

WAGANAKISING ODAWAK STATUTE # 2020-007
CONSTITUTIONALLY MANDATED COMPENSATION
FOR ELECTION BOARD MEMBERS

SECTION I. PURPOSE

This Compensation Statute is hereby enacted to establish the compensation levels for the Election Board members based on Constitutional duties. This Statute replaces and repeals Waganakising Odawak Statute 2010-013 Constitutionally Mandated Compensation for Election Board Members, 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. “*Compensation*” means the amount of monthly stipend payment for attendance at regularly scheduled meetings, elections, work-sessions, committee meetings, phone-polls, phone conferences, special meetings, emergency meetings, hearings, travel, training, electronic meetings, workgroups, teams or other meetings and any other activity in conjunction with carrying out Election Board Constitutional duties or any relevant Statute, to be paid monthly.

B. “*Tribal Constitution*” means the LTBB Constitution adopted by the Tribal Membership February 1, 2005.

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

SECTION III. COMPENSATION IMPLEMENTATION

The compensation, as set by this statute, shall be implemented the calendar day after the next general election day is held. For example, if the “general election day” is held on Monday, June 8, 2020, then this statute shall be implemented on Tuesday, June 9, 2020 the next calendar day

following the general election day.

SECTION IV. COMPENSATION ESTABLISHED

- A. The Election board members shall receive the monthly stipend compensation of six-hundred and twenty-five dollars (\$625.00) a month for performing their constitutional duties.
- 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. Election board members shall not be paid any additional stipend for travel or for participation in any election, meeting, activity or event.

SECTION V. TRAVEL EXPENSE

Travel expenses for approved travel may be paid in advance or reimbursed at the same rate as allowed employees in the Tribal Council approved Tribal Governmental Employees Travel Reimbursement Policy, or as amended.

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 for compensation not explicitly listed in this Statute, including stipends.
 - 3. Receiving overtime.

SECTION VII. EMPLOYMENT

Election Board Members positions are not considered employment 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 whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto, but shall not be implemented until after the next election and until the next Tribal Council or individual councilors are sworn in.



CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians by a phone poll of the Tribal Council held on February 25, 2020 at which a quorum was present, by a vote of 5 in favor, 0 opposed, 1 abstention, and 3 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington Jr.	X			
Fred Kiogima				X
Tamara Kiogima	X			
Melissa Pamp				X
Leroy Shomin			X	
Marty Van De Car	X			
Marcella R. Reyes				X
Julie Shananaquet	X			
Emily Proctor	X			

Date: 02/26/2020 Emily Proctor
 Emily Proctor, Legislative Leader

Date: 02/26/2020 Julie Shananaquet
 Julie Shananaquet, Tribal Council Secretary

Received by the Executive Office on 3-2-2020 by Le. J. H.

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: 5.4.2020 Regina Gasco Bentley
 Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 05.07.2020 by Julie Shananaquet