

## Ordinance 28-02

An Ordinance for an Act repealing and replacing Title 26 Mille Lacs Band Statutes section 6, compensation for the Chief Executive, Secretary-Treasurer, and District Representatives.

The District III Representative introduced the following Bill on the 20th day of June 2002.

### Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of repealing and replacing 26 MLBSA sec. 6.

### Title 26 Compensation of Elected Officials

Section 1. Repeal and Replacement. 26 MLBSA sec. 6 is hereby repealed and replaced.

Section 2. Definitions. The terms defined in this Act have the meanings given them in this section.

- (a) "Elected Officials" means the Chief Executive, Secretary-Treasurer, and the District Representatives.
- (b) "Elective Office" means the positions held by the Chief Executive, Secretary-Treasurer, and District Representatives.
- (c) "Length of Service" means any years, months, weeks, and days, not necessarily consecutive, in which an individual has been in elective office. The time shall be calculated from the date the elected officials took the oath of office to the date such officials vacated elective office.
- (d) "Retirement" means the time after the date when any elected official has vacated their office for any reason.
- (e) "Pension" means the monthly amount, based on length of service in elective office, that the pensioner is qualified to receive after he/she has vacated elective office.
- (f) "Pensioner" means a former elected official who is receiving a pension.

- (g) "Salary" means the gross annual rate of pay of elected officials for their employment with the Band calculated before any deductions.
- (h) "Vacate or vacating" means that an elected official no longer holds elective office for any reason.
- (i) "Years of Service" means the number of years an elected official serves in any elective office either consecutive or non-consecutive.

Section 3. Administration of this Act. The Commissioner of Finance shall administer the provisions of this Act.

Section 4. Salary, salary increases, effective date.

(a) Elected officials shall receive salary based on the elective office held and the number of years of service in any elective office.

(b) Salary increases shall occur every four (4) years in steps as follows:

(1) Chief Executive.

|                   | <u>Step 1</u> | <u>Step 2</u> | <u>Step 3</u> | <u>Step 4</u> |
|-------------------|---------------|---------------|---------------|---------------|
| Years of service. | 0-4           | over 4-8      | over 8-12     | over 12       |
| Salary.           | \$85,000      | \$95,000      | \$105,000     | \$115,000     |

(2) Secretary-Treasurer.

|                   | <u>Step 1</u> | <u>Step 2</u> | <u>Step 3</u> | <u>Step 4</u> |
|-------------------|---------------|---------------|---------------|---------------|
| Years of service. | 0-4           | over 4-8      | over 8-12     | over 12       |
| Salary.           | \$80,000      | \$90,000      | \$100,000     | \$110,000     |

(3) District Representatives.

|                   | <u>Step 1</u> | <u>Step 2</u> | <u>Step 3</u> | <u>Step 4</u> |
|-------------------|---------------|---------------|---------------|---------------|
| Years of service. | 0-4           | over 4-8      | over 8-12     | over 12       |
| Salary.           | \$75,000      | \$85,000      | \$95,000      | \$105,000     |

(c) Effective date. This salary system is effective only for any elected official in office on or after July 9, 2002.

Section 5. Severance. Former elected officials shall, for a period of six (6) months after vacating office, receive monthly severance pay equal to eighty percent of the salary they received in their last month in elective office.

Section 6. Pension.

(a) Former elected officials shall receive a monthly pension for the total cumulative number of years in elective office in the amount prescribed in subd. (d) of this section beginning on the first day of the seventh month after vacating elective office.

(b) Former elected officials shall qualify for a pension based on the total cumulative number of years served in any elective office.

(c) No pension while in elective office. If an elected official who has been receiving or is scheduled to receive a pension returns to elective office, then their pension shall be suspended until the elected official vacates elective office.

(d) Pension amount. Former elected officials shall receive the following pensions.

|                                    |       |         |
|------------------------------------|-------|---------|
| Total cumulative years of service. | 1-2   | over 2  |
| Monthly pension.                   | \$500 | \$1,000 |

(e) Effective date. The section is effective only for any elected official in office on or after July 9, 2002

Section 7. Withholding of taxes. The Commissioner of Finance shall withhold all taxes as required by applicable law.

Section 8. Judicial and administrative garnishment. Pensions may be garnished only through petitioning the Court of Central Jurisdiction and only for debts owed to the Mille Lacs Band of Ojibwe.

Section 9. Effect of recall, removal, or conviction. An elected official who has been recalled or removed from elective office for reasons of theft, robbery, burglary, embezzlement, fraud, or other similar act against the Band or any Band entity, or has been determined by a court of competent jurisdiction to have committed another similar

civil or criminal act against the Band or any Band entity which was committed while in elective office, may have their pension reduced, denied or terminated by majority vote of the Joint Session. Such denial of a pension is final and may not be appealed to the Court of Central Jurisdiction.

Section 10. Notice of pension amount, timing of benefit, reduction, denial or termination.

- (a) General notice of amount and timing of benefit. The Commissioner of Finance shall notify a pensioner, within sixty (60) days after vacating elective office, of the pensioner's eligibility for a pension. The notice shall contain the amount of the pension, timing of periodic payment, and other pertinent information.
- (b) Notice for reduction, denial, or termination. The Commissioner of Finance shall notify a pensioner in writing in the event of any change in the amount or timing of their pension, or if a pensioner is to have a pension denied or terminated. The notice shall contain the reasons for the change, denial, or termination.

Section 11. Cost of living adjustment. All salary and pensions stated in this Act shall be adjusted annually in accordance with the latest Consumer Price Index for all-urban consumers as determined by the United States Department of Labor.


Section 12. Effect of cost of living adjustment. Elected officials shall receive a salary increase of at least 10% when advancing to the next higher salary step, unless otherwise provided in section 4 of this Act.

Section 13. Severability. If any section of this Act is determined by the Court of Central Jurisdiction to be contrary to Mille Lacs Band law, then the entire Act is invalid.

Ordinance 28-02

Introduced to the Band Assembly on this  
twentieth day of June in the year  
two-thousand two.

Passed by the Band Assembly on this  
first day of July in the year  
two-thousand two.

  
\_\_\_\_\_  
Herb Weyaus, Speaker of the Assembly

APPROVED  
Date: 7/2/02

  
\_\_\_\_\_  
Melanie Benjamin, Chief Executive

Date: \_\_\_\_\_

\_\_\_\_\_  
Vetoed

FILED  
Date: 7/3/02

  
\_\_\_\_\_  
Mary Al Balber, Solicitor General

**OFFICIAL SEAL OF THE BAND**