



**Little River Band of Ottawa Indians
Tribal Council
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288**

Resolution #16-0817-238

*Permanent Adoption of Amendments to the Bereavement Benefit Program Ordinance,
Ordinance #02-700-03*

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 legislative powers of the Tribe are vested in the Tribal Council according to Article IV, Section 1 of the Constitution; and

WHEREAS, the Tribal Council is authorized by Article IV, Section 7(a)(1) and (2) to exercise the inherent powers of the Tribe by establishing laws through the enactment of ordinances and adoption of resolutions to govern the conduct of Tribal Members and others within the Tribe's jurisdiction and to promote, protect and provide for the public health, peace, morals, education and general welfare of the Tribe and its members; and

WHEREAS, the executive powers of the Tribe are vested in the Tribal Ogema according to Article V, Section 1 of the Constitution; and

WHEREAS, the Ogema is authorized by Article V, Section 5(a)(1) to enforce and execute the ordinances, resolutions and motions adopted by the Tribal Council consistent with the Constitution; and

WHEREAS, the Tribal Council is authorized by the Administrative Procedures Ordinance, Ordinance #04-100-07, in the interests of protecting the health, safety, or welfare of the Tribe, its members or the community, to take emergency action to avoid the imminent injury to person, property, business, or finance; and

WHEREAS, the Tribal Council was informed by the Unified Legal Department and the Member's Assistance Attorney that a tribal member's federal benefits had been canceled due to a misinterpretation that the bereavement benefit could be paid prior to death.

WHEREAS, the Tribal Council passed emergency amendments to the Bereavement Benefit Program Ordinance on February 10, 2016, as follows, adding the underlined language with no deletions to the current Ordinance:

Section 4. Amount of Benefit

4.01. *Amount.* The bereavement benefit is established at \$7500 to be paid only after the death of the member.

Section 5. Eligibility

5.01. General. All Tribal members are eligible for the bereavement benefit to be paid to a beneficiary upon the death of the tribal member and notification to the Enrollment Department.

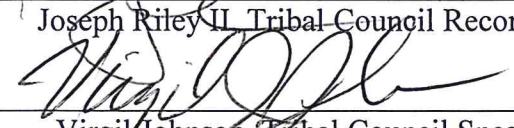
WHEREAS, the Tribal Council held a work session on August 8, 2016 to review any comments or issues submitted during the emergency period prior to adopting the amendment permanently.

NOW THEREFORE IT IS RESOLVED, that the Tribal Council permanently adopts the amendments to the Bereavement Benefit Program Ordinance, Ordinance #02-700-03.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 17, 2016, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Joseph Riley II, Tribal Council Recorder


Virgil Johnson, Tribal Council Speaker

Attest:

Distribution: Council Records Tribal Ogema Legal Departments

BEREAVEMENT BENEFIT PROGRAM ORDINANCE
Ordinance # 02-700-03

Section 1. Creation of Little River Band of Ottawa Indians Bereavement Benefit

- 1.01. *Creation.* A tribally sponsored bereavement benefit for members of the Little River Band of Ottawa Indians is hereby established.
- 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 ... 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)(2).*
 - b. the development and provision of adequate services for Tribal members and their families is a critical priority.
 - c. the guidelines developed and implemented in July of 2000 are in need of revision to better meet the needs of Tribal members.

Section 2. Adoption; Amendment; Repeal; Severability

- 2.01. *Adoption.* This Ordinance is adopted by resolution # 02-0320-04.
- a. Emergency amendments enacted by Resolution #16-0210-042 clarified that the benefit program was payable only on the death of a member to that member's beneficiary.
 - b. Resolution #16-0817-238 permanently adopted the emergency amendments.
- 2.02. *Amendment.* This Ordinance may be amended by the Tribal Council in accordance with the Constitution and any rules set forth governing amendment of laws of the Little River Band of Ottawa Indians.
- 2.03. *Severability Clause.* 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.
- 2.04. *Effective Date.* This benefit was established by Resolution # 00-0724-01 and interim (retro-active) policies to January 1, 2000 by Resolution # 00-0724-02 and (retro-active) policies to January 1, 2001 by Resolution # 02-0320-04. This ordinance shall remain in effect until repealed.

Section 3. Definitions

- 3.01. For purposes of this Ordinance, certain terms are defined in this Section. The word "shall" is always mandatory and not merely advisory.
- 3.02. *Tribal Member* means
- a. a person who is enrolled as a member of the Little River Band of Ottawa Indians; or

- b. a person who has filed an application for enrollment prior to his or her death which had not yet been finalized and upon finalization he or she would have been an eligible member; or
 - c. the deceased child, who was eligible for enrollment.
- 3.03. *Death Certificate* means a document or certification of a Tribal member's death, which includes miscarriage of an unborn child, signed by a medical doctor or other such certification that may be made by a funeral home.
- 3.04. *Child* means an infant or other minor, and includes an unborn infant.

Section 4. Amount of Benefit

- 4.01. *Amount.* The bereavement benefit is established at \$7500 to be paid only after the death of the member.
- 4.02. *Changing the Amount of Bereavement Benefit.* The Tribe reserves the right to amend the bereavement benefit amount by resolution stating such change without prior notice to the membership. Such amendment to the bereavement benefit amount shall not be retro-active and shall not apply to any existing applications for disbursement of the benefit.

Section 5. Eligibility

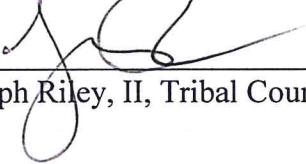
- 5.01. *General.* All Tribal members are eligible for the bereavement benefit to be paid to a beneficiary upon the death of the tribal member and notification to the Enrollment Department.
- 5.02. *Un-enrolled Child.* The parent or legal guardian of an un-enrolled child may apply for the bereavement benefit on the child's behalf by presenting an application for enrollment to the Enrollment Office within six months of the child's death. By filing an application, the parent or legal guardian preserves the right to participate in the Bereavement Benefit Program upon a final determination of the Enrollment Commission or any appeals of the enrollment decision.

Section 6. Designation of Beneficiary

- 6.01. *Filing of Designation Form.* It is the obligation of Tribal members to file a beneficiary form with the Enrollment Office.
- 6.02. *No Form on File.* In the event that a Tribal member has not filed a beneficiary form, distribution of funds shall be determined by the Tribal Court.

CERTIFICATION

I, Joseph Riley, II, Tribal Council Recorder, hereby certify that this is a true and correct copy of the Bereavement Benefit Program Ordinance, Ordinance #02-700-03, adopted by Tribal Council Resolution #02-0320-04, and amended by Tribal Council Resolution # 16-0817-238.



Joseph Riley, II, Tribal Council Recorder

[Seal]

Bereavement Benefit Program Ordinance
Ordinance #02-700-03
Adopted by Resolution #02-0320-04
Amended by Resolution # 16-0817-238