

**WAGANAKISING ODAWAK STATUTE #
CONSTITUTIONALLY MANDATED COMPENSATION - TRIBAL COUNCIL**

SECTION I. 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.

SECTION II. DEFINITIONS

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

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

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

D. “*Tribal Council Officers*” means the three (3) Tribal Council Officers defined in Articles VII (B) and VII (C) of the Tribal Constitution and consisting of the Legislative Leader, the Secretary, and the Treasurer.

1 **E.** “*Non-Officer Tribal Councilors*” means the six (6) Tribal Councilors not defined in
2 Articles VII (B) or VII (C) of the Tribal Constitution
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4 **F.** “*Tribal Constitution*” means the LTBB Constitution adopted by the Tribal Membership
5 February 1, 2005.
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7 **G.** “*Tribe*” shall mean the Little Traverse Bay Bands of Odawa Indians.
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10 **SECTION III. COMPENSATION CHANGE RESTRICTIONS**
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12 **A.** In accordance with Article VII (F) of the Tribal Constitution, any increase or decrease in
13 the compensation established in this Statute shall take effect upon the oath of office following
14 the next general election.
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16 **B.** Any statute or statutory amendment increasing or decreasing the compensation of Tribal
17 Councilors must be enacted before the Election Board distributes candidate petitions for the next
18 general election.
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21 **SECTION IV. COMPENSATION ESTABLISHED**
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23 **A.** In accordance with Article VII (F) of the Tribal Constitution, Compensation of the Tribal
24 Council is hereby established. Tribal Councilors shall be compensated as follows:
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26 **1.** Tribal Council Officers shall be compensated an annual salary of **\$55,000.00**.
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28 **2.** Non-Officer Tribal Councilors shall be compensated an annual salary of
29 **\$50,000.00**.
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31 **B.** Additional to the annual salary established in this Statute, Tribal Councilors shall receive
32 the following:
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34 **1.** Contributions to the Tribe’s retirement plan or a similar plan shall be allowed
35 with the same conditions and restrictions applied to Tribal employees and other
36 contributors in the Tribal Government Retirement plan.

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2 **C.** The compensation of the Tribal Council shall be subject to federal and state taxation
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4 where applicable. Tax withholdings are elective and may be withheld from each payment.
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6 **D.** Compensation shall be paid weekly in equal increments.
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9 **SECTION V. TRAVEL EXPENSE**
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11 Travel expenses for approved travel may be paid in advance or reimbursed at the same rate as
12 allowed employees in the Tribal Council approved Tribal Governmental Employees Travel
13 Reimbursement Policy, or as amended.
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16 **SECTION VI. STIPENDS**
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18 Tribal Council Officers and Tribal Councilors shall not be paid a stipend for participation in any
19 activity or event.
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22 **SECTION VII. COMPENSATION PROHIBITIONS**
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24 **A.** Persons receiving compensation authorized by this Statute shall be prohibited from:
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- 26 1. Receiving pay for two (2) or more positions. Councilors shall only receive pay as
27 a Tribal Council Officer or a Non-Officer Tribal Councilor; additional pay is not
28 allowed even when a Tribal Councilor assumes an additional position or
29 additional responsibilities.
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- 31 2. Receiving unemployment compensation for any reductions or termination of
32 compensation established by this Statute.
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- 34 3. Receiving any other type of payment for compensation not explicitly listed in this
35 Statute, including stipends.
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1 4. Receiving overtime.

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3 5. Receiving any pro-rata amount of compensation for missed meetings due to
4 incarceration from a sentencing of a crime.
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7 **SECTION VIII. EMPLOYMENT**
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9 In accordance with Article XV (A)(3) of the Tribal Constitution, Tribal Councilors may work in
10 Tribal enterprises but must abstain from discussions and voting on matters involving that
11 enterprise. If employed in Tribal enterprises, the Tribal Councilor may not hold more than one
12 fulltime paid position in the Tribes enterprises, even if they decline pay for one of the positions.
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15 **SECTION IX. SEVERABILITY**
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17 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any
18 reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
19 be deemed a separate, distinct and independent provision and such holding shall not affect the
20 validity of the remaining portions thereof.
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23 **SECTION X. EFFECTIVE DATE**
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25 Effective upon signature of the Executive or thirty (30) days from Tribal Council approval
26 whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council
27 override of the veto, but shall not be implemented until after the next election and until the next
28 Tribal Council or individual councilors are sworn in.
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32 **CERTIFICATION**
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