



Little River Band of Ottawa Indians
2608 Government Center Drive
Manistee, MI 49660
(231) 723-8288

Resolution #19-0522-120

Continuing the Compensation for the Tribal Ogema

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7(I)(2) of the Constitution, has the power to manage any funds within the exclusive control of the Tribe and to appropriate such funds for the benefit of the Tribe and its Members; and

WHEREAS, the Ogema, pursuant to Article V, Section 5(b) of the Constitution, shall be entitled to compensation for his/her services which shall not be diminished during his/her continuance in office; and

WHEREAS, the Tribal Council, pursuant to Article V, Section 5(b) of the Constitution, must establish such compensation for the Ogema; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 6(g)(1) of the Constitution, must act only by Ordinance, resolution or motion; and

WHEREAS, the Tribal Council adopted Resolution #00-1111-08 which set the compensation of the Ogema during the term of office of the first Ogema under the current Constitution; and

WHEREAS, the Tribal Council adopted Resolution #03-0419-101 which set the compensation of the Ogema during the term of office of the second Ogema under the current Constitution; and

WHEREAS, the Tribal Council clarified and set the compensation for the Ogema for the 2007 General Elections by Resolution #07-0321-148.

WHEREAS, the Tribal Council clarified and set the compensation for the Ogema for the 2011 General Elections by Resolution #11-0420-131.

WHEREAS, the Tribal Council clarified and set the compensation for the Ogema for the 2015 General Elections by Resolution #15-0415-114

WHEREAS, the Tribal Council clarified and set the compensation for the Ogema for the 2017 General Elections by Resolution #17-0517-175

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby sets the compensation of the Ogema elected in the 2019 General Election, and shall continue for that office unless changed by the Tribal Council in accordance with the Constitution, applicable to the Ogema upon taking the Oath of Office as set forth in this resolution.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs that Resolution #17-0517-175 is superseded by adoption of this resolution.

IT IS FURTHER RESOLVED THAT the compensation of the Ogema consists of salary and benefits as defined in this Resolve. 'Compensation' as used in this Resolution means the salary and benefits set forth in this Resolve.

1. *Annual Salary.* The annual salary of the Ogema shall be \$90,000 and shall be paid in accordance with payroll procedures of the Tribe during the term served of Office of the Ogema. The annual salary is accrued only for time served in the office.

2. *Benefits.* The Ogema shall receive, during the term of office, the following benefits. Benefits are not paid in addition to the salary identified in Section 1 above, but where time off is taken or holidays are observed, shall be paid in lieu of the salary.

- a. *Time Off.* Time off includes vacation or medical leave from the office and shall include time taken by the Ogema during which he or she shall not be responsible for the authority of that office and shall be accounted for in hourly increments. The Ogema shall be given 120 hours each year, in a lump sum on June 1st of each year, which cannot be carried over, and shall not be paid out at the conclusion of the fiscal year or term of office.

The Ogema shall notify the Tribal Council that he/she is taking time off in writing, in the following manner-

1. *Medical.* The Ogema shall notify the Tribal Council Speaker when he/she will be taking time off for personal reasons in a timely manner, which should be when scheduled, 24 hours in advance, or as soon as possible after an emergency.
2. *Vacation.* The Ogema shall notify the Tribal Council Speaker two weeks in advance of any time he/she will be taking time off for non-medical reasons.

The Ogema shall maintain, in a clear manner, information related to the utilization of the time off allowed under this section, which shall be reported to the Tribal Council on an annual basis.

- b. *Health, Dental, Vision Insurance.* The Ogema shall be eligible to receive any insurance coverage offered by the Tribe to its employees on the same basis as that made available to employees of the Tribe.
- c. *Retirement Plans - 401(k).* The Ogema shall be eligible to participate in any retirement plan offered by the Tribe to its employees on the same basis as that made available to employees of the Tribe.
- d. *Tribal Holidays.* The Ogema shall be entitled to holidays observed by the Tribe.

IT IS FURTHER RESOLVED THAT, the Ogema shall be reimbursed for expenses related to travel on behalf of the Tribe in accordance with the approved travel expense policy of the Tribe. Such expenses are not considered a part of the compensation of the Ogema and shall be appropriately documented.

IT IS FURTHER RESOLVED THAT, the compensation identified in this resolution shall be effective upon the date of the 2017 elected officials being sworn into office.

IT IS FURTHER RESOLVED THAT, stipends, or other non-travel expense related compensation not otherwise covered by travel expense policies of the Tribe given to the Ogema while acting in their official capacity shall not be allowed and all compensation of this nature shall be returned to the Tribe and dedicated to educational scholarship funds.

IT IS FINALLY RESOLVED THAT this compensation resolution may be subject to amendment in order to comply with the General Membership enactment of compensation conditions for payment.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 6 FOR, 3 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on May 22, 2019, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Sandra Lewis, Tribal Council Recorder



Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records
 Tribal Ogema
 Tribal Court