



Legislation Text

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AN ACT AMENDING LEGISLATIVE ACT 50-21 RELATING TO THE CITIZEN COMMITTEE ON COMPENSATION

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act shall be known as the 2024 Amendments to Legislative Act 50-21 relating to the practices of the Citizen Committee on Compensation and codified under Title 19 and Title 51 of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to convene the Citizen Committee on Compensation to determine annual salaries, benefits and non-monetary compensation for elected officials within the Cherokee Nation and to reconvene thereafter on a biennial basis beginning in the 2025 Cherokee Nation General Election cycle; to reaffirm the legal efficacy of the Citizen Committee on Compensation Reports issued under the authority of LA 50-21 and to align the compensation of members of the Cherokee Nation Supreme Court with that of the Council of the Cherokee Nation, by the addition of a new subsection a and b of Section 5.D.8. and new subsections a, b and c of Section 5.D.9.

Section 3. Legislative History

Legislative Act 18-03

Legislative Act 42-03

Legislative Act 40-07

Legislative Act 05-11

Legislative Act 10-12

Legislative Act 01-15

Legislative Act 50-21

Section 4. Substantive Provisions

D. Salaries for Future Terms of Elected Officials

For all duly elected officials serving on August 2011, and thereafter the annual salaries for the Principal Chief, Deputy Principal Chief, and Council Members of the Cherokee Nation shall be based on the report submitted by a citizen committee.

Annual salaries and any additional benefit, including non-monetary compensation, for the Principal Chief, Deputy Principal Chief, and members of the Council of the Cherokee Nation shall be determined by the Citizen Committee on Compensation.

1. The Citizens Committee on Compensation shall be comprised of five (5) total Cherokee citizens eighteen years of age (18) or older. Two (2) citizens shall be appointed by the Principal Chief, two (2) appointees by the Council of the Cherokee Nation, and a single fifth member selected by the four appointees.

2. Appointments of the Principal Chief shall be made through an official letter to the Speaker of the Council, appointments by the Council of the Cherokee Nation shall be made through a Council Resolution, and the appointment of the fifth (5) member shall be made through an official letter to both the Principal Chief and Speaker of the Council of the Cherokee Nation.

3. The Citizen Committee on Compensation shall be paid five hundred dollars (\$500.00) per committee member to cover all expenses they incur to attend up to three meetings per calendar year, subject to the meeting limitations set forth herein.

4. The Citizen Committee on Compensation shall reconvene prior to the filing period for elected offices in the election year of the Principal Chief to make its findings and report and meet every four years (4) years thereafter. The committee shall submit their report prior to July 1st. its initial meeting no later than sixty (60) days following enactment of this Act. in order to establish the compensation for all present and future terms of office through completion of the 2025 General Election. and shall complete its findings and report within sixty (60) days thereafter. The Committee and shall notify the Office of the Principal Chief and the Council of the Cherokee Nation of its findings upon submission of a written memorandum. This memorandum shall be signed by all members of the Committee to affirm consensus.

5. Beginning in November of 2023 the Principal Chief and the Council of the Cherokee Nation shall appoint citizens to the committee in staggered terms. In order to stagger terms initial appointments shall be made as follows:

Seat One (1), Chief Appointment, shall be appointed for one (1) year

Seat Two (2), Council Appointment, shall be appointed for two (2) years

Seat Three (3), Chief Appointment, shall be appointed for three (3) years

Seat Four (4), Council Appointment, shall be appointed for four (4) years

Seat Five (5), Committee Appointment, shall be appointed for five (5) years.

All subsequent appointments will be for a term of five (5) years.

The Citizen Committee on Compensation is shall be authorized to select a Chair and such other officers as it deems warranted among its members to aid in the conduct of its meetings.

6. The Citizens Committee on Compensation shall reconvene subsequent to the candidate filing period for the 2025 Cherokee Nation General Election and in January of 2024 and biennially in Cherokee Nation general election years in evenly numbered years thereafter. The Committee shall issue any reports and findings on compensation by memorandum no later than March 31st July 30th of said election years. The Committee shall notify the Office of the Principal Chief and the Council of the Cherokee Nation of its findings by written memorandum upon completion. This memorandum shall be signed by all members of the Committee to affirm consensus.

7. The Citizen Committee shall consider relevant comparative salary levels including, but not limited to, salary information from other Tribal Governments, state and local governments, and the private sector. The Citizens Committee may use the Cherokee Nation's Human Resources, the Treasurer's Office and the Council of the Cherokee Nation's Financial officer among its sources of information and said report shall state clear and specific determinations as to increasing, otherwise enhancing or maintaining the status quo of compensation.

8. The final report of the Citizens Committee shall exclusively, by operation of law under this Act, set the salaries for all elected officials of the Cherokee Nation, and shall be effective upon issuance and commensurate with the following bi-weekly Cherokee Nation payroll cycle.

a. Reaffirmation as to Reports: To the extent not otherwise established by law, the the Council and the Principal Chief hereby reaffirm Final Reports of the Citizens Committee on Compensation of January 27, 2022 and of March 30, 2024 as valid and effective law by operation of Section 5.D.8 of this Act and otherwise ratify said reports as valid and effective delegations of the Council's authority, and affirm the same as to any future reports of the Citizens Committee on Compensation issued pursuant to this Act and affirm all matters relating to compensation in all aforementioned reports as "salaries" within the meaning of Section 5.D.8 of this Act.

b. Implementation Authority: The Executive Director of Cherokee Nation Human Resources is authorized to implement the purposes, policies and provisions of this Act and, any Citizen Committee on Compensation Final Reports issued under authority of this Act, through practices, policies or procedures consistent with this Act.

9. Supreme Court: Consistent with the recommendation of Citizens Committee on Compensation Report of March 30, 2024, compensation for Justices of the Cherokee Nation Supreme Court is hereby aligned with that of the Council of the Cherokee Nation and any adjustments made thereto pursuant to future actions of the Citizens Compensation Committee to Council compensation, as follows:

a. Salary: Salaries of Justices of the Cherokee Nation Supreme Court shall be no less than members of the

Council of the Cherokee Nation, with the salary of the Chief Justice no less than salary of the Speaker of the Council of the Cherokee Nation.

b. Fringe Benefits: Fringe benefits available to members of the Supreme Court shall be consistent with fringe benefits available to members of the Council of the Cherokee Nation.

c. Post Service Benefits: Post-service benefits available to former members of the Supreme Court, serving as of and after the date of this Act, shall be consistent with post service benefits made available to members of the Council of the Cherokee Nation.

Section 5. Provisions as cumulative

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

Section 6. Severability

The provisions of this act are severable and if any part of 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 7. Emergency Declared

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

Section 8. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the ____ day of ____, 2024.