

Chapter 6. Constitutionally Mandated Compensation – Tribal Chairperson and Tribal Vice-Chairperson

14.601 PURPOSE

The purpose of this Statute is to establish the compensation levels for the Tribal Chairperson and Tribal Vice-Chairperson in accordance with the Tribal Constitution and based on Constitutional duties. This Statute repeals and replaces: Waganakising Odawak Statute 2010-014 *Constitutionally Mandated Compensation for Tribal Chairperson and Tribal Vice-Chair*; 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.

(Source: WOS 2023-004, June 8, 2023 by Veto Override, Section I)

14.602 DEFINITIONS

A. “*Annual Salary*” means the amount of annual compensation paid to the individual during the calendar year for performing the function of the Tribal Chairperson or Tribal Vice Chairperson and for carrying out the duties of the Tribal Chairperson or Vice Chairperson as stated in the Tribal Constitution and any relevant Statute and paid in equal increments.

B. “*Compensation*” means the annual salary paid weekly in equal increments and any benefits allowed by this Statute.

C. “*Tribal Constitution*” means the LTBB Constitution adopted by the Tribal Membership February 2, 2005.

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

(Source: WOS 2023-004, June 8, 2023 by Veto Override, Section II)

14.603 COMPENSATION CHANGE RESTRICTIONS

A. In accordance with Article VIII (G) of the Tribal Constitution, any increase or decrease in

the compensation established in this Statute shall not take effect until after the next general election.

(Source: WOS 2023-004, June 8, 2023 by Veto Override, Section III)

14.604 COMPENSATION ESTABLISHED

A. In accordance with Article VIII (G) of the Tribal Constitution, Compensation of the Tribal Chairperson and Tribal Vice Chairperson is herein established. The Tribal Chairperson and the Tribal Vice Chairperson shall be compensated as follows:

- 1.** To fulfill the responsibilities of the Tribal Chairperson as outlined in the Tribal Constitution and any relevant Statute, the Tribal Chairperson shall be compensated and paid an annual salary in the amount of **\$125,000**.
- 2.** To fulfill the responsibilities of the Vice-Chairperson as outlined in the Tribal Constitution and any relevant Statute, the Tribal Vice-Chairperson shall be compensated and paid an annual salary in the amount of **\$100,000**.

B. Additional to the annual salary established in this Statute, the Tribal Chairperson and the Tribal Vice-Chair 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.

C. The compensation of the Chairperson and the Vice-Chairperson shall be subject to federal and state taxation where applicable. Tax withholdings are elective and may be withheld from each payment.

D. Compensation shall be paid in equal increments.

(Source: WOS 2023-004, June 8, 2023 by Veto Override, Section IV)

14.605 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.

(Source: WOS 2023-004, June 8, 2023 by Veto Override, Section V)

14.606 TRAVEL EXPENSE REIMBURSEMENT

Travel expenses shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy approved by Tribal Council.

(Source: WOS 2023-004, June 8, 2023 by Veto Override, Section VI)

14.607 EMPLOYMENT

In accordance with Article XV (A)(3) of the Tribal Constitution, the Tribal Chairperson and Tribal Vice-Chairperson may work in Tribal enterprises. If employed in Tribal enterprises, the Chairperson and Vice-Chairperson may not hold more than one fulltime paid position in the Tribes enterprises, even if they decline pay for one of the positions.

(Source: WOS 2023-004, June 8, 2023 by Veto Override, Section VII)

14.608 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.

(Source: WOS 2023-004, June 8, 2023 by Veto Override, Section VIII)

14.609 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.

(Source: WOS 2023-004, June 8, 2023 by Veto Override, Section IX)