

Chapter 23. Elders Commission

15.2301 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. This statute repeals and replaces Waganakising Odawak Statute 2015-001.

(Source: WOS 2023-008, October 6, 2023, Section I)

15.2302 DEFINITIONS

- A. “Commission” means 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 55 years of age or will turn 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” means payment for attendance at scheduled meetings or any other activities approved by the Executive in advance and shall be limited to one stipend per day.

(Source: WOS 2023-008, October 6, 2023, Section II)

15.2303 CREATION OF THE COMMISSION

- A. **Elders Commission.** The Tribal Council hereby creates the Elders Commission within the Executive Branch of government. The Commission shall be composed of five (5) enrolled

Tribal Citizens who must be 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-year terms and three 4-year terms. The terms thereafter shall be for four 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 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 Commission 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.

(Source: WOS 2023-008, October 6, 2023, Section III)

15.2304 ORGANIZATION AND DUTIES

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

B. The Commission shall organize itself with a Chairperson and a Secretary by majority vote of the Commission.

C. The Commission shall gather information and may make recommendations to the Department.

D. 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.

(Source: WOS 2023-008, October 6, 2023, Section IV)

15.2305 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. The Tribal Chair may authorize the payment of a stipend to members of the Commission in appreciation for their governmental service. Any such stipend shall be reasonably related to the demands of the Commission and subject to the availability of appropriations. Draft minutes shall be submitted to the Executive prior to stipend processing for the same meeting.

B. Travel day stipends. The Executive may approve daily travel stipends for attendance at an event, training, or other approved activity. Any such stipend shall be reasonably related to the travel demands of the event and subject to the availability of appropriations.

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.

(Source: WOS 2023-008, October 6, 2023, Section V)

15.2306 MEETINGS AND MINUTES

A. Meetings. The Commission shall meet no more than once per month unless otherwise directed by the Executive. Notice of meetings shall be posted at least five days in advance in the Tribal Governmental building and on the Tribal website. 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 shall 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 members.

3. The minutes of the meeting shall include, but not be limited to, the date and time the meeting occurred, the call to order, motions or proposed motions, seconds, and name of public commenters.

4. 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.

5. Once approved, the minutes will be the official record of the Commission meetings.

6. 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.

(Source: WOS 2023-008, October 6, 2023, Section VI)

15.2307 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.

(Source: WOS 2023-008, October 6, 2023, Section VII)

15.2308 EFFECTIVE DATE

This statute shall be effective upon the signature of the Executive, or 30 days from Tribal Council approval, or if the Executive vetoes the legislation, then upon the date on which Tribal Council overrides the veto.

(Source: WOS 2023-008, October 6, 2023, Section VIII)