississippi bands. The Docket 18U funds shall be divided among the eleven (11) Lake Superior Chippewa Bands based on their relative numbers to the total of eight thousand four hundred thirty seven (8,437) Lake Superior members. The Docket 18T funds shall be divided

among the fourteen (14) above listed Lake Superior and Mississippi Bands based on their relative numbers to the total of sixteen thousand sixty one (16,061).

The apportioned share of each Band shall be further divided indicating the percentage to be utilized for per capita shares and the percentage to be utilized for programming purposes as indicated below:

#### PER CAPITA ASPECT

The Secretary shall make a per capita distribution of eighty percent (80%) of funds awarded under Indian Claims Commission Dockets 18C and 18T, including all interest and investment income accrued, in a sum as equal as possible to each enrollee of the Bad River Band of Lake Superior Chippewa Indians born on or prior to and living on the effective date of this plan. The membership rolls of the Bad River Band of Lake Superior Chippewa Indians shall be brought current within thirty (30) days of the effective date of the plan.

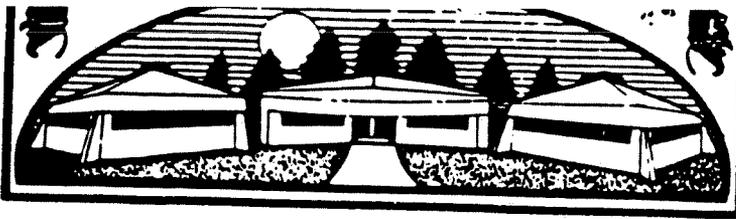
#### PROGRAMMING ASPECT

The remaining twenty percent (20%) portion of funds awarded to the Bad River Band of Lake Superior Chippewa Indians under Indian Claims Commission Dockets 18C and 18T and any other amounts of income which the Tribal Council may elect to retain and add to the fund, shall be invested by the Secretary under Authority of 25 USC 162a for a period of at least twenty four (24) months from the effective date of the plan. After the 24 month period, the Tribal Council at the direction of the membership shall decide if it wants to invest the money itself or to continue to allow the Secretary to invest the money for the Tribe. If the Tribe elects to invest the money itself, it shall work with a trustee or trustees for the Tribe and shall establish an investment plan at that time. As of the effective date of the plan, all funds considered under this section of the plan (20% portion and other income as mentioned earlier) will constitute the principal to be used exclusively for investments and shall remain as principal of the investment fund for perpetuity. On an annual basis, all investment income and interest accrued shall be utilized by the Bad River Band for Tribal purposes. These purposes will be identified by a Tribal Investment Programming Committee and subject to an annual referendum vote of Bad River Tribal members.

## GENERAL PROVISIONS

The Per Capita shares of living competent adults shall be paid directly to them. The shares of minors, legal incompetents and deceased individual beneficiaries, enhanced by investment earnings, shall be held in individual Indian money (IIM) accounts as provided in 25 CFR 87.10. While held in IIM accounts, said shares shall be invested pursuant to 25 USC 162a and shall be the property of the minors or legal incompetents or the estates of the deceased individual beneficiaries to whom the per capita payments were made. Minors per capita shares, until the minors attain the age of 18 years, shall be retained in individually segregated IIM accounts and handled as provided in 25 CFR 115.4. A private trust for minor's per capita shares may be established subject to approval of the tribal governing body and the Secretary of the Interior in accordance with 25 CFR 87.10 (b)(2). The per capita shares of legal incompetents shall be held in IIM accounts and administered pursuant to the provisions of 25 CFR 115.5. The shares of deceased individual beneficiaries, plus all interest and investment income accruing thereto, shall be paid to their heirs and legatees upon their determination as provided in 43 CFR Part 4, Subpart D.

In accordance with Public Law 97-458 approved January 12, 1983 such funds may be disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the minor or legal incompetents' health, education, welfare or emergencies under a plan or plans approved by the Secretary of the Interior and the tribal governing body of the Indian tribe involved.



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Mashkisibi Center

**BAD RIVER BAND OF LAKE SUPERIOR  
TRIBE OF CHIPPEWA INDIANS**  
P.O. Box 39, Odanah, WI 54861

RESOLUTION NO. 10-3-86-73

- WHEREAS, the Bad River Band of Lake Superior Chippewa Indians has been awarded a share in a judgement under Dockets 18S and 18U of the Indian Claims Commission for the additional compensation for land deeded to the United States by the Treaty of October 4, 1842, 7 Stat. 591 and Treaty of September 30, 1854, and
- WHEREAS, the Bad River Band of Lake Superior Chippewa Indians share of this judgement is presently invested by the United States, under authority provided by the Act of June 24, 1938 - 52 Stat. 1037, 25 U.S.C. 162a; in various financial institutions throughout the United States wherein these funds earn interest, and
- WHEREAS, the Bad River Tribal Council has held public meetings on the Bad River Reservation on June 21, 1986 and September 20, 1986 with Tribal members to discuss the use and distribution of these judgement funds derived from Dockets 18S and 18U, and
- WHEREAS, the Bad River Tribal Council has heeded the wishes of the majority of Tribal members and requests that eighty percent (80%) of these judgement funds be distributed in the form of per capita payments to Tribal members and that the remaining twenty percent (20%) of these judgement funds be used as principal and as such be invested by the Tribe or the BIA at the Tribe's discretion for perpetuity, and
- WHEREAS, the annual investment income and interest accrued on said principal shall be used for tribal programs as agreed to by the Bad River Tribal members annually at the Tribal Council election, and
- WHEREAS, the federal regulations require a Hearing of Record to be held on the Tribal plan before the plan is approved;
- NOW THEREFORE BE IT RESOLVED, that the Bad River Tribal Council does hereby present the attached plan for the use and distribution of judgement funds awarded to the Bad River Band of Lake Superior Chippewa Indians in Indian Claims Commission Dockets 18S and 18U and request that the required Hearing of Record be held as soon as possible.

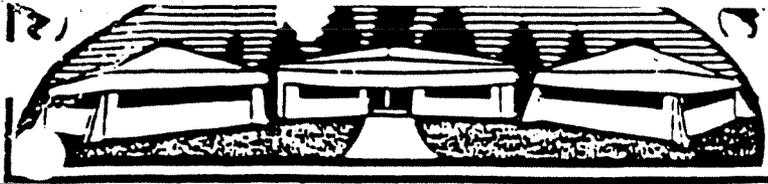
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BE IT FURTHER RESOLVED: that the Bureau of Indian Affairs make the per capita distribution as provided for in the attached plan, as soon as such plan has been cleared for implementation.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Band of Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Re-organization Act, hereby certify that the Tribal Council is composed of 7 members, of whom 7 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 3<sup>rd</sup> day of October, 1986; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 6 members; 0 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.

Carol Scott  
Carol Scott, Secretary  
Bad River Tribal Council



Mashkisiibi Center  
BAD RIVER BAND OF LAKE SUPERIOR  
TRIBE OF CHIPPEWA INDIANS  
P.O. Box 39, Odanah, WI 54861

RESOLUTION NO. 3-6-92-120

**WHEREAS,** the Bad River Judgment Fund Committee has been delegated the responsibility to advise the Tribal Council on the expenditure of judgment fund interest pursuant to annual referendum, and to administer the expenditure of such funds, and

**WHEREAS,** there is a need to increase accountability for projects funded by the Judgment Fund,

**NOW, THEREFORE BE IT RESOLVED** that the Bad River Tribal Council approves the following guidelines for judgment fund expenditures, and directs the Judgment Fund Committee to administer them:

1. One time funding per project, which will prevent any one project from monopolizing judgment funds from one year to the next. It will encourage those funded to seek matching funds to complete their project within the designated time.
2. All funded projects must turn in a complete financial report to the Judgment Fund Committee on forms to be provided by the Judgment Fund Committee, which is to include appropriate documentation for purchase orders and vouchers, no later than September 30 of any year in which any funds are received or expended. The standard tribal accounting procedures, including procurement rules (purchase orders and vouchers), will be followed by all those funded with judgment funds.
3. When submitting a proposal to the Judgment Fund Committee for funding, a a time frame for spending shall be included with the proposal.
4. If a proposal is funded and the program wishes to spend money for any item not included in the original proposal, the program must get approval from the Judgment Committee. The Judgment Fund Committee may approve a variance of no more than 10% of the original grant amount. Any request for a variance of more than 10% of the original

grant amount will be referred by the Judgment Fund Committee to the Tribal Council. Projects must have all appropriate documentation to substantiate the need to use judgment funds for any purchase and must get the approval of the Committee for any purchases.

5. If a proposal is funded, all monies must be spent within the designated time frame included in the proposal, any money left will come back to the Judgment Fund account.
6. All purchase orders and vouchers must be approved by the Judgment Funds Coordinator.
7. The Cemetary Project and the Judgment Fund Coordinators position will be funded each year in accordance with need, as approved by the Tribal Council.

CERTIFICATION

I, the undersigned as Secretary of the Bad River Band of Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Reorganization Act, hereby certify that the Tribal Council is composed of 7 members, of whom 7 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 3 day of June, 1992; that the foregoing resolution was duly adopted at said meeting by an affirmation vote of 5 member; 0 against; and 1 abstaining, and that the said resolution has not been recinded or amended.

Dolores Wolf

Dolores Wolf, Secretary  
Bad River Tribal Council