

1.0 COURT FINES, FEES AND COSTS ADMINISTRATIVE RULE

1.1 A system of control must be designed where cash is collected within the Tribal Court. In designing this system, the following rules will be observed in order to detect errors and to discourage fraud:

1. safeguard collection box for collections.
2. issued numbered receipts for collections of cash or money order.
3. maintain a daily record of collections binder;
4. deposit collections within 2 week to the Accounting department and obtain a receipt.

1.2 The Tribal Court collections shall be placed in the LTBB Tribal Court Fine & Fee account.

2.0 FINES

2.1 Fines mean any criminal or civil monetary penalty imposed by the court as punishment for violations of the community standards. All fines imposed by the Tribal Court shall be placed in the LTBB Tribal Court Fine & Fee revenue account in its appropriation function.

All fines collected by the Tribal Court will be divided as follows:

Tribal General Fund	50%
Tribal Court	30%
Tribal Law Enforcement or NRD	20% (Dependent upon case type)

The fine revenues are reflected in the Accounting system.

3.0 FEES

3.1 Fees mean the filing charges (costs) for commencing actions in the court. All fees collected shall be placed in the LTBB Tribal Court Fine & Fee revenue account(s) in its appropriation function.

The Tribal Court may transfer fees within the LTBB Tribal Court Fine & Fee revenue account(s) to the Tribal Court needs within the LTBB Tribal Court Fine & Fee expenditure account(s).

The relationship between expenditures and appropriated revenues fees is reflected in the Accounting system.

3.2 Any reinstatement fee required for hunting and/or fishing violations should be paid directly to the Natural Resources Department.

4.0 COSTS

4.1 Costs are of two kinds:

- The routine assessment imposed by the court on those, who cause the community to use its scarce resources on the enforcement of its standards, in an attempt to re-capture some resources for the community good; and
- The litigation expenses, other than fees, which the court may order a party to pay, *e.g.* the costs of a transcript.

The first kind of costs defined above shall be placed in the LTBB Tribal Court Fine & Fee revenue account(s) to provide resources for the development of the court system.

The second kind of cost defined above shall be placed in the LTBB Tribal Court Fine & Fee revenue account(s) to pay the appropriate litigation expenses.

All cost collected shall be placed in the LTBB Tribal Court Fine & Fee revenue account(s) in its appropriation function.

The Tribal Court may transfer cost within the LTBB Tribal Court Fine & Fee revenue account(s) to the Tribal Court needs within the LTBB Tribal Court Fine & Fee expenditure account(s).

The relationship between expenditures and appropriated revenues cost is reflected in the Accounting system.

5.0 DAILY RECORD OF COLLECTION

5.1 All collection received by the Tribal Court must be entered in a daily record of collections. The register must contain information to enable the Tribal Court and Accounting to identify each item. This information can be used as the source document for creating the Tribal Court open items. As a general rule, the daily record of collections should include the following information

1. date of collection;
2. name of the payer;
3. amount received;
4. type of collection, *ex.* cash, money order, check . The money order/check must be to Little Traverse Bay Bands of Odawa Indians Tribal Court;
5. account to which collection is to be credited or purpose of receipt; and
6. receipt number

5.2 Receipt for Cash or Money Payment

1. A receipt number shall begin with R then 000001 incrementing, respectively. *Ex.* R000001 and logged in the daily record of collection binder.
2. When the remitter is present a receipt is to be prepared and given to the remitter immediately.
3. Whenever the payment is received in the mail, a receipt is prepared and mailed that day to the person making the remittance.

6.0 REPORT

6.1 The Court Administrator shall provide semi-annually report to the Judicial Panel for review.

7.0 **FINES AND FEES FUND BALANCE**

7.1 Any remaining fund balance in the Fine & Fee Revenue account(s) at the year's end shall remain in the fine and fees revenue account and carried over to the following years Fine and Fee Revenue account(s).

7.2 The Tribal Court may transfer fines, fees and costs within the LTBB Tribal Court Fine & Fee revenue account(s) to the Tribal Court needs within the LTBB Tribal Court Fine & Fee expenditure account(s).

The relationship between expenditures and appropriated revenues fines, fees and cost is reflected in the Accounting system.

CERTIFICATION

I certify that this Administrative Rule was duly adopted by the Tribal Court Judiciary on March 25, 2007 and that this Rule replaces Administrative Procedure AP-0001.

March 25, 2007

JoAnne Gasco, Chief Judge