

# POKAGON BAND OF POTAWATOMI INDIANS

## ELDERS COUNCIL CODE

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**Section 1. Re-establishment of Elders Council.** The Tribal Council of the Pokagon Band of Potawatomi Indians, pursuant to Article XI, subsection (f) of the Constitution, re-establishes the Pokagon Band Elders Council.

**Section 2. Governmental Instrumentality.**

The Pokagon Band Elders Council is an instrumentality of the Pokagon Band government and shall be clothed with all the rights, privileges and immunities of the Band, including but not limited to the sovereign immunity of the Band from suit absent express consent from the Tribal Council. The Elders Council Members shall be deemed officers of the Pokagon Band government and shall be immune from suit when acting in their official capacity.

**Section 3. Purpose of the Elders Council.**

The Elders Council shall be organized for the purpose of:

- A. Providing guidance for the membership, Tribal Council, Judiciary, Executive, and Legislative branches of the Pokagon Band government on matters relative to history, traditions, and culture.
- B. Recommending to the Tribal Council goals and objectives for the Band in developing Elder-related services.
- C. Evaluating Elder program performance.
- D. Administering certain Elder programs, with the prior approval of the Tribal Council.
- E. Providing opportunities for Elders to interact for the purpose of satisfying unmet cultural and social needs.

**Section 4. Definitions.**

- A. Band or Pokagon Band: The Pokagon Band of Potawatomi Indians.
- B. By-Laws: The By-Laws of the Pokagon Band Elders Council.
- C. Code: This Elders Council Code.
- D. Constitution: The Constitution of the Pokagon Band of Potawatomi Indians.
- E. Conflict of Interest: The term “conflict of interest” shall be defined as provided in the Pokagon Band Ethics Code.
- F. Election Clerk: The Pokagon Band employee tasked with assisting the Band’s Election Board with clerical, ministerial, and other duties and responsibilities.
- G. Elder: Any duly enrolled member of the Band fifty-five (55) years of age or older.
- H. Elders Specialist: An employee of the Pokagon Band hired to fulfill the duties and responsibilities set forth in the Elders Specialist position description.
- I. Elders Council: The representative body of the Elders comprised of Elders elected by the Elders.
- J. Elders Council Member: Any Elder duly elected and installed occupying one of the seats on the Elders Council.

- K. Elders Council Representative: The seat on the Pokagon Band Tribal Council established under Article X, subsections 1(a) and 3 of the Constitution.
- L. Election Board: The board established pursuant to Article VI, subsection (d), and Article XIII, subsection 2 (a) of the Constitution, with authority to oversee and conduct Pokagon Band elections.
- M. Election Day: The day, as provided in the Band’s Election Code, that the polls open for voting on candidates for Pokagon Band elective office.
- N. Immediate Family: The term “Immediate Family” shall be defined as provided in the Pokagon Band Ethics Code.
- O. Member At-Large: One of the five seats on the Elders Council.
- P. Nomination Form: The written, one-page statement from one seeking to become a Nominee. The Nomination Form must include the person’s name, address, telephone number, enrollment number, signature, and an expression stating that he or she wishes to be considered as a Nominee for the Elders Council Representative Seat.
- Q. Nominee: A prospective candidate proposed by the Elders Council for election to the position of Elders Council Representative to the Tribal Council.

**Section 5. Duties of the Elders Council.**

- A. The Elders Council shall have the power and duty to carry out the aims and purposes of this Code, subject to the limitations stated herein and as otherwise provided in Pokagon Band law.
- B. The Elders Council shall create and maintain full records and accounts of its proceedings and transactions, in fulfillment of the requirements of this Code and other Pokagon Band law.
- C. As it may deem appropriate, the Elders Council may appoint, by duly adopted resolution, one or more committees to aid and assist it in the management of its affairs for the duration established in the resolution, provided that such committees may not have or exercise the authority of the Elders Council.
- D. The Elders Council may, without further approval or ratification from Tribal Council, appoint or otherwise select delegates, committee members, or other such representatives to national, state or local organizations promoting Elders affairs. The Elders Council may, at its discretion, require the selection of its

representatives for any such organization to be accomplished by an election of the Elders.

- E. The Elders Council may develop, adopt, and amend reasonable policies and procedures consistent with this Code in order to further the purpose of this Code or the Elders Council. All such policies and procedures must be in writing and, the Elders Council must post such policies and procedures at least thirty days prior to adoption or amendment.

## **Section 6. Elders.**

Every Pokagon Band member, upon attaining fifty-five (55) years of age, shall be an Elder and shall enjoy all rights and benefits provided to Elders by this Code and Pokagon Band law, including without limitation the right to vote for candidates for the Elders Council.

## **Section 7. Composition of the Elders Council.**

- A. There shall be five (5) seats on the Elders Council. These seats on the Elders Council shall be a Chairperson, Vice-Chairperson, Secretary, Treasurer, and a Member At-Large. An Elders Council Member shall not serve concurrently as an Elders Council Member and another Pokagon Band elective office. An Elders Council Member who becomes certified by the Election Board as a candidate for another Pokagon Band elective office not presently held by such member shall be deemed to have resigned from his or her office, effective as of the first regular meeting of the Elders Council next following the general or special election involved, the first regular meeting of the Tribal Council following the general or special election involved, or forty-five (45) days following the general or special election involved, whichever comes first. The Elders Council Representative shall not serve concurrently as an Elders Council Member.
- B. No Elders Council Member may hold more than one Elders Council seat at one time.
- C. The Elders Specialist shall act as a non-voting advisor to the Elders Council; *provided* that if the Elders Specialist is himself or herself also an Elder, he or she is not prohibited from exercising any voting right of the Elders. Upon termination or resignation of the Elders Specialist from his or her employment in that position, he or she shall automatically and immediately vacate his or her advisory seat to the Elders Council.
- D. The Elders Council Representative shall not be an Elders Council Member, but shall act as a non-voting advisor to the Elders Council; *provided* that if the Elders Council Representative is also an Elder, he or she is not prohibited from exercising any voting right of the Elders.

**Section 8. Terms of Office.**

- A. Elders Council Members shall each serve a two (2) year term of office. The terms shall be staggered as provided in Section 18 (Elections). All provisions for filling vacancies on the Elders Council shall maintain these staggered terms.
- B. Each Elders Council Member shall hold office until his or her successor has been duly elected or appointed and sworn in by the Election Board Chairperson or Vice-Chairperson. No Elders Council Member may exercise the authority of his or her office until he or she is duly installed in office.
- C. Those Elders Council Members elected by the Elders before this Code was enacted shall remain in office for the remainder of their currently existing term, until elections are called for under Section 18 (Elections) of this Code.
- D. There is no limit to the number of terms an individual may serve as a member of the Elders Council.

**Section 9. Qualifications for Elders Council.**

- A. In order to be a candidate for the Elders Council, an Elders must:
  - 1. Not currently be incarcerated for any criminal conviction;
  - 2. Not have been convicted within the last ten (10) years of a crime subject to imprisonment for a term of one (1) year or longer, excepting those crimes determined by the Election Board to related to the furtherance of the Band's tribal sovereignty rights;
  - 3. Not be an employee of the Band; and
  - 4. Not hold a Pokagon Band elective office other than the one for which a seat is being sought or sit as a judge on the Pokagon Band Tribal Judiciary, or be a member of the Election Board, the Ethics Board, or any Personnel Committee the Tribal Council may establish.
- B. In addition to the qualifications for Elders Council set forth in subsection 9(A) above, no Elders Council Member may be an employee of the Band and serve as an Elders Council Member.

**Section 10. Duties of Elders Council Members.**

- A. Meeting Attendance and Participation. All Elders Council Members shall be responsible for being fully informed regarding issues before the Elders Council. Each Elders Council Member shall attend all Elders Council meetings or have an excused absence, as defined in subsection 15.A(b). Any Elders Council Member who is unable to attend an Elders Council meeting shall notify the Elders Council

Chairperson or the presiding officer, or the Elders Specialist as far in advance as possible.

B. **Voting.** Each Elders Council Member, including the Chairperson or other presiding officer, shall vote on each matter up for vote while in attendance at an Elders Council meeting; provided, however, that each Elders Council Member shall abstain from voting when a conflict of interest arises and may abstain from voting if he or she was absent from a previous relevant Elders Council meeting.

C. **Chairperson.** The Chairperson of the Elders Council shall:

1. Represent the Elders Council.
2. Preside at all meetings of the Elders Council.
3. Submit at each meeting such recommendations and information as he or she may consider proper concerning the affairs and policies of the Elders Council or as called for by the Elders Council.
4. Vote on all matters brought before the Elders Council, unless otherwise required or permitted to abstain by this Code or other Pokagon Band law.
5. Perform other duties as directed by the Elders Council.

D. **Vice Chairperson.** The Vice-Chairperson shall:

1. Represent the Elders Council.
2. Have such powers and perform such duties as may be assigned to him or her from time to time by the Chairperson or by the Elders Council.
3. Perform the duties of the Chairperson in the Chairperson's absence.
  - (a) When so acting, the duly authorized Vice Chairperson shall have all the powers of, and be subject to the restrictions upon, the Chairperson.
  - (b) The Vice-Chairperson shall perform the Chairperson's duties until such time as the Chairperson is no longer absent.

E. **Secretary.** The Secretary of the Elders Council shall:

1. Represent the Elders Council.

2. Cause to be created and maintained minutes of all meetings of the Elders Council.
3. Cause to be created and record all decisions, acts and votes of the Elders Council.
4. Cause to be given notice of all meetings of the Elders Council.
5. Be custodian of and properly keep all the minutes and records of the Elders Council, including the current list of Elders.
6. Perform other duties as directed by the Elders Council or the Chairperson.

F. **Treasurer.** The Treasurer of the Elders Council shall:

1. Represent the Elders Council.
2. Cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the Elders Council.
3. Pay out and disburse the funds of the Elders Council as may be ordered by the Elders Council, in accordance with applicable Pokagon Band law, policies and procedures.
4. Render to the Elders Council, at each regular meeting or as otherwise directed by the Elders Council, a financial statement with an account of all transactions and the financial condition of the Elders Council.
5. Develop and present to the Elders Council an annual Elders Council budget to be submitted for Tribal Council approval.
6. Preside at all duly called meetings in the absence of the Chairperson and the Vice-Chairperson.
7. Perform other duties directed by the Elders Council or the Chairperson.

G. **Member At-Large.** The Member At-Large shall:

1. Represent the Elders Council.
2. Perform such other duties as may be specified by this Code, or as required by the Elders Council or the Chairperson.

**Section 11. Elders Council Representative to the Tribal Council.**

- A. Pursuant to Article X, Section 1 of the Constitution, one of the seven Tribal Councilperson seats may be held by an Elders Council Representative. The Elders Council shall state its intent to reserve a Councilperson seat for the Elders Council Representative when there is no Elders Council Representative currently seated on the Tribal Council or when the term of a sitting Elders Council Representative is due to expire. The time and process for the Elders Council to state its intent to reserve a seat for the Elders Council Representative shall be as provided in Section 13 of this Code and other applicable Pokagon Band law.
- B. Pursuant to Article X, Subsection 5(h) of the Constitution, the Elders Council Representative seated on the Tribal Council shall have all of the rights and responsibilities of a Tribal Councilperson.
- C. If the Elders Council desires to reserve a seat on the Tribal Council for the Elders Council Representative, it shall provide written notice of its decision to the Election Board not later than one-hundred forty-five (145) calendar days before Election Day for the Elders Council Representative. The written notice shall also inform the Election Board of the date that the Elders Council will meet to vote on the Nominee(s) for the Elders Council Representative Seat.
- D. Following receipt of such written notice, the Election Board shall cause to be posted at Elders Hall and mailed, no later than one-hundred twenty-five (125) calendar days before Election Day for the Elders Council Representative, a notice to the Elders that:
  - 1. Informs the Elders that the term for the current Elders Council Representative is ending and the Elders Council is seeking nominations for the candidacy of the Elders Council Representative seat;
  - 2. Encloses a Nomination Form;
  - 3. Provides instructions for completing and returning the Nomination Form to the Election Board; and
  - 4. Provides the deadline for returning the Nomination Form and the date the Elders Council will meet to vote on the Nominee(s).

**Section 12. Eligibility for Nomination as a Candidate for Elders Council Representative.**

In order to be eligible for consideration as a Nominee by the Elders Council, an Elder must:

- A. Present a completed Nomination Form to the Election Board by mail, fax, private courier, or hand delivery, no earlier than one-hundred twenty-five (125) calendar days and no later than ninety-five (95) calendar days before Election Day for the Elders Council Representative. An Elder may only nominate himself or herself on the Nomination Form. Those interested in being a Nominee are personally responsible for verifying that their Nomination Form was received by the Election

Board before the deadline. Any Nomination Form received after the deadline shall be invalid and ineligible for consideration.

- B. All Nominees must be an Elder at the time the Nomination Form is filed with the Election Board. If a Nominee is a current sitting Elders Council Member, he or she shall be deemed to have resigned from his or her position on the Elders Council effective as of the first regular meeting of the Elders Council next following the general or special election involved, the first regular meeting of the Tribal Council, or forty-five (45) days following the general or special election involved, whichever comes first.
- C. The Election Board shall review the submissions for compliance with this Section 12 and eligibility for service on the Tribal Council as outlined in Article X, Section 2 of the Constitution . The Election Board shall cause to be prepared and provided to the Elders Council, a listing in alphabetical order of the names of potential Nominees whose submission is in compliance with this Section. Such list shall be provided to the Elders Council not later than eighty-six (86) days before Election Day.
- D. The Election Board shall maintain a file of all Nomination Forms received from potential Nominees with the date of receipt noted thereon, for a minimum of one year after Election Day for the Elders Council Representative.

**Section 13. Elders Council Procedures for Reviewing Nominations for the Elders Council Representative.** The Elders Council shall review the list of potential Nominees received from the Election Board and present the names of Nominees to the Election Clerk in accordance with the following procedures:

- A. The Elders Council shall, at a duly called meeting occurring no more than eighty-six (86) days and no less than eighty (80) days before Election Day for the Elders Council Representative, review the list of potential Nominees compiled by the Election Board.
- B. Each Elders Council Member shall review the list and select no more than two names from the list as his or her choices for the Nominees as the Elders Council Representative. An Elders Council Member shall abstain from voting for any member of his or her Immediate Family as a Nominee.
- C. After each Elders Council Member has reviewed the list and made his or her selections, the Elders Council Secretary shall conduct a roll call vote whereby each Elders Council Member indicates by vote, his or her selections. If any person receives a majority vote of those voting, that person shall become a Nominee. If no person receives a majority vote of those voting, the Elders Council shall repeat the voting process in this Section until two persons receive a majority vote of those voting.

- D. Subsection (C) notwithstanding, if after three rounds of voting no more than one person has received a majority vote to be a Nominee, the voting shall cease and that one person shall be the sole Nominee. At least one Nominee is required and voting shall continue until at least one person qualifies as a Nominee.
- E. The Nominees are not required to attend the Elders Council meeting provided for in this Section.
- F. The Elders Council Chairperson or his or her designee shall submit the name(s) of the Nominee(s) for the Elders Council Representative seat to the Election Clerk no later than seventy-seven (77) calendar days before Election Day for the Elders Council Representative. The name(s) of the Nominee(s) shall be listed in alphabetical order without any indication of rank or preference and without any indication of the vote of the Elders Council.
- G. The Elders Council Chairperson or his or her designee shall promptly notify each person who submitted a Nomination Form, in writing, whether or not they were selected by the Elders Council as a Nominee.
- H. **Procedures for filling a vacant Elders Council Representative Seat.** In the event that the Elders Council Representative seat becomes vacant, it shall be filled by a Nominee of the Elders Council, as required by Article X, subsection 3(e) of the Constitution. The process of selecting Nominees shall occur as provided in Sections 11, 12, and 13 of this Code. However, if the vacancy is required to be filled by appointment of Tribal Council, the Elders Council shall present the name(s) of Nominee(s) to the Tribal Council in order to allow the Tribal Council to appoint a Nominee within forty-five (45) calendar days of the vacancy. If the vacancy is to be filled by a special election, the timeline for selecting a Nominee to fill the vacancy shall occur in accordance with the timelines established by the Election Board.

**Section 14. Prohibited Activities.**

Elders Council Members shall not:

- A. Influence application of established operating policies and procedures in order to cause benefit to any person, program, or agency who would otherwise not be benefited; or
- B. Participate in any action that would constitute a conflict-of-interest under applicable Pokagon Band law and policies.

**Section 15. Removal, Resignation, Recall, and Vacancies.**

**A. Removal.**

1. Elders Council Members. Upon a public hearing before the Elders Council, the Elders Council, on a majority vote, may, subject to the requirements of this Section, remove an Elders Council Member for cause, which includes, but is not limited to:
  - (a) Engaging in a prohibited activity as defined under Section 14 (Prohibited Acts) or failure to meet the requirements of this Code or the Elders Council by-laws;
  - (b) The unexcused failure to attend three (3) consecutive meetings. To be “excused” an Elders Council Member must notify the Chairperson or presiding officer, or the Elders Specialist in advance of the meeting, unless the Chairperson or presiding officer deems the situation an emergency. The Chairperson or presiding officer conducting the meeting shall authorize the absence as “excused”; or
  - (c) Commission of an act or omission of an act which is contrary to the substantive requirements or primary goals and objectives of this Code;
  - (d) Persistent failure to perform the duties of office; or
  - (e) Physical or mental disability which prevents the performance of duties.

The removal of an Elders Council Member shall not be valid until such member has been provided an opportunity for a hearing before the Elders Council. The Elders Council Member must receive written notice of the specific charges against him or her at least ten (10) days prior to the hearing. At any such hearing, the member shall have the opportunity to be heard in person, present fact witnesses and other evidence to challenge the information and testimony given against him or her. Such member shall not be entitled to the assistance of legal counsel at the hearing. All Elders Council removal decisions shall be in writing, setting forth the facts and conclusions that serve as the basis for the order. The Elders Council removal order may be appealed to the Pokagon Band Tribal Court; provided the aggrieved Elders Council Member files a petition in the Tribal Court within ten (10) calendar days of the issuance of the Elders Council’s removal order. The Tribal Court shall reverse a removal decision only if it is not supported by substantial evidence in the hearing record.

2. Elders Council Representative. Removal of the Elders Council Representative is governed by Article XV, Section 2 of the Constitution.

**B. Resignation.**

Any Elders Council Member may resign at any time by giving a written notice to the Chairperson or to the Secretary of the Elders Council, which shall take effect at the time specified therein. If no time is specified, the resignation shall take effect immediately. Unless otherwise specified in the resignation, acceptance of such resignation shall not be necessary to make it effective.

**C. Recall.**

1. Elders Council Members. Elders Council Members, after holding office for one (1) year, may be recalled pursuant to the initiative process provided in Article XIV of the Constitution; provided, however, that only the Elders may:
  - (a) Sign an initiative recalling an Elders Council Member; and
  - (b) Cast a ballot on any initiative to recall an Elders Council Member.

Any calculation concerning the required number of signatures or the required number of ballots cast for the recall of an Elders Council Member, shall be calculated based on those eligible to vote in the recall election as provided in this subsection. An Elders Council Member shall be subject to only one (1) recall election per calendar year.

2. Elders Council Representative. The Elders Council Representative may be recalled pursuant to Article XV of the Constitution.

**D. Vacancies.**

1. The office of any Elders Council Member who is removed, resigns, is recalled, no longer meets the qualifications for office, or dies, shall automatically be deemed to be vacant.
2. A vacancy on the Elders Council may be filled by appointment or by election, in accordance with the provisions below.
  - (a) Appointment. A vacancy on the Elders Council occurring between regularly scheduled elections for the Elders Council may be filled by appointment of the Elders Council. Any such appointment shall be in an acting capacity only and only until the next regular or special election of the Elders Council.
  - (b) Election. The Elders Council may fill a vacancy on the Elders Council by special election conducted by the Election Board; provided that any vacancy may be left unfilled until the regular election process described in Section 18 (Elections) of this Code.

3. An Elder elected to fill a vacancy on the Elders Council shall serve for the balance of the remaining term and shall subsequently be eligible for re-election in accordance with the requirements of this Code.

## **Section 16. Meetings.**

The Elders Council shall act only at a duly called Elders Council meeting with a quorum present.

- A. Open Meetings.** All meetings shall be open to all Pokagon Band members, except when a meeting in closed session is authorized by this Code and other applicable Pokagon Band law.
- B. Annual Meetings.** The Elders Council shall determine the time and place of the Annual Meeting of the Elders Council. Such Annual Meeting shall not coincide with any Regular Meeting of the Elders Council.
- C. Regular Meetings.** Regular Meetings of the Elders Council shall be held at least quarterly. The Elders Council shall provide by resolution the time and place for holding Regular Meetings to consider any and all business as may properly come before the Elders Council.
- D. Special Meetings.**
  1. The Chairperson may call Special Meetings of the Elders Council. Notice of such Special Meetings shall be provided in accordance with this Code and applicable Pokagon Band law.
  2. The Chairperson, or in his or her absence any other Elders Council Member, shall call a Special Meeting at the written request of any two (2) Elders Council Members. Such request shall state the purpose(s) of the proposed meeting.
- E. Notice of Special Meetings.**
  1. At least five (5) business days notice of the place, day and hour, and purpose of any Special Meeting shall be given by written notice served upon each Elders Council Member.
  2. Service of notice may be made personally, by telecopy, by private courier, or by mailing such notice, postage prepaid, addressed to the Elders Council Member at his or her last known mailing address of record. Notice by courier or by U.S. mail shall be deemed to be given at the time when the same is delivered into the possession of the courier service or the

United States Post Office, with postage fully paid, addressed to the Elders Council Member.

3. Action taken at a Special Meeting shall be restricted to the purpose(s) stated in the notice of the meeting unless all Elders Council Members are present at the meeting and a majority agrees to place on the agenda a matter not identified in the notice. However, adding items to the agenda of a Special Meeting on the day of the meeting undermines the purpose and intent of public notice and is therefore disfavored.

**F. Posting.** Notice of any Annual, Regular, or Special meeting of the Elders Council shall also be posted at Elders Hall a minimum of five (5) business days prior to such meeting. A copy of the notice may also be posted on the official website of the Pokagon Band.

**G. Closed Meetings/Confidential Matters.**

The Elders Council may meet in closed session, subject to applicable Pokagon Band law.

**H. Quorum.**

1. At all meetings of the Elders Council, three (3) Elders Council Members, shall constitute a quorum for the transaction of business.
2. If a quorum is not present at a meeting of the Elders Council, the presiding officer shall adjourn the meeting. Any business that may have been transacted at the adjourned meeting may be transacted at the next scheduled meeting.

**I. Decisions.** A majority vote of the Elders Council shall decide any matter properly presented in a duly called meeting, unless the matter is one for which a different vote is required by this Code or other applicable Pokagon Band law.

**J. Those Entitled to Vote and Conflict of Interest.** All Elders Council Members present at a meeting shall be entitled to a vote on all matters; provided, however, that any Elders Council Member shall abstain from voting in conflict-of-interest cases as defined by the Band's Code of Ethics. At the beginning of deliberation on a matter, an Elders Council Member who is required to abstain or chooses to abstain from voting on the matter shall announce at the beginning of deliberations on the matter that he or she will abstain and why he or she is required or chooses to abstain. An Elders Council Member who is required to or who chooses to abstain from voting on a matter shall not participate in any deliberations on the matter but may remain in attendance at the meeting.

- K. Method of Voting.** The voting at all meetings shall be by voice; provided, however, any Elders Council Member may demand a roll call vote, and in such case, the vote of each Elders Council Member shall be recorded by the Secretary.
- L. Procedure for Committee Meetings.** Regular or Special Meetings of any committee may be held in like manner as provided in this Code or in the Elders Council by-laws for regular or special meetings of the Elders Council. A majority, however, of any committee constitutes a quorum at its meeting(s).

### **Section 17. Records.**

The Elders Council, as a governmental body of the Pokagon Band shall keep records of all their official actions and shall conduct its meetings open to members of the Band, unless otherwise provided in this Code or by applicable Pokagon Band law.

- A. Any record of an open meeting or official action taken by the Elders Council shall be maintained as the exclusive property of the Pokagon Band and kept on file at a single location in the government offices of the Band. The Elders Council Secretary shall be responsible for the maintenance and protection of Elders Council records.
- B. Any Pokagon Band member shall have a right to review any record of the Elders Council, except when this Code or applicable Pokagon Band law limits access to a record or the information contained therein.

### **Section 18. Elections.**

- A. The date of the annual election for Elders Council Members shall occur as provided in the Election Code.
- B. The Chairperson, Secretary, and Member At-Large shall be elected in even numbered years.
- C. The Vice-Chairperson and Treasurer shall be elected in odd numbered years.
- D. The Elders Council Representative shall be elected in accordance with the relevant provisions of the Constitution, the Election Code, and this Code.
- E. All elections shall be called and conducted by the Pokagon Band Election Board pursuant to the Pokagon Band Election Code.

### **Section 19. By-Laws, Guidelines, and Administrative Policies.**

- A. The Elders Council may establish by-laws to govern its meetings. The by-laws shall not contain provisions that violate Pokagon Band law. The by-laws shall take effect upon a majority vote of the Elders Council.
- B. The Elders Council has the authority to issue any guidelines it deems necessary for carrying out the policies and procedures set forth in this Code.
- C. To the extent it does not conflict with this Code and any applicable Elders Council By-laws, the Elders Council shall comply with the administrative policies and procedures established by the Tribal Council for committees and programs.

**Section 20. Parliamentary Procedure.**

Questions regarding the procedure for conducting business at an Elders Council meeting that are not addressed in this Code may be resolved by consulting the most current available edition of Robert’s Rules of Order to the extent that the resolution of such matter is not determined by this Code, other applicable Pokagon Band law, policies or regulations. The interpretation of the Elders Council By-Laws and, if necessary, Robert’s Rules of Order shall be the responsibility of the Elders Council and its decision shall be conclusive.

**Section 21. Repeal of Conflicting Laws; Severability.**

- A. All other laws, regulations, and policies that may be inconsistent with or in conflict with this Code are hereby repealed.
- B. If any Section, subsection, paragraph, sentence, phrase, or other portion of this Code is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion of this Code shall be deemed to be separate, distinct, and independent from the remaining portion of this Code, which shall not be affected by the judicial decision and shall remain in effect.

**Section 22. Amendments.**

This Code may not be amended or repealed without the concurrence of the Elders Council, as provided in Article XI, subsection 2(c) of the Constitution. The Elders Council may propose amendments to this Code to Tribal Council for adoption and if Tribal Council does not adopt the amendments within ninety (90) calendar days from the date of submission to Tribal Council, the Elders Council may submit the proposed amendment(s) to the Election Board for a referendum vote in accordance with Article XIV, Section 3 of the Constitution.

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LEGISLATIVE HISTORY

THE ELDERS COUNCIL CODE WAS ENACTED ON AUGUST 16, 2010, BY ADOPTION OF TRIBAL COUNCIL RESOLUTION NO.10-08-16-03; AMENDED ON APRIL 28, 2014, BY ADOPTION OF TRIBAL COUNCIL RESOLUTION NO. 14-04-28-02; AND ON NOVEMBER 24, 2014, BY ADOPTION OF

RESOLUTION NO. 14-11-24-03, AMENDMENTS WERE ENACTED TO SUBSECTION 3(E) AND A NEW SUBSECTION 5(E) WAS ADDED.