

An Act

LEGISLATIVE ACT 42-03

AN ACT AMENDING TITLE 19 SECTION 21, TITLE 51 SECTION 1 AND TITLE 51 SECTION 11 OF THE CHEROKEE NATION CODE ANNOTATED, AND AMENDING LEGISLATIVE ACT 18-03 DEALING WITH COMPENSATION OF ELECTED OFFICIALS AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. TITLE AND CODIFICATION

This Act shall be titled as "Compensation for Elected Officials and Technical Amendments Act of 2003"

SECTION 2. PURPOSE

The purpose of this Act shall be to set permanent guidelines by which Cherokee Nation Officials will be compensated and make certain technical amendments to implement legislation previously enacted.

SECTION 3. LEGISLATIVE HISTORY

The Council of the Cherokee Nation previously enacted Legislative Act 18-03, on July 14, 2003 which set salaries for the Principal Chief, Deputy Principal Chief and Council of the Cherokee Nation, beginning with the term commencing August 14, 2003.

SECTION 4. FINDINGS OF THE COUNCIL OF THE CHEROKEE NATION

- A. L.A. 18-03 set a new methodology for determining new salary and benefits for elected leaders as outlined under section 6.A., through 6.C. below. The methodology required by L.A. 18-03 for determining salary and benefits has been applied and reviewed by General Counsel for the Executive and legal Counsel for the Legislative Branches and found to be sufficient.
- B. The methodology and salaries and benefits are hereby confirmed and fixed for this term of the elected leadership that commenced on August 14, 2003 as mandated by the Legislative Act 18-03.
- C. For the next term of office commencing August 14, 2007, salaries shall be set pursuant to the procedures set forth herein.

SECTION 5. DEFINITIONS

- A. Principal Chief means the duly elected Principal Chief of the Cherokee Nation.
- B. Deputy Principal Chief means the duly elected Deputy Principal Chief of the Cherokee Nation.
- C. Tribal Council Member means duly elected Tribal Council Member of the Council of the Cherokee Nation
- D. Five Civilized Tribes means the Choctaw, Chickasaw, Seminole, Cherokee and Creek Tribes that are federally recognized and headquartered in the State of Oklahoma.
- E. The Eastern Band of Cherokee means the Federally recognized Eastern Band of Cherokees located in North Carolina.

SECTION 6. SALARIES

For the current term of offices commencing on August 14, 2003, salaries of Elected Officials shall be determined and set pursuant to the methodology prescribed in Legislative Act 18-03.

A. Principal Chief

The salary of the Principal Chief of the Cherokee Nation shall be the average of the salaries that are paid to the Chiefs and Governor of the Five Civilized Tribes and the Chief of the Eastern Band of Cherokees based on a survey conducted of available information. Provided that this amount shall not exceed \$125,000 or fall below \$75,000.

B. Deputy Principal Chief

The salary of the Deputy Principal Chief of the Cherokee Nation shall be the average of the salaries that are paid to the Deputy Principal Chief or the comparable office of the Five Civilized Tribes and the Eastern Band of Cherokees, based on a survey conducted of available information. Provided that this amount shall not exceed \$80,000 or fall below \$45,000.

C. Tribal Council Member

Council Members of the Cherokee Nation salaries shall be the average of the salaries paid to the Council Members or comparable office of the Members of the Five Civilized Tribes and the Eastern Band of Cherokees based on a survey conducted of available information. Provided that this amount shall not exceed \$50,000 or fall below \$28,600.

D. Salaries for Future terms of Elected Officials

For elective terms beginning August 14, 2007, and thereafter, the annual salaries for the Principal Chief, Deputy Principal Chief, and Council Members of the Cherokee Nation shall be based on recommendations from a citizens committee, and approved by the Principal Chief and Council of the Cherokee Nation.

1. The Citizens Committee shall be comprised of two (2) appointees by the Principal Chief, two (2) appointees by the Council of the Cherokee Nation, and a fifth member selected by the four appointees.
2. The Citizens Committee shall convene early in the year prior to the general election year, early enough to make salary recommendations to the Principal Chief and Council of the Cherokee Nation by six (6) months before the next elective office filing deadline.
3. The Citizens Committee shall consider relevant comparative compensation levels such as, but not limited to, compensation information from other Tribal Governments, state and local governments, and the private sector. The Citizens Committee may use the Cherokee Nation's Human Resources and the Council of the Cherokee Nation's financial officer as sources of information.
4. Once approved by the Principal Chief and Council of the Cherokee Nation, the salaries for the next elective term shall be announced to the public.

E. All elected officials shall enjoy the same benefits of health insurance and retirement options as those offered to employees of the Cherokee Nation except unemployment benefits and 401k. Federal Social Security law prohibits Tribal Council officials from participating in the Social Security system. To compensate for Social Security contributions of Tribal Council officials, a deferred compensation fund shall be established and administered for the benefit of future retirement income. The deferred compensation plan shall be established to allow individuals to participate in the plan by January 1, 2004. The Cherokee Nation shall match deferrals at 100%, up to the prevailing Social Security employer rate of gross wages.

F. All elected officials shall not be considered employees of the Cherokee Nation.

G. The calculation as to when to set the average for Cherokee Nation officials elected in the 2003 Cherokee Nation General Election shall be the salaries of the above-mentioned officials as of January 1, 2003. The salaries are to be recalculated on January 1, 2007 and every four (4) years thereafter in accordance with the procedure described in D. above.

H. Elected officials are required to perform their duty, on call, seven days a week annually during their term, the tribal council shall devise it's own compensation docking policy and procedures for absences of committee and full council meetings. A council member's compensation cannot be docked for absences due to attending other official tribal business or illness. These policies shall be established and put into effect by January 1, 2004.

SECTION 7. CUMULATIVE

The provisions of this act shall supercede any law to the contrary and be cumulative to existing laws.

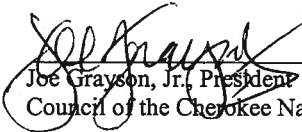
SECTION 8. SEVERABILITY

The provisions of this Act are severable and if any part or provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

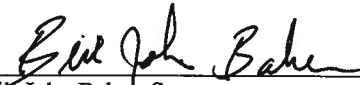
SECTION 9. EMERGENCY DECLARED

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reasons whereof this act shall take effect and be in full force after its passage and approval.

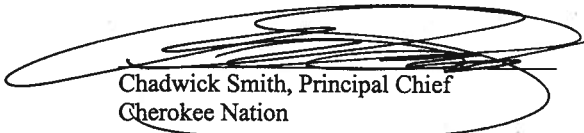
Enacted by the Cherokee Nation Tribal Council on the 30th day of December, 2003.


Joe Grayson, Jr., President
Council of the Cherokee Nation

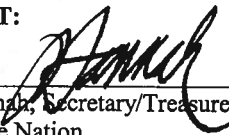
ATTEST:


Bill John Baker, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 30th day of December, 2003.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Jay Hannah, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Bill John Baker	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Audra Smoke-Connor	<u>Yea</u>	Meredith Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	John F. Keener	<u>Yea</u>
Jackie Bob Martin	<u>Yea</u>	Cara Cowan	<u>Abstained</u>
David W. Thornton, Sr.	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Phyllis Yargee	<u>Abstained</u>	Bill Johnson	<u>Yea</u>
Don Garvin	<u>Yea</u>	Charles "Chuck" Hoskin	<u>Yea</u>
Linda O'Leary	<u>Yea</u>		