

1 WAGANAKISING ODAWAK STATUTE # \_\_\_\_\_  
2 CONSTITUTIONALLY MANDATED COMPENSATION  
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5 SECTION I. PURPOSE  
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7 This Compensation Statute is hereby enacted to establish a standard method of setting  
8 compensation levels for the Tribal Chairperson, Tribal Vice-Chairperson, Legislative Leader,  
9 Tribal Council Secretary, Tribal Council Treasurer and Tribal Councilors, Tribal Judges,  
10 Justices, and the Prosecutor, and Election Board Members based on Constitutional duties and  
11 succession of Tribal Leadership. This Statute replaces and repeals Waganakising Odawak Statute  
12 2008-014 Constitutionally Mandated Compensation Statute Waganakising Odawak Statute 2003-  
13 05 *Tribal Council Compensation* and WOS 2005-04 *Constitutionally Mandated Compensation*  
14 and any previous Statute, Resolution or Policy language with regard to compensation levels for  
15 such positions as stated in this purpose.  
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18 SECTION II. DEFINITIONS  
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- 20 A. “*Annual Salary*” means the amount of annual compensation paid during the calendar  
21 year.  
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23 B. “*Compensation*” means a reasonable annual compensation.  
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25 C. “*Full-time status*” means an average of forty (40) hours a week with work hours of  
26 8:00am -5:00 pm, Monday through Friday with reasonable time off for sickness or  
27 disability, holidays or personal time. Work assignments are expected to be completed  
28 during the normally scheduled work week, with reasonable flexibility and extra hours as  
29 necessary.  
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31 D. “*Stipend*” means the additional amount of monetary reimbursement for the Election  
32 Board as listed in Section V for attendance at an event, meeting, training, work session or  
33 other approved activity, and limited to one stipend per day.  
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1 E. “Travel Day” means travel a day prior or after an event, meeting, training, work session  
2 or other approved activity.  
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4 F. “Tribal Constitution” means the LTBB Constitution adopted by the Tribal Membership  
5 February 2, 2005.  
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7 G. “Tribe” shall mean the Little Traverse Bay Bands of Odawa Indians.  
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10 SECTION III. COMPENSATION CHANGE RESTRICTIONS  
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12 A. Any statutory amendment changing the level of compensation for Chairperson, Vice-  
13 Chairperson, Legislative Leader, Tribal Council Secretary, Tribal Council Treasurer,  
14 Tribal Councilors, or Election Board Members must be enacted before the Election Board  
15 distributes candidate petitions for the next election.  
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17 B. Any statutory amendment changing the level of compensation for the Tribal Judges and  
18 Justices shall not decrease the amount of compensation during the individual appointed  
19 terms for the Chief Judge, Associate Judge or Appellate Justices.  
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21 C. Any statutory amendment changing the level of compensation for the Tribal Prosecutor  
22 shall not decrease the amount of compensation during the individual appointed terms for  
23 the Prosecutor or Associate Prosecutors.  
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26 SECTION IV. COMPENSATION ESTABLISHED  
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28 A. All Tribal Councilors shall be compensated the amount of annual salary listed in Section  
29 V and shall receive the following:  
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- 31 1. Contributions to the Tribe’s retirement plan or a similar plan shall be allowed  
32 with the same conditions and restrictions applied to Tribal employees and other  
33 contributors in the Tribal Government Retirement plan.

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2. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy.

B. The Tribal Chairperson and Tribal Vice-Chairperson shall be compensated the amount of annual salaries listed in Section V and shall receive the following:

- 1. Contributions to the Tribe’s retirement plan or a similar plan shall be allowed with the same conditions and restrictions applied to Tribal employees and other contributors in the Tribal Government Retirement plan.
- 2. Health insurance, life insurance and other Tribal insurance programs at the same rate as governmental employees.
- 3. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy.

C. The Chief Judge and Associate Judges shall be compensated annual salaries listed in Section V and shall receive the following:

- 1. Contributions to the Tribe’s retirement plan or a similar plan shall be allowed with the same conditions and restrictions applied to Tribal employees and other contributors in the Tribal Government Retirement plan.
- 2. Health insurance, life insurance and other Tribal insurance programs at the same rate as governmental employees.

D. Appellate Justices shall be compensated the annual salary listed in Section V and shall receive the following compensation:

- 1. Travel expenses for approved travel shall be reimbursed at the same rate as

1 allowed employees in the Tribal Governmental Employees Travel Reimbursement  
2 Policy.

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4 E. Prosecutor shall be compensated annual salaries listed in Section V and shall receive the  
5 following:

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7 1. Contributions to the Tribe’s retirement plan or a similar plan shall be allowed  
8 with the same conditions and restrictions applied to Tribal employees and other  
9 contributors in the Tribal Government Retirement plan.

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11 2. Health insurance, life insurance and other Tribal insurance programs at the same  
12 rate as governmental employees.

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14 3. Travel expenses reimbursed at the same rate as allowed employees in the Tribal  
15 Governmental Employees Travel Reimbursement Policy.

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18 SECTION V. COMPENSATION RATES

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20 A. Tribal Chairperson an annual salary of \$85,000, based on full-time status.

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22 B. Tribal Vice-chairperson an annual salary of \$ 60,000, based on full-time status.

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24 C. Tribal Council an annual salary of \$25,000.

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26 1. Legislative Leader an additional salary above that of Tribal Council salary of  
27 \$3,000.

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29 2. Tribal Treasurer an additional salary above that of Tribal Council salary of  
30 \$2,000.

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32 3. Tribal Secretary an additional salary above that of Tribal Council salary of  
33 \$1,000.

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2 D. Chief Judge an annual salary of \$100,000 based on full-time status.

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4 E. Associate Judge(s) an annual salary of \$95,000 based on full-time status.

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6 F. Appellate Justices an annual Salary of \$15,000 for research, drafting, reviewing,  
7 revisions, meetings and hearings.

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9 G. Prosecutor:

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11 1. An annual Salary of \$120,000.

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14 SECTION VI. COMPENSATION PROHIBITIONS

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16 A. Persons receiving compensation authorized by this Statute shall be prohibited from:

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18 1. Receiving unemployment compensation for any reductions or termination of said  
19 compensation.

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21 2. Receiving any other type of payment not explicitly listed in this Statute.

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23 3. Receiving overtime provision.

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26 SECTION VII. ELECTION BOARD

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28 Election Board Members shall be paid a stipend for properly called meetings, work sessions,  
29 events, trainings and approved activities posted outside (i.e. Tribal web site) of the Tribal Offices  
30 for 5 days.

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32 A. Regular Meeting stipend, \$150.00 per day.

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34 B. Special Election Day stipend of \$250.00 per day on election days.

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2 C. Travel Day Stipend of \$100.00 per day.  
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4 1. Travel day stipends shall be paid one day prior and one day after  
5 attendance to an event, meeting, training, work session or other  
6 approved activity that would require the person to drive prior to 7:00 a.m. in order  
7 to attend the start of the event or drive and return home after 8:00 p.m. If  
8 flying is required to attend the event, meeting, training, work session or other  
9 approved activity then the person shall be paid a travel stipend for one day prior  
10 to the approved activity and one day after the approved activity.  
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12 2. Travel expenses for approved travel shall be reimbursed at the same rate  
13 as allowed employees in the Tribal Governmental Employees Travel  
14 Reimbursement Policy.  
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17 SECTION VIII. POLICIES REQUIRED  
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19 A. The Tribal Council, Tribal Chairperson and Vice-Chair, Judges and Appellate Justices,  
20 Prosecutor shall be required to adopt a Compensation and Travel policy that defines  
21 compensation and/or reimbursement for approved travel and associated expenses that  
22 meet acceptable auditing standards.  
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24 B. Election Board shall be required to adopt a Meeting, Compensation and Travel policy  
25 that defines meeting criteria, compensation for attendance, and travel which meet  
26 acceptable auditing standards.  
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29 SECTION IX. EMPLOYMENT  
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31 In accordance with Article XV of the Constitution adopted by the membership on  
32 February 1, 2005 Tribal Council, Tribal Chairman and the Vice-Chairman if employed as  
33 enterprise employees of a Tribal enterprise may not hold more than one fulltime paid position,

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1 even if they decline pay for one of the positions.

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4 SECTION X. SEVERABILITY

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6 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for  
7 any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion  
8 shall be deemed a separate, distinct and independent provision and such holding shall not affect  
9 the validity of the remaining portions thereof.

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12 SECTION XI. EFFECTIVE DATE

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14 Effective upon signature of the Executive or thirty (30) days from Tribal Council  
15 approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal  
16 Council override of the veto.

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20 CERTIFICATION