

1 **WAGANAKISING ODAWAK STATUTE #**
2 **COMPENSATION FOR TRIBAL COUNCIL**

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5 **SECTION I. PURPOSE**

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7 This Compensation Statute is hereby enacted to establish the compensation levels for the Tribal
8 Council based on Constitutional duties. This Statute replaces and repeals Waganakising Odawak
9 Statute 2010-017 Constitutionally Mandated Compensation for Tribal Council Members,
10 Waganakising Odawak Statute 2008-014 Constitutionally Mandated Compensation Statute
11 Waganakising Odawak Statute 2003-05 *Tribal Council Compensation* and WOS 2005-04
12 *Constitutionally Mandated Compensation* and any previous Statute, Resolution or Policy
13 language with regard to compensation levels for such positions as stated in this purpose.
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16 **SECTION II. DEFINITIONS**

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18 **A.** “*Salary*” means the amount of pay for attendance at regularly scheduled Tribal Council
19 meetings, work-sessions, legislative committee meetings, phone-polls, phone conferences or
20 electronic meetings, and any other activity in conjunction with carrying out Tribal Council
21 Constitutional duties or any relevant Statute, to be paid in equal increments and shall follow the
22 practice of the Little Traverse Bay Bands of Odawa Indians governmental employees.
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24 **B.** “*Stipend*” for attendance at non-regularly scheduled meeting and work session, special or
25 emergency meetings, hearings, attendance at legislative committee meeting where the Councilor
26 is either the chair or a member of the committee, trainings; and any other events or activities
27 approved by policy or motion in advance and shall be limited to one stipend per day.
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29 **C.** “*Tribal Constitution*” means the LTBB Constitution adopted by the Tribal Membership
30 February 1, 2005.
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32 **D.** “*Tribe*” shall mean the Little Traverse Bay Bands of Odawa Indians.

Waganakising Odawak Statute Compensation For Tribal Council
Sponsor Beatrice A..Law

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SECTION III. COMPENSATION CHANGE RESTRICTIONS

Any statutory amendment changing the level of compensation for a Tribal Council members must be enacted before the Election Board distributes candidate petitions for the next election.

SECTION IV. COMPENSATION ESTABLISHED

A. Cost of Living Allowance, (COLA). The below stated compensation shall be subject to COLA, and shall be accumulative in its effect. The amount and timing of any adjustments of the compensation for COLA shall follow the practice of the Tribal government employees. The following Tribal Council positions will be compensated as follows:

- 1. Legislative Leader, \$35,000.00, plus accumulative COLA
- 2. Tribal Treasurer, \$35,000.00, plus accumulative COLA
- 3. Tribal Secretary, \$35,000.00, plus accumulative COLA
- 4. Six (6) Tribal Council members; \$30,000.00, plus COLA

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 Tribal Council members shall be able to participate in 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 including health insurance, life insurance and other Tribal

Waganakising Odawak Statute Compensation For Tribal Council Secretary Shananaquet ____

1 insurance programs at the same rate as governmental employees.

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4 **SECTION V. TRAVEL EXPENSE**

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6 Travel expenses for approved travel shall be reimbursed at the same rate as allowed employees
7 in the Tribal Council approved Tribal Governmental Employees Travel Reimbursement Policy,
8 or as amended.
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11 **SECTION VI. TRIBAL COUNCIL COMMITTEES**

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13 Chairs and members of Tribal Council committees that are either standing committees or ad hoc
14 committees that approved by Tribal council shall be paid a stipend to attend the committee
15 meeting. Other Councilors may attend the meetings but shall not be paid a stipend.
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18 **SECTION VII. WORKGROUPS, TEAMS, OTHER MEETINGS**

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20 Councilors who participation in or attendance workgroups, teams or other meetings shall not be
21 paid a stipend unless approved by Tribal Council.
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24 **SECTION VIII. ABSENTEEISM**

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26 **A.** Tribal Council may remove a Councilor from a committee as either the Chair or
27 Committee member; or may remove their officer status of Legislative Leader, Secretary or
28 Treasurer for habitually or frequently absenteeism from Tribal Council meetings, Work-sessions
29 or Tribal Council Committee meetings wherein they are either the Chair or a member of the
30 Committee.
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32 **B.** Removal from a Committee or removal of officer status shall only be by a majority vote

1 of Tribal Council.

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4 **SECTION IX. COMPENSATION PROHIBITIONS**

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

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8 **A.** Receiving unemployment compensation for any reductions or termination of said
9 compensation.

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11 **B.** Receiving any other type of payment for compensation not explicitly listed in this
12 Statute, including stipends. Stipend means a set amount of money paid for attendance.

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14 **C.** Receiving overtime provision.

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16 **D.** Exception: In the event where the Legislative Leader becomes the acting chair, the
17 Secretary shall receive an additional \$5,000.00 plus the accumulated COLA for time that he or
18 she assumes the duties of the former Legislative Leader.

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21 **SECTION X. EMPLOYMENT**

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23 In accordance the Tribal Constitution, Tribal Council members if employed as enterprise
24 employees of a Tribal enterprise may not hold more than one fulltime paid position, even if they
25 decline pay for one of the positions.

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28 **SECTION XI. SEVERABILITY**

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

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7 **SECTION XII. EFFECTIVE DATE**

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9 Effective upon signature of the Executive or thirty (30) days from Tribal Council
10 approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal
11 Council override of the veto, but shall not be implemented until after the next election and until
12 the next Tribal Council or individual councilors are sworn in.

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15 **CERTIFICATION**