



WAGANAKISING ODAWAK
LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
LEGISLATIVE BRANCH
7500 ODAWA CIRCLE
HARBOR SPRINGS, MI 49740

EFFECTIVE DATE

According to LTBB Constitution – Article VII, (D) 1. They (Statutes) shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission.

The Executive failed to expressly veto the following Statute: Compensation for Tribal Council #2016-006 within 30 days from submission to the Executive Branch thus deemed enacted on September 1, 2016 per LTBB Constitution.

Date: 09/07/16
Tamara Kiogima

Tamara Kiogima

Administrative Assistant
Legislative Branch/Tribal Council
Little Traverse Bay Bands of Odawa Indians
7500 Odawa Circle
Harbor Springs, MI 49740

WAGANAKISING ODAWAK STATUTE # 2016-006
COMPENSATION FOR TRIBAL COUNCIL

SECTION I. PURPOSE

This Compensation Statute is hereby enacted to establish the compensation levels for the Tribal Council based on Constitutional duties. This Statute replaces and repeals Waganakising Odawak Statute 2010-017 Constitutionally Mandated Compensation for Tribal Council Members, 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. “*Compensation*” means the amount of annual pay for attendance at regularly scheduled Tribal Council meetings, work-sessions, legislative committee meetings, phone-polls, phone conferences, special meetings, emergency meetings, hearings, travel, training, committee meetings, electronic meetings, workgroups, teams or other meetings and any other activity in conjunction with carrying out Tribal Council Constitutional duties or any relevant Statute, to be paid pro rata, in equal increments and shall follow the practice of the Little Traverse Bay Bands of Odawa Indians governmental employees.

B. “*Regularly Scheduled Tribal Council Meeting*” means the Tribal Council Meetings that are set on an annual basis and published.

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

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

SECTION III. COMPENSATION CHANGE RESTRICTIONS

A. 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 general election.

B. No increase or decrease in compensation shall take effect until after the next general election.

SECTION IV. COMPENSATION ESTABLISHED

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

1. Legislative Leader, \$33,000.00
2. Tribal Secretary, \$33,000.00
3. Tribal Treasurer, \$33,000.00
4. Six (6) Tribal Council members, \$28,000.00

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 Tribal Council members may have the option 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 at the same rate as governmental employees.

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. STIPENDS

Tribal Officers and Councilors shall not be paid a stipend for participation in any activity or event.

SECTION VII. COMPENSATION PROHIBITIONS

- A.** Persons receiving compensation authorized by this Statute shall be prohibited from:
1. Receiving pay for two (2) or more positions. Councilors shall only receive pay for one officer position or as a council member; they will not be able to duplicate pay even if they assume additional responsibilities.
 2. Receiving unemployment compensation for any reductions or termination of said compensation.
 3. Receiving any other type of payment for compensation not explicitly listed in this Statute, including stipends.
 4. Receiving overtime.
 5. Receiving any pro-rata amount of compensation for missed meetings due to incarceration from a sentencing of a crime.

SECTION VIII. EMPLOYMENT

Tribal Council Officers and Tribal Council Members positions are not considered fulltime. In accordance the Tribal Constitution, Tribal Council members may be employed as a fulltime employee with any of Tribal Enterprises.

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 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 Treasurer 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 at a regular meeting of the Tribal Council held on July 28, 2016 at which a quorum was present, by a vote of 6 in favor, 2 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Bernard				X
David Harrington	X			
Beatrice A. Law	X			
Dexter McNamara		X		
Michael J. Naganashe	X			
Julia A. Shananaquet	X			
Marcella R. Reyes	X			
Aaron Otto		X		

Date: 7-29-2016 Marcella R. Reyes
 Marcella R. Reyes, Treasurer

Date: 7-28-2016 Aaron W. Otto
 Aaron W. Otto, Secretary

Received by the Executive Office on 8-2-16 by JL J-K

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 with this action of the Tribal Council.

Date: _____
 Regina Gasco Bentley, Tribal Chairperson

Waganakising Odawak Statute Compensation for Tribal Council Secretary Otto 