



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Regina Gasco-Bentley, Tribal Chairperson

7500 Odawa Circle, Harbor Springs, Michigan 49740

Phone 231-242-1418 • Fax 231-242-1411

May 19th, 2023

RE: Executive Veto of WOS 2023-XXX Constitutionally Mandated Compensation – Tribal Council

I am returning without my approval the LEG-314, Constitutionally Mandated Compensation – Tribal Council. As approved by the Council, the proposed revisions to section IV of the current law, Waganakising Odawa Statute 2016-006, would increase the salaries of Tribal Council officers from \$33,000 to \$55,000 and non-officer Council members from \$28,000 to \$50,000 per year. It would also make all councilors eligible for insurance offered to LTBB employees.

COVID, demographics, and online gaming have negatively affected gaming revenues and this trend is unlikely to reverse anytime soon. As you know, gaming revenues are the lifeblood of our government. They fund most of our operations and make it possible to apply for and administer the grant funds that comprise the remainder of the budget. Diminishing revenues strain our budgets and force difficult decisions in our pursuit of policy objectives such as educating and housing Tribal Citizens and protecting our culture and homelands. The wage increases alone cost \$198,000 annually, money that would be better spent on services for Tribal Citizens. I feel it is my duty to veto this bill.

Regina Gasco-Bentley, Tribal Chairperson

WAGANAKISING ODAWAK STATUTE # 2023-_____
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.
- E.** “*Non-Officer Tribal Councilors*” means the six (6) Tribal Councilors not defined in Articles VII (B) or VII (C) of the Tribal Constitution

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

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

SECTION III. 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.

SECTION IV. 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.

SECTION V. 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.

SECTION VI. STIPENDS

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

SECTION VII. 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.

SECTION VIII. 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.

SECTION IX. 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.

SECTION X. 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.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on April 20, 2023 at which a quorum was present, by a vote of 6 in favor, 2 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima	X			
Tamara Kiogima		X		
William Ortiz	X			
Aaron Otto	X			
Melissa Pamp		X		
James Pontiac	X			
Leroy Shomin	X			
Marcella R. Reyes				X
Emily Proctor	X			

Date: 4/21/2023 Emily Proctor
 Emily Proctor, Legislative Leader

Date: 4/21/2023 Marcella R. Reyes
 Marcella R. Reyes, Tribal Council Secretary

Received by the Executive Office on 4-21-2023 by [Signature]

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 05/19/2023 Regina Gasco Bentley
 Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 05/19/2023 by Maui Taylor

VETO

