WAGANAKISING ODAWAK STATUTE # 2010-017
CONSTITUTIONALLY MANDATED COMPENSATION
FOR TRIBAL COUNCIL MEMBERS

SECTION I. PURPOSE

This Compensation Statute is hereby enacted to establish the compensation levels for the Legislative Leader, Tribal Council Secretary, Tribal Council Treasurer and Tribal Council members 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 for attendance at regularly scheduled Tribal Council meetings and work-sessions, phone-polls, and phone conferences.

B. *"Compensation"* means an annual compensation to be paid in equal increments to be determined by Tribal Council.

C. *"Stipend"* for attendance at non-regularly scheduled meeting and work session, special or emergency meetings, legislative committee meetings, events, trainings, hearings, and any other activities approved by policy or motion in advance and shall be limited to one stipend per day.

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.

SECTION III. COMPENSATION CHANGE RESTRICTIONS

Any statutory amendment changing the level of compensation Legislative Leader, Tribal Council Secretary, Tribal Council Treasurer or Tribal Council members must be enacted before the Election Board distributes candidate petitions for the next election.

SECTION IV. COMPENSATION ESTABLISHED

A. The following Tribal Council positions will be compensated as follows:

1. Legislative Leader, $30,000.00;

2. Tribal Treasurer, $25,000.00;

3. Tribal Secretary, $23,500.00.

4. Tribal Council members; $20,000.00

B. The above compensation shall be subject to federal and state (if applicable) taxation. Tax withholdings are elective and may be withheld from each payment.

C. Additionally Legislative Leader, Tribal Treasurer, Tribal Secretary and Tribal Council members shall receive the following 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.

D. In addition to the annual salary, Legislative Leader, Tribal Treasurer, Tribal Secretary,

and Tribal Council members shall be compensated for the following:

1. Additional Stipends in the amount of $150.00 shall be paid for attendance at non-regularly scheduled meeting and work session, special or emergency meetings, legislative committee meetings, events, trainings, hearings, and any other activities approved by policy or motion in advance.

2. A Travel stipends in the amount of $100.00 shall be paid one day prior and one day after attendance to an event, training, or other approved activity that would require the person to drive prior to 7:00 am in order to attend the start of the event or drive and return home after 8:00 pm. If flying is required to attend the event, training, or other approved activity then the person shall be paid a travel stipend for one day prior to the approved activity and one day after the approved activity.

E. Legislative Leader, Tribal Treasurer, Tribal Secretary and Tribal Council members shall be authorized to attend Executive Commissions, Committees, and Board meetings and shall be limited to one stipend for such attendance per month.

SECTION V. TRAVEL EXPENSE

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 VI. 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 VII. EMPLOYMENT

In accordance the Tribal Constitution, Tribal Council members 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 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 November 7, 2010 at which a quorum was present, by a vote of 6 in favor, 1 opposed, 1 abstentions, and 1 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	/		

Date: 11-7-10

Julie A. Shananaquet, Legislative Leader

Date: 11-7-10

Regina Gasco Bentley, Secretary

Received by the Executive Office on 11-8-10 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: 12-8-10

Ken Harrington, Tribal Chairperson