

Ordinance 43-04

An Ordinance for the Corporate Commission of the Mille Lacs Band to continue operations for the period beginning October 1, 2004 and ending September 30, 2005.

The District I Representative introduced the following Bill on the 30th day of September 2004. Bill was vetoed by the Chief Executive on October 5, 2004. Compromise was held, and Bill is reintroduced on this 9th day of November 2004.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of appropriating funds to the Corporate Commission, for purposes of Operations, Economic Development Projects, Grand Casino Hinckley, and Grand Casino Mille Lacs for the period beginning October 1, 2004 and ending September 30, 2005.

Section 1: Operations, Economic Development Projects, Grand Casino Hinckley and Grand Casino Mille Lacs. The Band Assembly hereby appropriates and authorizes expenditures not inconsistent with this Act or other applicable Band law for the Corporate Commission of the Mille Lacs Band for the period beginning October 1, 2004 and ending September 30, 2005 for the purposes of Operations, Economic Development Projects (Projects), Grand Casino Hinckley and Grand Casino Mille Lacs.

Section 2. Net Revenues.

(a) **Where deposited, defined.** One hundred percent (100%) of the net revenue shall be deposited in the General Fund of the Mille Lacs Band. Net Revenue is defined as the gross revenue from any and all departments, units, and all other sources of the integrated casino-hotel-entertainment facilities known as the Grand Casino Mille Lacs and the Grand Casino Hinckley, and the gross revenues from all other businesses owned by the Corporate Commission less reasonable and proper operating expenses for those facilities, and businesses, including a reasonable capital reserve, consistent with industry standards, to ensure the continuous up keep and maintenance of the facilities and the continued improvement of the facilities necessary to assure that they remain premier destination entertainment facilities.

- (1) Grand Casino Mille Lacs and Grand Casino Hinckley shall calculate and remit their net revenues for a fiscal month not later than the 20th day of the following month to the General Fund of the Band.
- (2) All other businesses owned by the Corporate Commission shall calculate and remit their net revenue annually not later than November 30th to the General Fund of the Band.

(b) For purposes of this Act reasonable operating expenses may include, but not be limited to:

- (1) repayment of principal and interest for debt acquired to maintain and improve the gaming facilities;

- (2) payment of wages, salaries, benefits, training and educational programs for employees of those facilities;
- (3) prizes;
- (4) materials and supplies for those facilities;
- (5) utilities;
- (6) repairs and maintenance of the facilities;
- (7) interest on installment contract purchases by the facilities;
- (8) insurance and bonding;
- (9) advertising and marketing expenses;
- (10) professional fees not to exceed the approved annual budget;
- (11) security costs;
- (12) costs associated with gaming regulatory compliance;
- (13) equipment;
- (14) trash removal;
- (15) snow removal;
- (16) cost of goods purchased;
- (17) a reasonable operating reserve fund for expenditures that may arise periodically but not in a regular reoccurring manner; and
- (18) reasonable reserve and replacement fund, consistent with industry standards or required by any future debt instruments and as provided for in the annual budget.

(c) Fifteen percent (15%) of the Net Revenue from all revenues of the Corporate Commission, or any partially or wholly-owned Corporate Commission entity, shall be deposited in the Business and Economic Development Fund and shall be held in an interest bearing account under the direction of the Office of Management and Budget from which expenditures shall not be made until expressly authorized by formal appropriation of the Band Assembly.

(d) The Commissioner of Finance shall transfer appropriate funds to the Business and Economic Development Fund within 30 days of the end of the month.

Section 3. Corporate Commission Budget.

(a) **Corporate Commission Budget, timing, form.** The Corporate Commission shall submit a budget to the Band Assembly for the next fiscal year by August 1. The budget shall be in such form and contain such supporting detail in accord with general custom and usage for similar types of business budgets and shall be specific in detail to allow the Band Assembly to reasonably discern the proposed actions and expenditures of the Corporate Commission. The proposed budget shall consist of four component parts: Operations, Projects, Grand Casino Hinckley, and Grand Casino Mille Lacs. The Operations and Casino components shall be in a form approved by the Band Assembly and contain specific activity levels by line item. The Projects Component shall contain a list of current and proposed projects with the approximate cost of each.

(b) **Unused Funds.** Any and all funds previously appropriated and remaining in the Corporate Commission Business and Economic Development Fund and the cash on hand at the end of fiscal year 2004 are hereby appropriated and carried over to the 2005 fiscal year budget for expenditure by the Corporate Commission. Any such operations funds shall not cause the amount of expenditures for operations from the Business and Economic Development Fund for fiscal year 2004 to exceed the amount stated in Section 4.

Section 4. Operations Budget. Operations of the Corporate Commission are subject to a limit of \$6,295,650.00 for fiscal year 2005.

(a) **Permissible Uses of Operations Funds.** Monies in the Corporate Commission Business and Economic Development Fund, to the limit stated above for operations in this fiscal year, may be expended by the Corporate Commission for any of the following purposes:

- (1) salaries of Corporate Commission personnel;
- (2) incentive programs to staff if paid in accord with reasonable policies and procedures expressly adopted by formal action of the Corporation Commission Board of Directors;
- (3) fees paid for professional services provided that there is a valid and binding contract between the Corporate Commission and the professional service provider;
- (4) rent for Corporate Commission office space, storage space, and any other uses the Corporate Commission may have for building space;
- (5) supplies and equipment;
- (6) utilities;

- (7) costs for meeting expenses;
- (8) travel expenses if disbursed in full accord with travel policies and procedures adopted by formal action of the Corporate Commission; and
- (9) administrative expenses spent which are necessary for the effective and efficient operation and performance of the duties of the Corporate Commission, provided that any promotional items including, but not limited to, all tickets to all events which are not directly given or sold to patrons or vendors by the Corporate Commission, Grant Casino Hinckley, and Mille Lacs, and any of their employees or agents are equally distributed to elected officials for distribution.

(b) **Modification of Operations Budget.** A modification in any line item, which equals the greater of ten percent (10%) or one hundred thousand dollars (\$100,000), must be approved by the Corporate Board of Directors. The Corporate Commissioner shall notify the Secretary/Treasurer of the Mille Lacs Band of the change in writing within five (5) consecutive days of the Corporate Board action.

Section 5. Projects Budget.

(a) **Permissible Uses of Funds.** Permissible uses of Projects Budget funds include the following:

- (1) start-up costs or the acquisition of businesses;
- (2) expansion of existing Corporate Commission businesses, including the addition or improvement of amenities consistent with the purpose of those businesses;
- (3) establish and operate loan and grant programs to assist Band members and others when appropriate who desire to start, acquire, or expand their own businesses; and
- (4) purchasing in whole or in part, any ownership interest, including shares of stock, partnership interest, joint venture interest, membership in a Limited Liability Company or similar entity, or any other business ownership where money invested in that business has a reasonable chance to produce a return on the investment.

(b) **Projects equal to or less than \$250,000.** At least ten (10) consecutive days before expending money on a project equal to or less than \$250,000, the Corporate Commission shall provide written notice to the Band Assembly. If the Band Assembly fails to stay the project within ten (10) consecutive days after receiving notice, then the Corporate Commission may expend money on the Project.

(c) **Projects in excess of \$250,000.** The Corporate Commission may not expend more than \$250,000 on any single project without prior authorization from the Band Assembly. Such authorization shall be in the form of a Resolution adopted by the Band Assembly.

(d) **Prohibited Projects.** The Corporate Commission shall not use funds for any business activity or venture which is illegal, or inconsistent with the values of the Mille Lacs Band.

Section 6. Reporting Requirements. The Corporate Commission shall make quarterly reports to the Band Assembly and the Chief Executive at shareholder's meetings and at other times as requested.

(a) **Reporting on Business Participation.** The required form of reporting shall be consistent with the Corporate Commission's ownership interest in the business and which is acceptable to the Band Assembly to maximize the value of the information contained therein. The Band Assembly may at any time, following reasonable notice, call to meet with the Commissioner of Corporate Affairs to discuss any and all matters concerning any Corporate Commission owned businesses, subsidiary or investment. At a minimum, the Corporate Commission shall report or cause to be reported to the Band Assembly the following information concerning the businesses:

- (1) quarterly balance sheet, income or profit and loss, and cash flow statements of the businesses;
- (3) annual audited financial statements of the business within 120 days of the end of the fiscal year;
- (4) all other activities the Corporate Commission is engaged in including, but not limited to, business regulation, gaming compliance, and the Entrepreneur Program;
- (5) any record, statement, or other document in the possession or control of the Corporate Commission, subsidiary, or investment delivered to the Band Assembly in a timely fashion, but in any event, not later than ten (10) consecutive days after the date of the request;
- (6) a monthly written summary of all Corporate Commission and Casino vendor contracts which have been submitted to the Corporate Attorney for review. The contracts shall be submitted within three (3) days of the end of each month. The summary shall include:
 - (a) Name of the goods and/or services provider;
 - (b) Amount of the contract; and
 - (c) Goods and/or services to be provided.

- (d) The Corporate Commission or Casino department for which the goods or services are to be provided and the department employee who authorized the contract.

Section 7. Corporate Commission Loans and Other Credit.

The Corporate Commission of the Mille Lacs Band shall not borrow, lend or enter into any loan agreement or establish any line of credit, which individually, or in sum, are in excess of \$250,000 without the prior approval by the Band Assembly.

Section 8. Tax Revenue.

All tax revenue collected by the Corporate Commission or an entity thereof on behalf of the Mille Lacs Band shall not be distributed or used for any purpose other than that expressly provided for by appropriation of the Band Assembly.

Section 9. Grand Casinos Hinckley and Mille Lacs Capital Budget and Capital Improvement.

Any funds previously appropriated and remaining (excluding funds **obligated before 10/1/05). in any casino capital improvement line item at the end of fiscal year 2005 shall be deposited in the Mille Lacs Band General Fund within thirty (30) days after the end of the fiscal year. Each casino shall present a capital improvement plan to the Band Assembly when casino budgets are submitted pursuant to Section 3(a). The plan shall include detailed reports which describe capital improvements completed during the previous fiscal year and related expenditures as well as capital improvements to be completed after the end of the fiscal year, and anticipated expenditures to complete each capital improvement.

**obligated being defined as "projects in process" as identified in the fiscal year recap summary provided by Corporate Commission by the end of the fiscal year. If the funds identified as "projects in process" are not used for the identified capital projects by December 31st, the funds will be returned to the Mille Lands Band of Ojibwe Government general fund by January 31st of the following year.

Ordinance 43-04

Re-introduced to the Band Assembly on this
ninth day of November in the year
Two thousand four

Passed by the Band Assembly on this
ninth day of November in the year
Two thousand four.

Herb Weyaus
Herb Weyaus, Speaker of the Assembly

APPROVED

Date: November 15, 2004 Melanie Benjamin
Melanie Benjamin, Chief Executive

Date: _____

Vetoed

OFFICIAL SEAL OF THE BAND