

WAGANAKISING ODAWAK STATUTE 2015001

ELDERS COMMISSION

SECTION I. PURPOSE

The Commission is to advise the Kikaajik Department and aid the Department in obtaining its statutory duties of providing services to meet the needs of the Kikaajik

SECTION II. DEFINITIONS

- A. “*Commission*” shall mean “Elders Commission”.
- B. “*Department*” means the Kikaajik Department.
- C. “*Immediate Family*” means husband, wife, son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, child, step-child, son-in-law, daughter-in-law or a person whose relationship with the Tribal Citizen is similar to that of persons who are related by blood or marriage.
- D. “*Kikaajik*” means a Tribal Citizen who is fifty-five (55) years of age or will turn fifty-five (55) years of age by December 31st of the current year.
- E. “*LTBB*” or “*Tribe*” means the Little Traverse Bay Bands of Odawa Indians ..
- F. “*Stipend*” for attendance at scheduled meetings or any other activities approved by the Executive in advance and shall be limited to one stipend per day.

SECTION III. CREATION OF THE COMMISSION

The Tribal Council hereby creates the Elders Commission and it shall be composed of five (5) Commissioners, within the Executive Branch of government nominated by the Executive, appointed by Tribal Council and shall consist of five (5) enrolled Tribal Citizens, eighteen (18) years of age or older.

- B. Immediate Family.** Two or more members of the same immediate family shall not serve on the Commission at the same time. A Commission member shall not be the Chairperson if the department director, assistant director, co-director, Tribal Chairperson or Tribal Vice-Chair is an immediate family member.
- C. Appointments.** Initial appointments to the Commission shall be staggered consisting of two (2) two-year terms and three (3) four-year terms. The terms thereafter shall be for four (4) years with no limit on reappointment.
- D. Oath of Office.** Members will serve until their successors are appointed and sworn in under an oath of office prepared and administered by the Tribal Court within thirty (30) days of their appointment and prior to first meeting attendance.
- E. Ethics.** Commission members shall be subject to the Constitutionally Mandated Rules of Conduct for Officials of Tribal Government.
- F. Removal.** Members may be removed in accordance with applicable laws.
- G. Vacancy.** In the event a vacancy occurs on the Committee a Tribal Citizen who meets the eligibility requirements for the remainder of the unexpired term shall be nominated by the Executive and appointed by Tribal Council for the remainder of the unexpired term.



SECTION IV. ORGANIZATION AND DUTIES

Commission shall advise and aid the Kikaajik Department in obtaining its statutory duties of providing services to meet the needs of the Kikaajik.

- A. The Commission shall organize itself with a Chairperson and a Secretary by majority vote of the Commission.
- B. The Commission shall gather information and may make recommendations to the Department.
- C. The Commission may also assist the Department in gathering information to make recommendations on alleviating common problems facing Kikaajiks and make recommendations on enhancing services.

SECTION V. BUDGET, COMPENSATION AND TRAVEL

The Executive shall present Tribal Council an annual budget necessary to implement this statute. Members shall be compensated, subject to the availability of funds.

- A. Stipends. Stipends shall be paid for attendance at properly scheduled meetings. The Commission Chairperson and Secretary shall receive \$125.00 and the balance of the Commission members \$100.00 per meeting attended.
 - 1. Draft minutes shall have been submitted to the Executive prior to stipend processing for the same meeting.
- B. Travel day stipends. Travel stipends in the amount of \$75.00 shall be paid one day prior and one day after attendance to an event, training, or other approved activity that would require the person to drive prior to 7:00 a.m. in order to attend the start of the event or drive and return home after 8:00 p.m. If flying is required to attend the event, training, or

other approved activity then the person shall be paid a travel stipend for one day prior to the approved activity and one day after the approved activity.

- C. Travel expenses. Travel expenses for Executive approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy.

SECTION VI. MEETINGS AND MINUTES

- A. Meetings. The Commission shall meet no more than once per month and shall be posted at least five (5) days in advance in the Tribal Governmental building and Tribal website.

1. At a minimum, meetings shall be open to Tribal Citizens.

- B. Minutes. The minutes shall reflect what was done, not what was said, at the meeting.

1. No member may participate in making any decision that involves a personal or financial interest of the member or a member of his or her immediate family unless such interest is held in common with the Tribe and its Citizens.

2. Actions of the Commission shall be decided by a majority vote of those present at the meeting. The Chair is entitled to vote on all matters brought before the Commission. A quorum shall consist of three (3) members.

2. The minutes of the meeting shall include but not limited to the date and time the meeting occurred, the call to order, motions or proposed motions, seconds, Public comment, etc.

3. The Commission shall allow a reasonable amount of time for at least one public

comment period per meeting but may limit such time for comments as necessary to conduct business.

4. Once approved, the minutes will be the official record of the Commission meetings.
5. The Secretary, or his/her designee, will be responsible for taking the minutes.
 - a. The Commission may utilize Kikaajik Department staff as assigned by the Executive.
 - b. The Secretary shall keep a copy of the minutes.

SECTION VII. SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION VIII. EFFECTIVE DATE

This Statute takes effect immediately upon its enactment. Enactment of this Statute shall have no effect on the membership status of any tribal members enrolled by the Tribe under previous legislation.

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 5, 2015 at which a quorum was present, by a vote of 6 in favor, 2 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	<u>In Favor</u>	<u>Opposed</u>	<u>Abstained</u>	<u>Absent</u>
Bill A. Denemy	X			
John W. Keshick III	X			
Beatrice A. Law	X			
Michael J. Naganashe	X			
Aaron Otto		X		
Winnay J. Wemigwase	X			
Julie A. Shananaquet		X		
Marcella R. Reyes	X			

Date: 2-9-2015 Marcella Reyes
 Marcella Reyes, Treasurer

Date: 2-9-15 Julie Shananaquet
 Julie A. Shananaquet, Secretary

Received by the Executive Office on 2-10-15 by Lucia Flynn

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: 2-10-15 Regina Gasco Bentley
 Regina Gasco Bentley, Tribal Chairperson

Waganakising Odawak Statute Elders Commission Secretary Shananaquet *JS*