

WAGANAKISING ODAWAK STATUTE # 2023-____
CONSTITUTIONALLY MANDATED COMPENSATION -
TRIBAL CHAIRPERSON AND TRIBAL VICE-CHAIRPERSON

SECTION I. 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.

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 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.

SECTION III. COMPENSATION CHANGE RESTRICTIONS

- A.** In accordance with Article VIII (~~GG~~) of the Tribal Constitution, any increase or decrease

1 in the compensation established in this Statute shall not take effect until after the next general
2 election upon the oath of office of the next general election.

3 ~~B. Any statute or statutory amendment increasing or decreasing the compensation of the~~
4 ~~Tribal Chairperson or Vice-Chairperson must be enacted before the Election Board distributes~~
5 ~~candidate petitions for the next general election.~~

6 _____
7 **SECTION IV. COMPENSATION ESTABLISHED**

8
9 **A.** In accordance with Article VIII (G) of the Tribal Constitution, Compensation of the
10 Tribal Chairperson and Tribal Vice Chairperson is herein established. The Tribal
11 Chairperson and the Tribal Vice Chairperson shall be compensated as follows:

12
13 1. To fulfill the responsibilities of the Tribal Chairperson as outlined in the Tribal
14 Constitution and any relevant Statute, the Tribal Chairperson shall be
15 compensated and paid an annual salary in the amount of ~~\$12510,000.~~

16
17 2. To fulfill the responsibilities of the Vice-Chairperson as outlined in the Tribal
18 Constitution and any relevant Statute, the Tribal Vice-Chairperson shall be
19 compensated and paid an annual salary in the amount of ~~\$10085,000.~~

20
21 **B.** Additional to the annual salary established in this Statute, the Tribal Chairperson and the
22 Tribal Vice-Chair shall receive the following:

23
24 1. Contributions to the Tribe's retirement plan or a similar plan shall be allowed
25 with the same conditions and restrictions applied to Tribal employees and other
26 contributors in the Tribal Government Retirement plan.

27
28 2. Health insurance, life insurance and other Tribal insurance programs at the same
29 rate as governmental employees.

30
31 **C.** The compensation of the Chairperson and the Vice-Chairperson shall be subject to
32 federal and state taxation where applicable. Tax withholdings are elective and may be withheld
33 from each payment.

34
35 **D.** Compensation shall be paid in equal increments.
36
37
38

Formatted: Indent: Left: 0", First line: 0"

1 **SECTION V. COMPENSATION PROHIBITIONS**

2

3 Persons receiving compensation authorized by this Statute shall be prohibited from:

4

5 **A.** Receiving unemployment compensation for any reductions or termination of said
6 compensation.

7

8 **B.** Receiving any other type of payment for compensation not explicitly listed in this
9 Statute, including stipends.

10

11 **C.** Receiving overtime provision.

12

13

14 **SECTION VI. TRAVEL EXPENSE REIMBURSEMENT**

15

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

18

19

20 **SECTION VII. EMPLOYMENT**

21

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

26

27

28 **SECTION VIII. SEVERABILITY**

29 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any
30 reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
31 be deemed a separate, distinct and independent provision and such holding shall not affect the
32 validity of the remaining portions thereof.

33

34 **SECTION IX. EFFECTIVE DATE**

35 Effective upon signature of the Executive or thirty (30) days from Tribal Council approval which
36 ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of
37 the veto.

38

CERTIFICATION