

**SOUTHERN UTE INDIAN TRIBAL COUNCIL
ORDINANCE NO. 2026-183**

In accordance with its authority under Article VII, Section 1(a) of the Constitution of the Southern Ute Indian Tribe of the Southern Ute Indian Reservation (“Constitution”) to “[r]egulate its own procedures by appropriate ordinance,” the Southern Ute Indian Tribal Council enacts this Ordinance authorizing payment of certain separation benefits to the Chairman and members of the Southern Ute Indian Tribal Council, subject to certain restrictions.

Section 1 – Purpose. The Chairman and members of Tribal Council are eligible for the separation benefits provided herein upon the conclusion of their terms, except as provided in Section 2.

Section 2 – Ineligibility. The Chairman and members of Tribal Council are ineligible for separation benefits under this Ordinance when their service ends by way of any of the following:

- (a) Where the Chairman or Tribal Council member resigns from his or her position except in the following circumstances:
 - i. The Chairman or Tribal Council member is unable to reasonably fulfill his or her responsibilities due to a physical or mental disability; or
 - ii. The Chairman or Tribal Council member is unable to reasonably fulfill his or her responsibilities because he or she is caring for a mother, father, brother, sister, husband, wife, child, grandparent, grandchild, or corresponding step or in-law relations, or any other person over whom he or she has legal guardianship, who suffers from a physical or mental disability.
- (b) The Chairman or Tribal Council member is removed from office or is otherwise ineligible to remain in office under provisions of the Constitution as presently constituted or as may be amended in the future, including:
 - i. As set forth in Art. V. Section 1, the Chairman or Tribal Council member forfeits his or her term of office due to conviction of, or a plea of no contest to, a felony in any court.
 - ii. Under Art. V. Section 1, the Chairman or Tribal Council member is removed from office by the affirmative vote of not less than four members of the Tribal Council for gross neglect of duty, misfeasance in office, or for misconduct reflecting on the dignity and integrity of the Tribe.
 - iii. Under Art. V. Section 2, the Chairman or Tribal Council member is recalled from office at a special election called and held at the direction of the Tribal Council within thirty days following receipt of a petition signed by at least thirty percent of the registered voters of the Tribe.

Section 3 – Separation Benefits. Subject to the eligibility provisions and any other conditions in this Ordinance, the Chairman and members of Tribal Council are eligible for the separation benefits in the Separation Benefits Table below if they have completed at least one year of continuous service during the term in which separation occurs or at the conclusion of that term.

Separation Benefits Table

Service Period	Separation Benefits
1 year, but less than 2 years of continuous service	2 months’ salary
2 years, but less than 3 years of continuous service	4 months’ salary
Completion of a 3 year term	6 months’ salary

- (a) As used herein, “continuous service” includes leave time or other time taken off for any purpose authorized by the Tribal Council.
- (b) Separation benefits are paid based on the years of continuous service during the term in which separation occurs or upon completion of that term. Prior terms in office are not considered in calculating separation benefits.
- (c) As used herein, a “Service Period” is measured from the date on which the Chairman or Tribal Council member is sworn in until his or her last day of office.
- (d) Separation pay will be paid at the Chairman or Tribal Council member’s base pay, less deductions permitted or required by law.
- (e) Separation benefits will be paid in a lump sum within not later than 30 calendar days of the Chairman or Tribal Council member’s last day in office, with the exception that if the Chairman or a Tribal Council member runs for reelection and is unsuccessful, he or she will be paid within 30 calendar days of the certification of the election results or the conclusion of any challenge to those results as provided in the Election Code. Where possible, the separation benefits must be paid within the calendar year in which separation occurs.
- (f) Separation pay is limited to a lifetime maximum of 6 months’ salary. Any Chairman or member of Tribal Council who previously received separation pay or severance under a prior Ordinance is ineligible for separation pay under this Ordinance.

Section 4 – Voluntary Nature of Separation Benefits. A Chairman or Tribal Council member who is eligible to receive separation benefits under the terms of this Ordinance may decline to receive all or a portion of the benefits provided herein by written notice to the Human Resources Department.

Section 5 – Administration. Implementation of this Ordinance is the responsibility of the Human Resources Department. That Department is authorized to take necessary actions for its implementation.

Section 6 – Miscellaneous.

- (a) This Ordinance supersedes Ordinance No. 2018-153.
- (b) Tribal Council, in its sole discretion, retains full authority to make determinations regarding the interpretation of the provisions of this Ordinance and eligibility for separation benefits. Tribal Council may reasonably request documentation to support an eligibility determination. Decisions of the Tribal Council regarding eligibility for separation benefits shall be final.
- (c) Tribal Council retains the right to amend or modify this Ordinance at any time.
- (d) This Ordinance does not apply retroactively to those who held the position of Chairman and Tribal Council prior to the existing terms of office.

Section 7 – Sovereign Immunity. Nothing in this Ordinance may be construed as a waiver of the Southern Ute Indian Tribe’s sovereign immunity.

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History and Amendments¹

Res. No. 2008-263 (Oct. 28, 2008) (resolution adopting Ordin. No. 2008-263-Authorizing the Payment of Severance Compensation to Members of the Southern Ute Indian Tribal Council, Subject to Certain Restrictions).

Res. No. 2018-153 (Aug. 21, 2018) (resolution repealing Ordin. No. 2008-263-Authorizing the Payment of Severance Compensation to Members of the Southern Ute Indian Tribal Council, Subject to Certain Restrictions).

Res. No. 2026-183 (Aug. 20, 2026) (enacting Ordin. No. 2026-183).

¹ This page is not an official part of any ordinance. Information contained on this page is solely for informational and historical purposes and is from reliable sources.