

**WAGANAKISING ODAWAK STATUTE #
CONSTITUTIONALLY MANDATED COMPENSATION -
TRIBAL PROSECUTOR**

SECTION I. PURPOSE

The purpose of this Statute is to establish the compensation levels for the Tribal Prosecutor in accordance with the Tribal Constitution and based on Constitutional duties. This Statute repeals and replaces Waganakising Odawak Statute 2010-015 *Constitutionally Mandated Compensation for Tribal Prosecutor* and any previous Statute, Resolution or Policy language with regard to 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 performing the function of a Prosecutor and for carrying out the duties of the Tribal Prosecutor as stated in the Tribal Constitution and any relevant Statute and paid in equal increments.
- B. “*Attorney*” means a person licensed to practice law in the Tribal Court and courts of a state in the United States.
- C. “*Compensation*” means the annual salary paid in equal increments and any benefits allowed by this Statute.
- 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 statute or statutory amendment changing the level of compensation for the Tribal Prosecutor shall not decrease the amount of compensation during the individual appointed terms.

SECTION IV. COMPENSATION ESTABLISHED

- A. In accordance with Article X (E) of the Tribal Constitution, Compensation of the Tribal Prosecutor is herein established. To fulfill the responsibilities of the Tribal Prosecutor as stated in the Tribal Constitution and any relevant Statute, the Tribal Prosecutor shall be compensated and paid an annual salary.

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2 **B.** The Prosecutor salary shall be determined by Tribal Council in consultation with the
3 LTBB H.R. Department and shall begin no lower than level D71 of the 2019 2019 Compensation
4 & Classification as adopted for Tribal Governmental Employees and no greater than level E92 of
5 the 2019 2019 Compensation & Classification as adopted for Tribal Governmental Employees.
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7 **C.** Contributions to the Tribe's retirement plan or a similar plan shall be allowed with the
8 same conditions and restrictions applied to Tribal employees and other contributors in the Tribal
9 Government Retirement plan.
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11 **D.** Health insurance, life insurance and other Tribal insurance programs are offered at the
12 same rate and conditions as for LTBB governmental employees.
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14 **E.** The compensation of the Tribal Prosecutor(s) shall be subject to federal and state taxation
15 where applicable, with tax withholdings handled in the same manner as for other LTBB
16 governmental employees.
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18 **F.** Compensation shall be in equal increments.
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21 **SECTION V. COMPENSATION PROHIBITIONS**

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23 **A.** Persons receiving compensation authorized by this Statute shall be prohibited from:
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- 25 1. Receiving unemployment compensation for any reductions or termination of said
26 compensation.
- 27 2. Receiving any other type of payment as compensation not explicitly listed in this
28 Statute, including stipends.
- 29 3. Receiving overtime pay or compensation.
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34 **SECTION VI. TRAVEL EXPENSE REIMBURSEMENT**

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36 **A.** The Tribal Prosecutor shall be responsible for all travel expenses incurred while
37 performing services for the Tribe for travel within the LTBB Reservation, and Emmet and
38 Charlevoix Counties, or commuting for a residence outside those locations.
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40 **B.** Travel expenses incurred for work related travel outside of the LTBB Reservation, and
41 Emmet and Charlevoix Counties the shall be reimbursed at the same rate as allowed employees
42 in the Tribal Governmental Employees Travel Reimbursement Policy, as approved by Tribal
43 Council.
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46 **SECTION VII. ASSISTANT PROSECUTORS**

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

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9 **SECTION VIII. SEVERABILITY**

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

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17 **SECTION IX. EFFECTIVE DATE**

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

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27 **CERTIFICATION**
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