

## **Chapter 5. Constitutionally Mandated Compensation for Election Board Members**

*Codification Note: Repeals and replaces 2010-013*

### **14.501 PURPOSE**

This Compensation Statute is hereby enacted to establish the compensation levels for the Election Board members based on Constitutional duties. This Statute replaces and repeals Waganakising Odawak Statute 2010-013 Constitutionally Mandated Compensation for Election Board Members, and any previous Statute, Resolution or Policy language with regard to compensation levels for such positions as stated in this purpose.

(Source: WOS 2020-007, May 4, 2020, Section I)

### **14.502 DEFINITIONS**

**A.** “*Compensation*” means the amount of monthly stipend payment for attendance at regularly scheduled meetings, elections, work-sessions, committee meetings, phone-polls, phone conferences, special meetings, emergency meetings, hearings, travel, training, electronic meetings, workgroups, teams or other meetings and any other activity in conjunction with carrying out Election Board Constitutional duties or any relevant Statute, to be paid monthly.

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

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

(Source: WOS 2020-007, May 4, 2020, Section II)

### **14.503 COMPENSATION IMPLEMENTATION**

The compensation, as set by this statute, shall be implemented the calendar day after the next general election day is held. For example, if the “general election day” is held on Monday, June 8, 2020, then this statute shall be implemented on Tuesday, June 9, 2020 the next calendar day following the general election day.

(Source: WOS 2020-007, May 4, 2020 Section III)

#### **14.504 COMPENSATION ESTABLISHED**

- A.** The Election board members shall receive the monthly stipend compensation of six-hundred and twenty-five dollars (\$625.00) a month for performing their constitutional duties.
- 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.** Election board members shall not be paid any additional stipend for travel or for participation in any election, meeting, activity or event.

(Source: WOS 2020-007, May 4, 2020, Section IV)

#### **14.505 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 2020-007, May 4, 2020, Section V)

#### **14.506 COMPENSATION PROHIBITIONS**

- A.** Persons receiving compensation authorized by this Statute shall be prohibited from:
  - 1.** Receiving unemployment compensation for any reductions or termination of said compensation.
  - 2.** Receiving any other type of payment for compensation not explicitly listed in this Statute, including stipends.
  - 3.** Receiving overtime.

(Source: WOS 2020-007, May 4, 2020, Section VI)

#### **14.507 EMPLOYMENT**

Election Board Members positions are not considered employment positions.

(Source: WOS 2020-007, May 4, 2020, Section VII)

#### **14.508 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 2020-007, May 4, 2020, Section VIII)

#### **14.509 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 2020-007, May 4, 2020, Section IX)