

WAGANAKISING ODAWAK STATUTE # 2010-014
CONSTITUTIONALLY MANDATED COMPENSATION
FOR TRIBAL CHAIRPERSON AND TRIBAL VICE-CHAIR

SECTION I. PURPOSE

This Compensation Statute is hereby enacted to establish the compensation levels for the Tribal Chairperson, Tribal Vice-Chair based on Constitutional duties. This Statute replaces and repeals Waganakising Odawak Statute 2008-014 Constitutionally Mandated Compensation Statute Waganakising Odawak Statute 2003-05 *Tribal Council Compensation* and WOS 2005-04 *Constitutionally Mandated Compensation* and any previous Statute, Resolution or Policy language with regard to compensation levels for such positions as stated in this purpose.

SECTION II. DEFINITIONS

- A. *“Annual Salary”* means the amount of annual compensation paid during the calendar year.

- B. *“Compensation”* means an annual compensation to be paid in equal increments to be determined by the Tribal Chairperson and Tribal Vice-Chair.

- C. *“Full-time status”* means an average of Forty (40) hours a week with reasonable time off for sickness or disability, holidays or personal time. Work assignments are expected to be completed during the normally scheduled work week, with reasonable flexibility and extra hours as necessary.

- D. *“Tribal Constitution”* means the LTBB Constitution adopted by the Tribal Membership February 2, 2005.

- E. *“Tribe”* shall mean the Little Traverse Bay Bands of Odawa Indians.

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SECTION III. COMPENSATION CHANGE RESTRICTIONS

In accordance with the Tribal Constitution, any statutory amendment changing the level of compensation for Tribal Chairperson, or Tribal Vice-Chair must be enacted before the Election Board distributes candidate petitions for the next election.

SECTION IV. COMPENSATION ESTABLISHED

A. The Tribal Chairperson shall be compensated and paid a set annual salary to fulfill the responsibilities as outlined in the Constitution and any relevant Statute as follows in amount of \$85,000.00 and shall be subject to federal and state (if applicable) taxation. Tax withholdings are elective and may be withheld from each payment.

B. The Tribal Vice-Chair shall be compensated and paid a set annual salary to fulfill the responsibilities as outlined in the Constitution and any relevant Statute in the amount of \$60,000.00 and shall be subject to federal and state (if applicable) taxation. Tax withholdings are elective and may be withheld from each payment.

C. Additionally the Tribal Chairperson and Tribal Vice-Chair 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.

SECTION V. COMPENSATION PROHIBITIONS

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

- A.** Receiving unemployment compensation for any reductions or termination of said compensation.
- B.** Receiving any other type of payment for compensation not explicitly listed in this Statute, including stipends.
- C.** Receiving overtime provision.

SECTION VI. POLICIES REQUIRED

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

SECTION VII. EMPLOYMENT

In accordance the Tribal Constitution, Tribal Chairperson and the Tribal Vice-Chair if employed as enterprise employees of a Tribal enterprise may not hold more than one fulltime paid position, even if they decline pay for one of the positions.

SECTION VIII. 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

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be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION IX. EFFECTIVE DATE

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

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on October 24, 2010 at which a quorum was present, by a vote of 8 in favor, 1 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Marvin Mulholland	X			
Belinda Bardwell	X			
Melvin L. Kiogima	X			
Gerald V. Chingwa	X			
Rita Shananaquet		X		
Aaron Otto	X			
John Bott	X			
Regina Gasco Bentley	X			
Julie Shananaquet	X	1		

Date: 10/24/10

 Julie A. Shananaquet, Legislative Leader

Date: 10-24-10

 Regina Gasco Bentley, Secretary

Received by the Executive Office on 10-25-10 by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council

Date: 10-19-10

 Ken Harrington, Tribal Chairperson