

AMENDED TRIBAL ORDINANCE NO. 17

CECILIA K. EDUCATION TRUST FUND

STATEMENT OF PURPOSE: By will Cecilia Kendziejewski, of Dearborn, Michigan, died December 18, 1985, leaving the rest, residue and remainder other estate to the Saginaw Chippewa Indian Tribe of Michigan, "to be used by the Chippewa Indians for whatever charitable purposes they may deem proper" (see Section 2 for Article IV of will). It has been determined that a proper charitable purpose for use of the funds distributed from this estate, would be to establish a scholarship fund for deserving high school graduates of the Saginaw Chippewa Indian Tribe of Michigan, to continue and further their education in colleges, universities or other institutions of higher learning.

BE IT ENACTED, by the Saginaw Chippewa Tribal Council as follows:

SECTION 1. Short Title. This ordinance may be cited as the Cecilia K. Education Trust Fund of the Saginaw Chippewa Indian Tribe of Michigan.

SECTION 2. Authority. This ordinance is enacted pursuant to Article VI, Section 1(g) of the Amended Tribal Constitution of November 4, 1986 and in accordance with Article IV of the will of Cecilia Kendziejewski, executed on June 6, 1985 which provided that:

All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I acquired or become entitled to after execution of this will including all lapsed legacies and devises or other gifts made by this Will which fail for any reason, I give, devise and bequeath to the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation, Mt. Pleasant, Michigan to be used by the Chippewa Indians for whatever charitable purposes they deem proper.

SECTION 3. Definitions:

- a. ANNUAL RETURN - Means the amount reserved for income each year that will be added to the corpus (see Section 7e).
- b. CECILIA K. FUND - Means the Education Trust Fund established pursuant to this ordinance to honor and commemorate the gift made by Cecilia Kendziejewski (see Purpose and Section 2).
- c. CHARITABLE - Means a gift with purpose that is for the public (Tribal) benefit as opposed to private benefit (e.g. Education).
- d. CORPUS - Means the principal sum, as distinguished from interest or income (see Section 6).

- e. CONTRIBUTING DONOR - Means a person, institution or corporation that joins in the purpose of the Cecilia K. Fund by giving a gift to the Tribe for the same purposes for which this ordinance was created (see Section 9).
- f. EDUCATION BOARD OR COMMITTEE - Means the designated board or committee which has been created by the Tribe for the purpose of working with and furthering the education of Tribal members.
- g. EDUCATIONAL TRUST - Means a trusts for the funding, endowing and supporting of education by use of income from the trust.
- h. FIDUCIARY - Means a person(s) holding the character of a trustee and with it the confidence involved, and the good faith and candor where it requires.
- i. FISCAL YEAR - Means the year in which the accounting period took place (see Section 5).
- j. HIGHER EDUCATION - Means education over and above a high school diploma or its equivalent (see Section 12h).
- k. INCOME - Means the return in money from the corpus of the trust invested.
- l. IRREVOCABLE - Means that the instrument cannot be revoked (see Section 15).
- m. MAJOR DONOR - Means the estate of the late Cecilia Kendziejewski and the Saginaw Chippewa Indian Tribe of Michigan who have made gifts, which lead to the creation of this Trust.
- n. MEMBER - Means any individual who is an enrolled member of the Saginaw Chippewa Indian Tribe of Michigan.
- o. RES - Means the property involved in the creation of the Trust (corpus-principal).
- p. SCHOLARSHIP GRANT - Means a grant-in-aid to deserving student to assist in funding that student's continued knowledge and learning (see Section 12).
- q. TRIBE - Means the Saginaw Chippewa Indian Tribe of Michigan.
- r. TRUSTEE - Means a person appointed, or required by law, to execute, to administer and enforce a Trust for those entitled to receive benefits thereunder.
- s. TRUST PROPERTY - Means the corpus or principal of the trust.

- t. WILL - Means a document, signed and executed by a person which expresses that individual's desire for disposition of his/her property, to take effect after his/her death.

SECTION 4. Establishment Of Trust Fund. This assignment in charitable trust is entered on the date hereinafter certified with the major donor being Cecilia K. Kendziewski and the Saginaw Chippewa Indian Tribe of Michigan, with all other donors to be designated as contributing donors; and with the Tribal Council or their designee as the Trustees, in compliance with the terms of this ordinance.

SECTION 5. Fiscal year of the Trust Fund. The Fiscal year of the Cecilia K. Education Trust Fund shall begin on October 1 of each year and end on September 30 of the following year. **[Amended March 7, 1988]**

SECTION 6. Corpus of Trust. In order to establish this Trust, the entire amount of the money's received from the estate of Cecilia Kendziewski in the amount of \$57,819.58 is hereby set aside as a Tribal Charitable Trust. This Trust, as well as all additional contribution and accretions to the trust property, and all income, revenue and profit from the Trust property, is to be held, used, administered and disposed of, forever and exclusively through scholarships grants from the income, revenue and profit of the trust, subject to Section 7e. At no time should the corpus be invaded.

SECTION 7. Duration. This Trust will have a perpetual duration.

SECTION 8. Trustees Powers. Trustees will have the following powers, in order to manage and administer this Trust:

- a. To recruit and provide for contributing donors of this trust. (pursuant to Section 10)
- b. To receive applications for scholarship grants prior to July 1, of each year on forms provided by the Tribal Education or Board of Education.
- c. To interview each applicant.
- d. Consider and approve or disapprove applications and promptly notify applicants.
- e. The Trustee shall determine the amount of each annual grant which may be up to three hundred fifty Dollars (\$350.00) per applicant. Such grants shall come from the total income, revenue and profits derived from the Trust property, minus at least 25% which shall be deemed the Annual Return for the benefit of the corpus of the fund. The Trustee may utilize any amount unexpended from the previous fiscal years during any subsequent fiscal year [this subsection amended April 9, 1990, pursuant to Tribal Resolution 90-061]

SECTION 9. Contributing Donors. The Trustees shall make every effort possible to secure contributing donations to the Cecilia K. Education Trust Fund. Any contribution provided shall then be given a name designated by the contributing donor.

Contributing donors may be:

- a. Private individuals;

- b. Institutions and/or
- c. Businesses/Corporations.

SECTION 10. Donor Solicitation. The Trustees will annually at the end of each fiscal year send out to various private individuals; institutions, businesses and/or corporations a copy of the annual report of the Cecilia K. Education Trust Fund. Along with the report the Trustees shall include a solicitation applications, designating the purpose of the trust and benefits available to donor's pursuant to 25 USC 451 (Donations for Indians).

SECTION 11. Scholarship Types. The Saginaw Chippewa Indian Tribe of Michigan recognize the need for contributing donors to develop support for the Cecilia K. Education Trust Fund. In doing so the Tribe will establish a named scholarship system within the Cecilia K. Fund in the memory of someone, in the honor of a special person, or private institution or corporation for their donation of any additional funding of their gift to commemorate that activity which will strengthen the overall fund in its purpose.

SECTION 12. Scholarship Plan. The following plan shall be observed in the distribution of scholarship by the Trustee:

- a. Scholarship students are expected and must be willing to assume personal responsibility for providing a proportionate amount of funds for expenses.
- b. The entire grant or a portion of the entire amount may be allowed annually.
- c. Scholarship grants will be awarded to qualified high school graduates.

- d. Deserving students may be awarded grants during each of their Freshman, Sophomore, Junior, Senior or graduate years of study.
- e. Scholarship grants to Freshman for the second semester and to Sophomores, Juniors and Seniors may be awarded on the basis of scholastic achievement.
- f. Sophomore, Junior, Senior and Graduate students who receive previous grants and who desire scholarship aid, shall submit letters of application and scholastic records to the Trustees prior to July 1.
- g. Grants shall be authorized by approved resolution and shall be disbursed to the applicant and sent to the Bursar or Treasurer of the school concerned and shall be used for registration, fees, supplies, books, board, lodging and miscellaneous costs.
- h. Grants shall generally be authorized to institutions of higher learning which are accredited or approved. The Trustees may also

grant scholarships to business, technical and trade schools where conditions warrant. These may include scholarships to applicants having permanent disability statues or other justifiable consideration but granting of such scholarships should be based upon the findings of recognized aptitude tests.

- i. Application forms provided by the Tribal Education Department must be used in filing applications for scholarship grants. Only completed applications will be considered.
- j. The Trustees may request information form the three persons listed by the applicant as references.
- k. Scholarship recipients must be enrolled members of the Saginaw Chippewa Indian Tribe of Michigan.
- l. In determining grants, the Trustees shall consider all other sources of aid such as college scholarships, assistance provided by other organizations and the income of the family.
- m. The Trustees will encourage students to secure advanced training and will endeavor to secure assistance for students from other sources and will direct students to colleges which provide assistance to pupils of Indian blood.
- n. Deserving students generally shall be those who maintain average or above average scholastic records.

SECTION 13.

Accounting and Reporting for Scholarship Fund.

- a. The Tribal Treasurer shall maintain complete bookkeeping records accounting for all funds provided by the will of the late Cecilia Kendziejewski. The sets of books for this purpose shall be separate from other books maintained by the Tribe and shall account for all funds provided initially by the Will, any income accruing thereunder, all expenditures made for scholarships granted under the provisions of the Will and all items of applicable expenses payable from the Fund. Such expenses shall be limited to items directly applicable to the administration of the fund, such as, expenses of printing application forms, bank charges for checking accounts and similar direct expenses. The fund shall not be charged with general expenses items of the Tribe.
- b. Annual financial operating statements and balance sheet statements shall be provided though the Tribal Fiscal Officer or an Independent Accounting firm employed by the Trustees for that purpose, and such statements shall be prepared shortly after the close of each fiscal year. Copies of the minutes of the Trustee meetings in connection with Fund proceedings and copies of all Resolutions granting scholarships shall be maintained in the Tribal Education Office. Such Resolutions shall be supported by copies of applications for scholarships received and considered.

- c. All balances in the Trust Fund account shall be turned over to the bonded Treasurer for the Tribe. Future revenue from the Trust property shall also be distributed to the bonded Tribal Treasurer. The Tribal Treasurer shall deposit such funds received in the Isabella Bank and Trust and such deposits shall not exceed the amount covered by insurance of the Federal deposit Insurance Corporation.

SECTION 14. Severability of Trust. If any provision of this Trust is declared illegal, invalid or unenforceable, all other provision will remain valid and enforceable and will take effect as though the severed provisions never existed.

SECTION 15. Trust Irrevocable. This Trust is irrevocable and subject only to amendment by a 3/4 vote of the Saginaw Chippewa Tribal Council.

SECTION 16. Law Governing Trustee's Conduct. All laws governing the Trustee or the Trustee's shall be determined in accordance with Federal law and/or codes and ordinances of the Saginaw Chippewa Indian Tribe of Michigan.

SECTION 17. Trustee Fees. No Trustee shall be entitled to compensation from the Trust. Any compensation shall be directly from the Tribe.

Legislative History

Ordinance No. 17 was enacted on _____; amended May 5, 1987; Section 5 was amended March 7, 1988; and Section 8(e) was amended by Res. No. 90-061 on April 18, 1990.