

Ordinance 39-09

An ordinance repealing and replacing the Act known as the Compensation of Elected Officials and numbered in the Mille Lacs Band Statutes as Title 26 (previously referred to as Title 26, Section 6 in Band Assembly Bill 10-01-28-02) that encompasses the compensation for the Chief Executive, Secretary-Treasurer and District Representatives.

The District III Representative introduced the following Bill on the 30th day of July 2009.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of repealing Title 26 in its entirety (previously amended by Bill 10-01-28-02) and replacing the Act known as the Compensation of Elected Officials numbered in the Mille Lacs Band Statutes as Title 26.

Title 26 Compensation of Elected Officials

Section 1. Repeal and Replacement. Title 26 of Mille Lacs Band Statutes is hereby repealed in its entirety and replaced as follows.

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

- (a) "Elected Officials" mean the Chief Executive, Secretary-Treasurer, and the District Representatives.
- (b) "Elective Office" means the positions held by the duly elected Chief Executive, Secretary-Treasurer, and District Representatives.
- (c) "Length of Service" means the years, months, weeks, and days, that a duly elected official has been in elective office. This time shall be calculated consecutively as well as non-consecutively taking into account any breaks of service. The time shall be calculated from the date the elected official takes the oath of office to the date that an official vacates elective office.
- (d) "Retirement" means the time after the date that an elected official has officially vacated his/her office for retirement purposes.

- (e) "Pension" means the monthly amount, based on length of service in elective office, that an individual is deemed qualified to receive a stipend after leaving elective office.
- (f) "Pensioner" means a former elected official who is eligible to receive 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. The Commissioner of Finance shall administer the provisions of this Bill.

Section 4. Salary, salary increases, effective date.

(a) Newly elected officials and those returning to elected office, shall receive beginning salary based on the elective office held and the number of years of service in any elective office. Returning elected officials shall start at the appropriate step as noted below, adjusted for the Consumer Price Index for the years in which they did not hold an elected office.

(b) Salary levels shall be adjusted based on every four (4) years of service in each respective elected office in accordance with the following steps:

(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) Annual cost of living adjustment. Elected officials shall receive a salary increase of five percent (5%) every year in elected office.

(d) Effective date. This salary system is effective for any elected official in office on or after July 30, 2009.

Section 5. Severance.

(a) Former elected officials shall, for a period of six (6) months after vacating office, receive a monthly severance equal to eighty percent (80%) of the salary they received in their last month in elective office.

(b) Effect of recall, removal, or conviction. An elected official who has been recalled or removed from elective office by official action for 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 while in elective office, may have their severance reduced, denied or terminated by majority vote of the Joint Session. Such denial of a severance is final and may not be appealed to the Court of Central Jurisdiction.

(c) Severance pay may be garnished only through petitioning the Court of Central Jurisdiction and only for debts owed to the Mille Lacs Band of Ojibwe.

(d) Effective date. This section is effective for any elected official in office on or after July 30, 2009, with the exception of any restriction as noted in subsection (b) above.

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 subsection (d) of this section beginning on the first day of the seventh (7th) 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, his/her 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:	<u>1-2</u>	<u>over 2</u>
Monthly pension, plus interest:	\$500	\$1,500

(e) Effect of recall, removal, or conviction. An elected official who has been recalled or removed from elective office by official action for 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 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.

(f) 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.

(g) Effective date. This section is effective for any elected official in office on or after July 30, 2009, with the exception of any restriction as noted in Section 9 below.

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

Section 8. Notice of pension and/or severance 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 or former elected official, within sixty (60) days after vacating elective office, of their eligibility for a pension and/or severance. The notice shall contain the amount of the pension and/or severance, timing of periodic payment, and other pertinent information.

(b) Notice for reduction, denial, or termination.

The Commissioner of Finance shall notify a pensioner or former elected official in writing in the event of any change in the amount or timing of their pension and/or severance, or if a pensioner or former elected official is to have a pension and/or severance denied or terminated. The notice shall contain the reasons for the change, denial, or termination.

Section 9. Election Year. Elected officials shall not take action to amend the compensation of any elected official in any election year.

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Introduced to the Band Assembly on this
Thirtieth day of July in the year
two-thousand nine.

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

Herb Weyaus

Herb Weyaus, Speaker of the Assembly

APPROVED

Date: 7/30/09

Marge Anderson

Marge Anderson, Chief Executive

OFFICIAL SEAL OF THE BAND