

**Little Traverse Bay Bands of Odawa Indians
AR-000 Tribal Court Administrative Rule**



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 1 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 (#1711-0).

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% (# 1712-0-4230)
Tribal Court	30% (# 1711-0-4225)
Tribal Law Enforcement	20% (# 3101-3-4220) or
Natural Resources	20% (1916-9-4240)

The fine revenues are reflected in the Accounting system.

3.0 FEES (# 1711-0-4235)

3.1 Fees mean the filing charges (costs) for commencing actions in the court. Upon collection, all fees listed in the Court Schedule of Fees shall be placed in the LTBB Tribal Court Fine & Fee revenue account(s) in its appropriation function.

The Tribal Court may use these fees within the LTBB Tribal Court Fine & Fee revenue account(s) to cover 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 (# 1711-0-4245)**

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 use these revenues within the LTBB Tribal Court Fine & Fee revenue account(s) to cover 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 **RECIEPT FOR CASH OR MONEY PAYMENT**

1. A pre-numbered receipt number shall be used and logged in the 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 tribal court's fine and fees account and carried forward to cover future needs by the court.

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

8.0 RESTITUTION ACTIVITY

8.1 Any restitution monies received shall be recorded in the restitution liability account (#1711-0-2370) and a purchase request or check request with attached documentation shall be submitted to disburse the same amount to the appropriate person or entity.

9.0 DETENTION ACTIVITY

9.1 Any detention expenses shall be recorded in the Detention Program account #1712-0-6080. A purchase request shall be used with the appropriate original documentation attached and must be signed by the Tribal Administrator or his/her designate.

9.2 Detention revenue shall be generated from:

1. #1712-0-4010 Allowable revenues from outside sources
2. #1712-0-4230 Fines received to the General Fund
3. #1712-0-4915 Operating Fund Transfers.

CERTIFICATION

I certify that this Administrative Rule was duly amended and adopted by the Tribal Court Judiciary on March 15, 2010 and that this Rule replaces AR-000 previously adopted December 17, 2009.

Chief Judge

06/04/16

Date