

## Chapter 9. Constitutionally Mandated Compensation – Tribal Council

### 14.901 PURPOSE

The purpose of this Statute is to establish the compensation levels for the Tribal Council in accordance with the Tribal Constitution and based on Constitutional duties. This Statute repeals and replaces: Waganakising Odawak Statute 2010-017 *Constitutionally Mandated Compensation for Tribal Council Member*; 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 2023-003, June 8, 2023 by Veto Override, Section I)

### 14.902 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.

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

C. “*Stipend*” for attendance at non-regularly scheduled meeting and work session, special or emergency meetings, legislative committee meetings, events, trainings, hearings, and any other activities approved by policy or motion in advance and shall be limited to one stipend per day.

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

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

(Source: WOS 2023-003, June 8, 2023 by Veto Override, Section II)

#### **14.903 COMPENSATION CHANGE RESTRICTIONS**

**A.** In accordance with Article VII (F) of the Tribal Constitution, any increase or decrease in the compensation shall not take effect until after the next general election.

(Source: WOS 2023-003, June 8, 2023 by Veto Override, Section III)

#### **14.904 COMPENSATION ESTABLISHED**

**A.** In accordance with Article VII (F) of the Tribal Constitution, Compensation of the Tribal Council is hereby established. Tribal Councilors shall be compensated as follows:

- 1.** Tribal Council Officers shall be compensated an annual salary of **\$55,000.00**.
- 2.** Non-Officer Tribal Councilors shall be compensated an annual salary of **\$50,000.00**.

**B.** Additional to the annual salary established in this Statute, Tribal Councilors 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 same rate as tribal government employees. Tribal Councilors may elect to participate.

C. The compensation of the Tribal Council 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 weekly in equal increments.

(Source: WOS 2023-003, June 8, 2023 by Veto Override, Section IV)

#### **14.905 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.

(Source: WOS 2023-003, June 8, 2023 by Veto Override, Section V)

#### **14.906 STIPENDS**

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

(Source: WOS 2023-003, June 8, 2023 by Veto Override, Section VI)

#### **14.907 COMPENSATION PROHIBITIONS**

- A. Persons receiving compensation authorized by this Statute shall be prohibited from:
1. Receiving pay for two (2) or more Tribal Council positions. Councilors shall only receive pay as a Tribal Council Officer or a Non-Officer Tribal Councilor; additional pay is not allowed even when a Tribal Councilor assumes an additional position or additional responsibilities
  2. Receiving unemployment compensation for any reductions or termination of compensation established by this Statute.
  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.

(Source: WOS 2023-003, June 8, 2023 by Veto Override, Section VII)

#### **14.908 EMPLOYMENT**

In accordance with Article XV (A)(3) of the Tribal Constitution, Tribal Councilors may work in Tribal enterprises shall abstain from discussions and voting on matters involving that enterprise. If employed in Tribal enterprises, the Tribal Councilor 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 2023-003, June 8, 2023 by Veto Override, Section VIII)

#### **14.909 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 2023-003, June 8, 2023 by Veto Override, Section IX)

#### **14.910 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.

(Source: WOS 2023-003, June 8, 2023 by Veto Override, Section X)