

WAGANAKISING ODAWAK STATUTE # 2023- 008
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. This statute repeals and replaces Waganakising Odawak Statute 2015-001.

SECTION II. 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.

SECTION III. 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.

SECTION IV. ORGANIZATION AND DUTIES

A. The Commission shall advise and aid the Kikaajik Department in performing 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.

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. 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.

SECTION VI. 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.

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 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.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on September 28, 2023 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima	X			
Tamara Munson	X			
William Ortiz	X			
Aaron Otto	X			
Melissa Pamp	X			
Jordan Shananaquet	X			
Leroy Shomin	X			
Emily Proctor	X			
Marcella Reyes	X			

Date: 10/02/23 Marcella R. Reyes
 Marcella Reyes, Legislative Leader

Date: 10/02/23 Emily Proctor
 Emily Proctor, Tribal Council Secretary

Received by the Executive Office on 10/03/2023 by Lakota Worthley

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: 10-06-2023 Regina Gasco Bentley
 Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 10.06.2023 by Prinda P. Aker