

**WAGANAKISING ODAWAK STATUTE # 2016-02**  
**CONSTITUTIONALLY MANDATED COMPENSATION**  
**FOR TRIBAL PROSECUTOR**

**SECTION I. PURPOSE**

This Compensation Statute establishes the compensation levels for the Tribal Prosecutor based on Constitutional duties. This Statute replaces and repeals Waganakising Odawak Statute 2010-015 and any previous Statute, Resolution or Policy language regarding compensation levels for the position of Tribal Prosecutor.

**SECTION II. DEFINITIONS**

- A. "Annual Salary" means the amount of annual compensation paid during the calendar year for carrying out the duties of Tribal Prosecutor as stated in the Tribal Constitution or any relevant Statute.
- B. "Attorney" means a person licensed to practice law in the Tribal Court and courts of a state in the United States.
- C. "Full-time status" means an average of forty (40) hours a week with reasonable time off for sickness or disability, holidays or personal time. Work assignments are expected to be completed during the normally scheduled work week, with reasonable flexibility and extra hours as necessary.
- D. "Tribal Constitution" means the LTBB Constitution adopted by the Tribal Citizenship on February 2, 2005.
- E. "Tribe" means the Little Traverse Bay Bands of Odawa Indians.

**SECTION III. COMPENSATION CHANGE RESTRICTIONS**

Any statutory amendment changing the level of compensation for the Tribal Prosecutor shall not decrease the amount of compensation during the individual appointed terms for the Prosecutor.

**SECTION IV. COMPENSATION ESTABLISHED**

- A. The Tribal Prosecutor is considered full-time status and shall be compensated and paid a



set annual salary to fulfill the responsibilities as stated in the Tribal Constitution and any relevant Statute as follows, subject to federal and state (if applicable) taxation, paid weekly or bi-weekly, with tax withholdings handled in the same manner as for other LTBB governmental employees:

1. 0 to 5 years of experience as an attorney shall be paid \$60,000.00
  2. 6 to 10 years of experience as an attorney shall be paid \$75,000.00
  3. 11 years or more year of experience as an attorney shall be paid \$90,000.00
- B. Contributions to the Tribe's retirement plan or a similar plan shall be allowed with the same conditions and restrictions applied to Tribal employees and other contributors in the Tribal Government Retirement plan.
- C. Health insurance, life insurance and other Tribal insurance programs are offered at the same rate and conditions as for LTBB governmental employees.

#### **SECTION V. COMPENSATION PROHIBITIONS**

Persons receiving compensation authorized by this Statute shall be prohibited from:

- A. Receiving unemployment compensation for any reductions or termination of said compensation.
- B. Receiving any other type of payment as compensation not explicitly listed in this Statute, including stipends.
- C. Receiving overtime pay or compensation.

#### **SECTION VI. TRAVEL REIMBURSEMENT**

The Tribal Prosecutor shall be responsible for all travel expenses incurred while performing services for the Tribe for travel within the LTBB Reservation, and Emmet and Charlevoix Counties, or commuting for a residence outside those locations.

Other travel expenses for approved travel shall be reimbursed at the same rate as allowed employees in the Tribal Governmental Employees Travel Reimbursement Policy, as approved by Tribal Council.

## **SECTION VII. ASSISTANT PROSECUTORS**

The Tribe Council has the discretion, but is not required, to appoint assistant prosecutors under Article X, Section B.2 of the Tribal Constitution. In the event that Tribal Council appoints one or more assistant prosecutors, compensation will be negotiated on a case-by-case basis taking into consideration the level of experience and projected workload, and may take the form of an independent contract or employment relationship as appropriate under the particular circumstances.

## **SECTION VIII. SEVERABILITY**

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## **SECTION IX. EFFECTIVE DATE**

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.



## CERTIFICATION

As the Tribal Council Treasurer and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on February 18, 2016 at which a quorum was present, by a vote of 5 in favor, 0 opposed, 0 abstentions, and 3 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Bernard	X			
David Harrington	X			
Beatrice A. Law	X			
Dexter McNamara	X			
Michael J. Naganashe				X
Julia A. Shananaquet				X
Marcella R. Reyes				X
Aaron Otto	X			

Date: 2-24-2016

*Marcella R. Reyes*  
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 Marcella R. Reyes, Treasurer

Date: 2-26-2016

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 Aaron W. Otto, Secretary

Received by the Executive Office on 2-26-16 by *J.L.L.*

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005, the Executive concurs with this action of the Tribal Council.

Date: 2-26-16

*Regina Gasco Bentley*  
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 Regina Gasco Bentley, Tribal Chairperson