

**WAGANAKISING ODAWAK STATUTE 2005-04  
CONSTITUTIONALLY MANDATED COMPENSATION**

**SECTION I. PURPOSE**

This Compensation Statute is hereby enacted to establish a standard method of setting compensation levels for the Tribal Chairperson, Tribal Vice-Chairperson, Tribal Councilors, Legislative Leader, Tribal Judges, Justices, and the Prosecutor, and Election Board Members. This Statute replaces and repeals Waganakising Odawak Statute 2003-05 Tribal Council Compensation.

**SECTION II. DEFINITIONS**

- A. The "Tribe" shall mean the Little Traverse Bay Bands of Odawa Indians.
- B. "Compensation" shall mean any form of salary, pay, stipend, fringe benefit, discount not given to all Tribal Members, or other monetary benefit.

**SECTION III. COMPENSATION CHANGE RESTRICTIONS**

- A. Tribal Council action changing the level of compensation for the Tribal Council and Legislative Leader shall not take effect until after the next regularly scheduled Tribal Council Election and new Councilors have been sworn in.
- B. Tribal Council action changing the level of compensation for the Tribal Chairperson and Vice-Chairperson shall not take effect until after the next regularly scheduled election for Tribal Chairperson and Vice-Chairperson and the new Tribal Chairperson and Vice-Chairperson have been sworn in.
- C. Tribal Council action changing the level of compensation for the Tribal Judges and Justices shall not take effect until after the next regularly scheduled Tribal Council Election and new Councilors have been sworn in.
- D. Tribal Council action changing the level of compensation for the Tribal Prosecutor shall not take effect until after the next regularly scheduled Tribal Council Election and new Councilors have been sworn in.

- E. Tribal Council action changing the level of compensation for the Tribal Election Board shall not take effect until after the next regularly scheduled Tribal Council Election and new Councilors have been sworn in, except the compensation set in this Statute shall apply to the first Election Board appointed under the Constitution adopted by the membership on February 1, 2005 upon their swearing in.
  
- F. Any statutory amendment changing the level of compensation for Tribal Council members or the Chairperson or Vice-chairperson must be enacted before the Election Board distributes candidate petitions for the next election.

#### **SECTION IV. COMPENSATION ESTABLISHED**

- A. All Tribal Councilors including the Legislative Leader shall be compensated the amounts of annual salary listed in Section V for attendance at regularly scheduled meetings and work sessions the day prior to any regularly scheduled meeting, and shall receive the following additional compensation:
  - 1. Stipends listed in Section V shall be paid for attendance at work sessions, meetings, training, and other activities approved by policy or motion in advance.
  - 2. Travel stipends listed in Section V shall be paid one day prior and one day after attendance at approved activities outside the service area.
  - 3. 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.
  - 4. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy to include mileage, per-diem, lodging, and public transportation.
  
- B. The Legislative Leader of the Tribal Council shall be compensated the additional amount of annual salary listed in Section V for coordination and preparation of meetings and agenda items and shall not be eligible for meeting stipends the two days prior to any regularly scheduled Tribal Council meetings.

C. Tribal Council Secretary and Treasurer shall receive an extra salary listed in Section V.

D. The Tribal Chairperson and Tribal Vice-Chairperson shall be paid annual salaries listed in Section V and shall receive the following compensations:

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 other 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 to include mileage, per-diem, lodging, and public transportation.

E. The Chief Judge and Associate Judges shall be paid annual salaries listed in Section V and shall receive the following compensations:

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 other 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 to include mileage, per-diem, lodging, and public transportation.
4. Payment of Judge's annual dues for membership, as deemed beneficial by the Tribal Judiciary, for the State Bar of Michigan, Federal Bar Association, National Indian Judicial Association, and Michigan Indian Judicial Association.

**F.** Appellate Justices shall receive the annual salary listed in Section V and shall receive the following compensations:

1. The stipend amount listed in Section V for additional meetings.
2. Compensation for approved services, training, conferences and other approved activities at the rate listed in Section V.
3. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy to include mileage, per-diem, lodging, and public transportation.

**G.** Election Board Members shall be paid a stipend for approved meetings, training and work sessions at the rate listed in Section V and shall be paid a special stipend listed in Section V on election days and shall receive the following compensations:

1. Travel stipends listed in Section V shall be paid one day prior and one day after attendance at approved activities outside the service area.
2. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy to include mileage, per-diem, lodging, and public transportation.

## **SECTION V. COMPENSATION RATES**

**A.** Tribal Chairperson

1. Annual salary, \$85,000.00

**B.** Tribal Vice-chairperson

1. Annual salary, \$60,000.00

**C. Tribal Council**

1. Annual salary, \$18,000.00
2. Meeting and event stipend, \$150.00
3. Travel stipend, \$100.00

**D. Legislative Leader**

1. Additional salary above that for Tribal Council salary, \$17,000.00
2. Tribal Council Treasurer and Secretary
3. Additional salary above that for Tribal Council salary, \$3,600.00

**E. Chief Judge**

1. Annual salary, \$100,000.00

**G. Associate Judges**

1. Annual salary, \$95,000.00

**H. Appellate Justices**

1. Annual Salary, \$5,400.00
2. Additional Meeting Stipend, \$300.00
3. Additional compensation rates:
  - a. Up to 4 hours, \$100.00
  - b. Four to eight hours, \$200.00
  - c. Exceeding eight hours, \$25.00 per hour

- I. Prosecutor
  - 1. Hourly rate, \$85.00 per hour

- J. Election Board Members
  - 1. Election day stipend, \$250
  - 2. Meeting stipend, \$125.00
  - 3. Travel stipend, \$100.00

**SECTION VI. COMPENSATION PROHIBITIONS**

- A. Persons receiving compensation authorized by this Statute shall be prohibited from:
  - 1. Receiving unemployment compensation for any reductions or termination of said compensation.
  - 2. Accumulating PTO, vacation, or any other type of payment not explicitly listed in this Statute.
- B. Contractual agreements made during an election period shall be consistent with this Statute and shall remain in effect with no changes until the agreement expires.
- C. Compensation is prohibited for meetings and work sessions that are required to be posted that have not been publicized outside (i.e. Tribal web site) of the Tribal Offices for 5 days.

**SECTION VII. COMPENSATION POLICIES REQUIRED**

- A. The Tribal Council shall be required to adopt a meeting policy that defines how meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Tribal Council Members prior to receiving compensation provided by this Statute.

- B. The Tribal Chairperson shall be required to adopt a meeting policy that defines how meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Tribal Chairperson and Vice-chairperson prior to receiving compensation provided by this statute.
- C. The Tribal Judiciary shall be required to adopt a meeting policy that defines how meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Tribal Judges, and Justices prior to receiving compensation provided by this statute.
- D. The Tribal Prosecutor shall be required to adopt a meeting policy that defines how meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Tribal Prosecutor prior to receiving compensation provided by this statute.
- E. The Election Board shall be required to adopt a meeting policy that defines how meetings and other compensated attendance is approved and a travel policy that defines how travel is approved for Election Board Members prior to receiving compensation provided by this statute.

## **SECTION VIII. RETURN TO EMPLOYMENT**

If a Tribal member leaves employment with the Tribal government or a Tribal enterprise to serve as an elected member of the Tribal Council, or as Chairperson or Vice-chairperson, and returns to work for the Tribal government or a Tribal enterprise within one hundred eighty (180) days of the expiration of their term, then they will re-enter the Tribal workforce at a benefit and seniority level as though they continued to be employed during the period of their elected service. Provided, under Article XV of the Constitution adopted by the membership on February 1, 2005 employees of a Tribal enterprise are not required to leave their job unless their enterprise job and elected office are both full time paid positions.

## **SECTION IX. SEVERABILITY**

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

**SECTION X. EFFECTIVE DATE**

Effective upon swearing in of the new Election Board subject to restrictions in Section III.

**CERTIFICATION**

As Tribal Chairman and Tribal Secretary, we certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on April 17, 2005, at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Ettawageshik	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Beatrice Law	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Alice Yellowbank	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Dexter McNamara	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Fred Harrington, Jr.	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>
Rita Shananaquet	<u>          </u>	<u>          </u>	<u>          </u>	<u>    x    </u>
Regina Gasco Bentley	<u>    x    </u>	<u>          </u>	<u>          </u>	<u>          </u>

Date: April 18, 2005

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Frank Ettawageshik, Tribal Chairman

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Dexter McNamara, Tribal Secretary