

**Ordinance 59-22**

An Ordinance of Appropriation for Governmental Operations of the Executive, Legislative, and Judicial Branches; Circle of Health; Gaming Regulatory Authority; Department of Athletic Regulation; Supplemental Income Program for Elders; Tribal Employment Rights Office; and Band Member Legal Services of the Mille Lacs Band Tribal Government for fiscal years ending September 30, 2022, and September 30, 2023. This bill has been drafted based on formal documents submitted by the Office of Management and Budget and the Commissioner of Administration.

The District II Representative introduced the following Bill on the 6<sup>th</sup> day of July, 2022.

**IT IS ENACTED BY THE BAND ASSEMBLY OF THE NON-REMOVABLE MILLE LACS BAND OF OJIBWE:**

**Section 1: Governmental operations.** The Band Assembly hereby appropriates and authorizes expenditures for Governmental Operations for the Fiscal Years ending September 30, 2022, and September 30, 2023.

**Section 1.01: Appropriation and authorizations of expenditures.** The Band Assembly hereby appropriates and authorizes the expenditures for the following:

	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>
Chief Executive	\$ 2,437,338	\$2,559,855
Legislative	\$ 7,198,648	\$7,124,334
Judicial	\$ 1,439,525	\$1,708,539
Administration & AanjiBimaadizing	\$16,747,234	\$16,925,216
Education	\$14,280,128	\$14,626,245
Natural Resources	\$ 5,829,644	\$5,927,230
Department of Justice	\$ 7,179,106	\$7,509,194
Community Development & Housing	\$13,035,059	\$13,258,395
Health and Human Services	<u>\$29,152,765</u>	<u>\$29,238,853</u>
Subtotal	<u><b>\$97,299,447</b></u>	<u><b>\$98,877,859</b></u>
Circle of Health	\$6,190,845	\$6,310,750
Gaming Regulatory Authority	\$5,497,322	\$5,660,104
Department of Athletic Regulations	\$267,168	\$268,809

Supplemental Income Program for Elders	\$2,866,053	\$2,954,769
Tribal Employment Rights Office	\$249,000	\$249,000
Band Member Legal Services	<u>\$1,206,140</u>	<u>\$1,233,617</u>
Total	<u>\$113,575,976</u>	<u>\$115,554,908</u>

**Section 1.02: Purposes of expenditures.** All funds appropriated are maximum fund amounts and shall not be exceeded within any line item. Funds must be utilized for the purposes for which they were requested, notwithstanding any exceptions provided in this Ordinance or any other active Band Ordinance. No expenditure that causes a budget line item to be exceeded may be paid without further Band Assembly action, except that the Office of Management and Budget leadership is authorized to exercise reasonable discretion regarding line item budget overages such as to avoid unintended outcomes that would result in an adverse impact to the Band. Examples include, but are not limited to: paying a utility bill to avoid discontinuance of service/utility shut-offs; paying on an invoice to prevent incurrence of late payment charges; and, authorizing expenditures for emergency situations such as a broken water main or heating unit. Absent any other lawful guidance, salary, wages, and the associated fringe benefits are only permitted to be expended for the Position Titles listed in the budget detail submitted with the biennium budget.

**Section 1.03: Certain grants and contracts excluded.** Specifically excluded from this Bill are any grants or contracts not listed in the submitted budgets, which are summarized at the attached “Exhibit A” (Fiscal Year 2022) and “Exhibit B” (Fiscal Year 2023).

**Section 1.04: Supplemental appropriations.** Any increase in funding to any grant or contract listed in the attached fiscal year budget, or any newly received grant or contract, shall be subject to supplemental appropriation by the Band Assembly prior to any expenditure of these funds.

**Section 1.05: Decreases in funding.** Any decrease in funding to any grant or contract already budgeted shall automatically result in an equal decrease in the approved appropriation and, upon notification of the decrease by the appropriate grant agency, shall be subject to action by the Band Assembly to decrease the specific appropriation.

**Section 1.06: Decreases in Net Revenue.** A projected decrease in Net Revenue in excess of 10% from budget shall result in the elected officials, Commissioners, and appropriate Band leadership to submit budget modifications for consideration, to reduce expenses funded by Net Revenues by the amount of the projected Net Revenue decrease.

**Section 1.07: Indirect costs.** Indirect costs shall be collected for the particular programs based on the current rate approved by the United States Department of Interior and/or Office of Inspector General, unless limited to a lesser rate by applicable federal and/or state regulations.

**Section 1.08: Quarterly progress reports.** Quarterly progress reports shall be presented to the Band Assembly by all Commissioners for their respective programs. The Band Assembly shall notify the office of the Chief Executive and the office of each Commissioner required to appear before the Band Assembly at least five (5) full days prior to the Commissioner’s scheduled appearance.

**Section 1.09: End of fiscal year.** Except as otherwise exempted, all appropriations shall lapse at the end of each fiscal year.

**Section 1.10: Budget revisions equal to or less than \$10,000.00 per month.** The Band Assembly hereby authorizes the Chief Executive, Secretary-Treasurer, District Representatives, Commissioners, Assistant Commissioner, Solicitor General, Chief Justice, Band Member Legal Services Managing Attorney, and Directors of the Gaming Regulatory Authority, Department of Athletic Regulation, and Tribal Employment Rights Office to approve budgetary revisions within programs equal to or less than \$10,000.00 per month, provided that the budget revisions are allowable under grant provisions, if applicable, and that sufficient funds are available for the budget revisions.

**Section 1.11: Budget revisions greater than \$10,000.00 per month.** For budget revisions greater than \$10,000.00 per month, the Band Assembly hereby authorizes the Administration Policy Board (APB) to approve Executive Branch budget revisions for programs of up to 50 percent (50%) of the total program's budget if the program is less than \$100,000.00 and up to 20 percent (20%) if the program is equal to or greater than \$100,000.00. Chief Executive budget revisions do not require approval by Administration Policy Board and instead are routed directly from the Chief Executive to Band Assembly. Budget revisions in excess of \$10,000.00 outside of the Executive Branch, do not require approval by APB, and instead are routed directly to Band Assembly. Budgetary revisions in excess of these thresholds must be approved by Band Assembly through an appropriation bill and enacted into law by the Chief Executive.

**Section 1.12: Grant funds.** All funds appropriated for federal, state, and private grant funds shall be appropriated to align with the grant term so as to automatically carry over to the next fiscal year if appropriated funds remain and if the grant is not completed within the fiscal year. If, for any reason, the grant term runs over the original end date causing costs to exceed the original appropriated amount, the Band Assembly must be notified immediately so as to take appropriate action. In addition, Band Assembly hereby appropriates and authorizes the expenditure of all federal, state, and private grant funds only after receipt by Band Assembly of the signed award letter from the grantor agency.

**Ordinance 59-22**

**(Band Assembly Bill 20-01-59-22)**

Introduced to the Band Assembly on this  
Sixth day of July in the year  
Two thousand twenty-two.

Passed by the Band Assembly on this  
Sixth day of July in the year  
Two thousand twenty-two.

  
Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: July 6, 2022

  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**

