



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 05-0824-411

Permanent Adoption of Emergency Amendments to Elder's Assistance Program Ordinance

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council adopted emergency amendments to the Elder's Assistance Program Ordinance which amended the application and participation dates for this benefit program offered to offset the high cost of living for the Tribe's elders; and

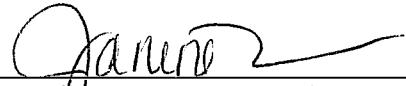
WHEREAS, the emergency action was posted for Public Comment in accordance with section 4.03 of the Administrative Procedures Act - Ordinances, between June 9, 2005 and July 21, 2005, during which no comments were received; and

WHEREAS, the Tribal Council held a final work session in accordance with section 4.04 of the Administrative Procedures Act - Ordinances during which the final draft ordinance was recommended for final adoption without further change; and

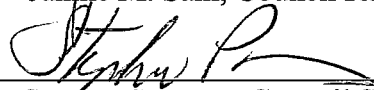
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby adopts, on a final basis, the amendments to the Elder's Assistance Program Ordinance, Ordinance # 05-700-03, as identified by the attached ordinance.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, 0 ABSENT, and 1 VACANT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 24, 2005, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Janine M. Sam, Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court

ELDER'S ASSISTANCE PROGRAM ORDINANCE

Ordinance # 05-700-03

Article I. Purpose; Findings

1.01. *Purpose.*

- a. This Tribal Elder's Assistance Program has been developed to promote the general welfare of the Elder population by assisting Tribal Elders in addressing their need for sufficient health care, housing, utilities, transportation, safety, dignity and quality of life.
- b. It is the intention of the Tribal Council to establish this Elder's Assistance Program to be consistent with the General Welfare Doctrine as recognized by the Internal Revenue Service and that the assistance payments made under this program be exempt from federal income taxes. (P.L.R. 8840031)(July 11, 1988); Bannon v C.I.R., 99 T.C. 59, 62 (1992).
- c. The Tribal Council believes that the most effective means of addressing the wide range of needs Tribal Elders have is to provide general assistance payments to Tribal Elders, which are not restricted to specific purposes, and which allow Tribal Elder to make their own decisions regarding the allocation or use of assistance payments.
- d. This Ordinance is intended to comply with the requirements of the Constitution, the Little River Band of Ottawa Indians Gaming Ordinance, Ordinance and the Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 et seq.

1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds that:

- a. the Constitution of the Little River Band of Ottawa Indians delegates to the Tribal Council the responsibility to "...exercise the inherent powers of the Little River Band by establishing laws through the enactment of ordinances and adoption of resolutions not inconsistent with this Constitution:
 1. to govern the conduct of members of the Little River Band and other persons within its jurisdiction;
 2. to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members[.]” *Article IV, Section 7(a)*.
- b. Tribal Elders as a class experience higher rates of poverty, isolation, chronic disease, mental health and other socio-economic problems than the general population, including the general population of Tribal members. These findings are substantiated by the 1992-1996 Long Term Care Study conducted by the Institute of Gerontology at Wayne State University, which specifically assessed the socio-economic conditions of the Tribal Elder population of the Little River Band of Ottawa Indians. (E. Chapleski et al.)
- c. Consistent with the traditions and values of the Anishnabek, Tribal Elders hold positions of honor and respect in our society and the institution of programs that promote the health and general welfare of Tribal Elders should be a priority of Tribal Government.
- d. Nearly half of all Tribal Elders within the Little River Band of Ottawa Indians are 70 years of age and older. It is widely recognized that with increasing age, the incidence of chronic disease, functional limitations and other social and economic need increases.
- e. The current, single-purpose assistance programs available through the Tribe cannot adequately meet the diverse needs of Tribal Elders.
- f. The Tribal government has a responsibility to address the critical, unmet needs of Tribal Elders without further delay and without imposing intrusive procedural and paperwork

requirements on Tribal Elders.

g. Tribal Elders can best be served by an assistance program that gives Tribal Elders the right to determine their own priorities and the right to allocate assistance payments to those priorities.

Article II. Adoption; Amendment; Repeal; Severability

2.01. *Adoption.* This Ordinance is adopted by Tribal Council resolution # 00-1111-05.

a. This ordinance was amended on an emergency basis to update format and program guidelines by resolution # 05-0608-239.

b. This ordinance was presented for final adoption after emergency action by resolution # _____.

2.02. *Amendment.* This Ordinance may be amended in accordance with the procedures set forth in the Administrative Procedures Act - Ordinance.

2.03. *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the Administrative Procedures Act - Ordinances.

2.04. *Severability.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Article III. Definitions

3.01. *General.* As used in this Ordinance, except where otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings.

3.02. *Elder Assistance Payment* means the payment(s) made to Qualified Tribal Elders who apply for assistance and meet the eligibility requirements established for the Elder's Assistance Program.

3.03. *Qualified Tribal Elder* means any duly enrolled Tribal member of the Little River Band of Ottawa Indians who is, or will be, 55 years of age or older as of December 31st of the year in which the Elder Assistance Payments are distributed.

Article IV. Assistance Payments to Tribal Elders

4.01. *Elder's Assistance Fund.* In order to promote the governmental purpose of providing for the health, welfare, and safety of Tribal Elders, the Tribal Council hereby establishes an Elder's Assistance Fund to make general welfare assistance payments to Tribal Elders.

4.02. *Schedule of Qualified Tribal Elders.* Before January 1st of each year, the Enrollment Office shall prepare and certify a schedule containing the name, address and age of each qualified Tribal Elder and present the schedule to the Membership Assistance Department. The schedule of Tribal Elders shall be updated annually.

4.03. *Eligibility.* Every qualified Tribal Elder whose name appears on the schedule of Tribal Elders shall be eligible to receive Elder's Assistance Payments authorized for the Fiscal Year, provided he/she submits an application for assistance on the form prepared for that purpose on or before November 1 of the program year.

4.04. *Schedule of Annual Payment.* Subject to the availability of general revenue funds, every Tribal Elder submitting a completed application for an Elder's Assistance Payment shall receive an assistance payment according to a schedule to be proposed by the Tribal Ogema and approved by

the Tribal Council.

4.05. *Appropriation for Elder's Assistance Fund to be Included in Tribal Budget.* The Tribal Ogema shall, in consultation with the Tribal Controller, determine the amount of general revenue funds, which amount may be allocated to the Elder Assistance's Program and the level of assistance payments proposed for Tribal Elder in each age classification. The Tribal Ogema shall request an appropriation of general revenue funds sufficient to fund the Elder's Assistance Program proposed as part of the Tribal Budget.

4.06. *Graduated Assistance Payments Based on Age 55 or 70 or Unmet Needs.* The schedule of payments for Tribal Elders shall include graduated assistance payments, which provide larger assistance payments for Tribal Elders in older age classes or for groups of elders with greater, demonstrated unmet needs. For Fiscal Year 2005, the following payments are authorized.

a. The sum of \$2,000.00 shall be paid to each qualified Tribal Elder who is living and will have attained the age of 55 years of age, but will be less than 70 years of age as of the eligibility date.

b. The sum of \$3,000.00 shall be paid to each qualified Tribal Elder who is living and will have attained the age of 70 years of age or older as of the eligibility date.

4.07. *Program Access Date.* The Elder's Assistance Program shall be accessible from February 1st to November 1st of each fiscal year in which program funds are budgeted.

4.08. *Deadline.* Elder's Assistance Payments must have applications submitted no later than November 1st of the eligibility year.

4.09. *Program Application.* The Members Assistance Program shall develop an application for the Elder's Assistance Program which requests information regarding the need and/or use of the funds.

Article V. Review of Elder's Assistance Program

5.01. *Review of Responses.* The Membership Assistance Department shall create a report identifying the uses of Elder's Assistance Payments to be presented to the Tribal Council and Tribal Ogema.