

## TITLE 5 – REGULATORY PROVISIONS

### CHAPTER 5-10 ELDERS' PENSION

#### 5-10-1 Purpose

The purpose of this Code is to establish a Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Elders' Pension.

#### 5-10-2 Findings

The Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (Tribes) find that in order to provide for the general health and welfare of the Tribes, it is important to recognize and honor the contributions of their Tribal Elders. Tribal Elders have worked hard and contributed to the existing success of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

#### 5-10-3 Authority

Article 1, Section 1 and Article VI, Section 2 of the Tribes' Constitution authorizes the Tribal Council to exercise legislative authority.

#### 5-10-4 Establishment

CLUSITC Section 5-2-6 authorizes the Tribal Council to expend net gaming revenue, in part, by providing for the general welfare of the Tribes and their members. Accordingly, the Tribes hereby establish the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Elders' Pension.

#### 5-10-5 Definitions

(a) "Pensioner" - an Elder of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians who is sixty-five (65) years of age or older.

(b) "Banking Day" - the days in which a bank is open.

(c) "Commencement Date" – shall be January 1, 2007, for any member of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, who is sixty-five years of age or older. The Commencement Date for all other Elders shall be the first day of the month following his or her sixty-fifth (65<sup>th</sup>) birthday.

(d) "Pension" - a monthly amount paid to Pensioner as more specifically defined in Section 5-10-7.

5-10-6 Amount of Pension

The sum of Two Hundred and Fifty Dollars (\$250) shall be paid on the first of each month, or the first Banking Day thereafter, to each Pensioner, and shall be considered to be paid in advance, for the month in which it is made.

5-10-7 Death of Pensioner

Pension eligibility shall cease upon the death of the Pensioner. A Pension payment made to an Pensioner living on the first (1<sup>st</sup>) day of the month in which the payment was made shall be considered to have been earned and need not be repaid upon the death of an Pensioner during that calendar month.

Should an elder die after the first (1<sup>st</sup>) day of the month, but prior to receipt of that month's pension payment, the final payment shall be made to the beneficiary designated in writing by the Pensioner. If no beneficiary has been designated, the final payment shall be made to the Pensioner's estate.

5-10-8 Tax Withholding

Recipients of funds under this code shall be responsible for payment of all applicable State and Federal taxes. The Tribes shall not withhold applicable Federal or State taxes. The Tribes shall issue a Federal 1099 Form to each Pensioner at the end of each tax year reflecting the sums distributed to each Pensioner.

5-10-9 Budget Appropriations

Tribal Council shall annually budget and appropriate sufficient and available funds from net gaming revenue to fund the Pension.

5-10-10 Severability

If any section or sections of this Code shall be declared invalid, the remaining sections shall continue in full force and effect.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

## ELDERS' PENSION

### LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacts the "Elders' Pension" Ordinance, Resolution No. 06-091, Ordinance No. 068, in a regular Tribal Council meeting on July 9, 2006. Vote was 6 (for), 0 (against), and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the "Elders' Pension" Ordinance, Resolution No. 06-051, Ordinance No. 068, in a regular Tribal Council meeting on May 21, 2006. Vote was 7 (for), 0 (against), and 0 (abstaining).