

WAGANAKISING ODAWAK STATUTE # 2008-014
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, Legislative Leader, Tribal Council Secretary, Tribal Council Treasurer and Tribal Councilors, Tribal Judges, Justices, and the Prosecutor, and Election Board Members based on Constitutional duties and succession of Tribal Leadership. This Statute replaces and repeals Waganakising Odawak Statute 2003-05 *Tribal Council Compensation* and WOS 2005-04 *Constitutionally Mandated Compensation*.

SECTION II. DEFINITIONS

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

- B. “*Annual Taxable Stipend*” means the amount of income paid during the calendar year for attendance at regularly scheduled Tribal Council Meetings and Tribal Council Work Session, approximately two meetings and two work sessions per month.

- C. “*Compensation*” shall mean any form of salary, pay, stipend, fringe benefit, or other monetary benefit.

- D. “*Full-time status*” means an average of forty (40) hours a week with work hours of 8:00am -5:00 pm, Monday through Friday 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.

- E. “*Stipend*” means the additional amount of compensation as listed in Section V for attendance at an event, meeting, training, work session or other approved activity, and

limited to one stipend per day.

- F.** “*Travel Day*” means travel a day prior or after an event, meeting, training, work session or other approved activity.
- G.** “*Tribe*” shall mean the Little Traverse Bay Bands of Odawa Indians.

SECTION III. COMPENSATION CHANGE RESTRICTIONS

- A.** Tribal Council action changing the level of compensation for the Tribal Chairperson and Vice-Chairperson shall not take effect until after the next general election and has been sworn in.
- B.** Tribal Council action changing the level of compensation for the Legislative Leader, Tribal Council Secretary, Tribal Council Treasurer and Tribal Councilors shall not take effect until after the next general election and have been sworn in.
- C.** Tribal Council action changing the level of compensation for the Tribal Judges and Justices shall not decrease the amount of compensation during the individual appointed terms for the Chief Judge, Associate Judge or Appellate Justices.
- D.** Tribal Council action changing the level of compensation for the Tribal Prosecutor shall not decrease the amount of compensation during the individual appointed terms for the Prosecutor or Associate Prosecutors.
- E.** Tribal Council action changing the level of compensation for the Tribal Election Board shall not take effect until after the next general elected and have been sworn in.
- F.** Any statutory amendment changing the level of compensation for Chairperson, Vice-Chairperson, Legislative Leader, Tribal Council Secretary, Tribal Council Treasurer, Tribal Councilors, or Election Board Members must be enacted before the Election Board distributes candidate petitions for the next election.

- G.** Any statutory amendment changing the level of compensation for the Judiciary must be enacted prior to the appointment or reappointment of a Judiciary member.

SECTION IV. COMPENSATION ESTABLISHED

- A.** All Tribal Councilors shall be compensated the amount of annual stipend listed in Section V for attendance at regularly scheduled meetings and work sessions.
- 1.** Additional Stipends listed in Section V shall be paid for attendance at non-regularly scheduled events, meetings, trainings, work sessions, and other activities approved by policy or motion in advance.
 - 2.** A Travel stipends listed in Section V shall be paid one day prior and one day after attendance to an event, meeting, training, work session 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, meeting, training, work session 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.
 - 3.** Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy.
 - 4.** 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.
- B.** The Legislative Leader of the Tribal Council shall be compensated the 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 (2) days prior to any regularly scheduled Tribal Council meetings.
- C.** Tribal Council Secretary and Treasurer shall be compensated the amount of annual salary

as 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:

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.

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

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

1. The stipend amount listed in Section V for events, meetings, trainings, work

sessions and approved activities.

2. Travel day(s) stipends listed in Section V shall be paid one day prior and one day after attendance to an event, meeting, training, work session 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, meeting, training, work session 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.
3. An hourly rate of compensation shall be paid for research, drafting, reviewing, telephone calls or telephone-conferences, revisions, and hearings.
4. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy.

G. Election Board Members shall be paid a stipend for events, meetings, trainings, work sessions and approved activities 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 day(s) stipends listed in Section V shall be paid one day prior and one day after attendance to an event, meeting, training, work session 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, meeting, training, work session 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.
2. Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy.

SECTION V. COMPENSATION RATES

- A.** Tribal Chairperson an annual salary of \$85,000, based on full-time status
- B.** Tribal Vice-chairperson an annual salary of \$ 60,000, based on full-time status
- C.** Tribal Council an annual stipend of \$18,000 with addition compensation for:
 - 1.** Meeting and event stipend of \$150.00 per day
 - 2.** Travel day(s) stipend of \$100.00 per day
- D.** Legislative Leader an additional salary above that of Tribal Council salary of \$17,000.
- E.** Tribal Council Treasurer and Secretary an additional salary above that of Tribal Council salary of \$3,400.
- F.** Chief Judge an annual salary of \$100,000.00, based on full-time status
- G.** Associate Judge(s) an annual salary of \$95,000 based on full-time status
- H.** Appellate Justices an annual Salary of \$6,000.00 with additional compensation for:
 - 1.** Stipend of \$300.00 per day
 - 2.** Travel Day Stipend of \$150.00 per day
 - 3.** Hourly rate of \$50.00 per hour
- I.** Prosecutor:
 - 1.** Hourly rate, \$85.00 per hour
- J.** Election Board Members:

1. Election day stipend, \$250 per day
 2. Meeting stipend, \$150.00 per day
 3. Travel day(s) stipend, \$100.00 per day
- K.** No overtime shall be paid for any of the above mentioned positions.

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. Receiving any other type of payment not explicitly listed in this Statute.
- B.** Contractual agreements made between election periods for the Prosecutor shall be consistent with this Statute and shall remain in effect with no changes until the agreement expires.
- C.** Compensation for Tribal Councilors or Election Board Members 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

The Tribal Council, Tribal Chairperson and Vice-Chair, Judges and Justices, Prosecutor and the Election Board shall be required to adopt a meeting policy that defines how meetings, travel and other compensated attendance is approved that meet acceptable auditing standards.

SECTION VIII. EMPLOYMENT

In accordance with 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 fulltime 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 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 02, 2008 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Melvin L. Kiogima	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Dexter McNamara	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Marvin Mulholland	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Shirley Oldman	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Alice Yellowbank	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Gerald V. Chingwa	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Regina Gasco Bentley	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Beatrice A. Law	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Date: _____

Beatrice Law, Legislative Leader

Date: _____

Regina Gasco Bentley, Secretary

Received by the Executive Office on _____ 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: _____

Frank Ettawageshik, Tribal Chairperson