

**WAGANAKISING ODAWAK STATUTE # 2010-015
CONSTITUTIONALLY MANDATED COMPENSATION
FOR TRIBAL PROSECUTOR**

SECTION I. PURPOSE

This Compensation Statute is hereby enacted to establish the compensation levels for the Tribal Prosecutor based on Constitutional duties. This Statute replaces and repeals Waganakising Odawak Statute 2008-014 Constitutionally Mandated Compensation Statute Waganakising Odawak Statute 2003-05 *Tribal Council Compensation* and WOS 2005-04 *Constitutionally Mandated Compensation* and any previous Statute, Resolution or Policy language with regard to compensation levels for such positions as stated in this purpose.

SECTION II. DEFINITIONS

- A. *"Compensation"* means an annual compensation to be paid in equal increments to be determined by the Prosecutor.
- B. *"Fee"* means a fixed charge for professional services.
- C. *"Tribal Constitution"* means the LTBB Constitution adopted by the Tribal Membership February 2, 2005.
- D. *"Tribe"* shall mean 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 or Associate Prosecutors.

SECTION IV. COMPENSATION ESTABLISHED

- A.** Tribal Prosecutor shall be compensated and paid a set annual fee to fulfill the responsibilities as outlined in the Constitution and any relevant Statute as follows:
 - 1.** 0 to 5 years experience as an attorney shall be paid \$60,000.00
 - 2.** 6 to 10 years experience as an attorney shall be paid \$75,000.00
 - 3.** 11 years or more experience as an attorney shall be paid \$90,000.00

- B.** Such annual fee shall be paid over a 12 month period.

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. POLICIES REQUIRED

The Tribal Prosecutor shall be responsible for all personal and in-town travel expenses incurred while performing services for the Tribe.

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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. 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 VIII. EFFECTIVE DATE

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

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on October 24, 2010 at which a quorum was present, by a vote of 7 in favor, 2 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Marvin Mulholland	X			
Belinda Bardwell	X			
Melvin L. Kiogima	X			
Gerald V. Chingwa	X			
Rita Shananaquet		X		
Aaron Otto		X		
John Bott	X			
Regina Gasco Bentley	X			
Julie Shananaquet	X			

Date: 10/24/10

Julie A. Shananaquet, Legislative Leader

Date: 10-24-10

Regina Gasco Bentley, Secretary

Received by the Executive Office on 10-25-10 by _____

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 in this action of the Tribal Council.

Date: 11-19-10

Ken Harrington, Tribal Chairperson