

Ordinance 07-04

An Ordinance of Appropriation for **Governmental Operations** of the Executive, Legislative, and Judicial Branches of Tribal Government for fiscal years ending September 30, 2004 and 2005.

The District I, District II and District III Representatives jointly introduced the following bill on this 14th day of November 2003, which was vetoed by the Chief Executive on November 19, 2003. Compromise was held, and Bill is jointly reintroduced on this 12th day of December 2003.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe Indians for the purpose of appropriating funds for certain governmental operations for fiscal years ending September 30, 2004 and 2005.

Fiscal Year 2004

Section 1. Governmental Operations. The Band Assembly hereby appropriates funds for the Executive, Legislative and Judicial Branches for fiscal years ending September 30, 2004 for the following programs: Chief Executive, Legislative, Judicial, Administration, Education, Natural Resources, Dept of Justice, Governmental Affairs, Community Development, Health and Human Services, and Gaming Authority (attached hereto as "Exhibit A").

Section 1.01. Any program not specifically listed above shall be excluded from appropriations in this bill and as such the Commissioner of Finance shall be precluded from authorizing any expenditure until such time as appropriation occurs.

Section 1.02. The Band Assembly hereby appropriates and authorizes the expenditure of **\$56,435,896.00** for the fiscal year ending September 30, 2004 for the governmental operation of the Executive, Legislative and Judicial Branches (attached hereto as "Exhibit A"): Fiscal Year 2004 Budget.

Section 1.03. The Band Assembly hereby appropriates and authorizes the expenditures of programmatic funds and specifically allocates these funds for the following tribal operations/functions:

Fiscal Year 2004

Chief Executive	\$ 1,701,860.00
Legislative	\$ 3,956,016.00
Judicial	\$ 842,356.00
Administration	\$ 2,502,134.00
Education	\$15,800,983.00
Natural Resources	\$ 4,185,099.00
Department of Justice	\$ 3,171,044.00
Governmental Affairs	\$ 2,684,749.00
Community Development	\$ 3,684,452.00
Health and Human Services	\$14,464,023.00
Gaming Authority	\$ 3,443,180.00

Total F.Y. 2004 Budget \$ 56,435,896.00

All funds appropriated are maximum fund amounts and shall not be exceeded. Continuance appropriations for October, November, and December 2003, are inclusive of the total appropriations listed above.

Section 2. Specifically excluded from this Bill are any grants or contracts not listed in the attached Exhibit A (Fiscal Year 2004 Budget).

Section 3. No expenditure that causes an appropriation to be exceeded may be paid under any circumstance without further Band Assembly action.

Section 4. Any increase in funding to any grant or contract listed in the attached Fiscal Year 2004 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 5. 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 granting agency, shall be subject to action by the Band Assembly to decrease the specific appropriation.

Section 6. Indirect costs shall be collected from 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 or state regulations.

Section 7. The Band Assembly and Chief Executive agree that quarterly progress reports shall be submitted 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 three (3) consecutive days prior to their scheduled appearance.

Section 8. Except as otherwise exempted all appropriations shall lapse at the end of each fiscal year and be available for re-appropriation by the Band Assembly.

Section 9. The Band Assembly hereby authorizes commissioners to approve budgetary transfers within programs up to \$10,000.00 per line item, provided that the transfers are allowable under grant provisions, if applicable. For transfers over \$10,000.00, the Band Assembly hereby authorizes the Administrative Policy Board to approve budget transfers within programs of up to 50% of the total program budget transfers within a given budget line item if the program is under one hundred thousand dollars and up to 20% if the program is one hundred thousand dollars or greater.

Section 10. All funds appropriated for capital construction projects shall be appropriated to align with the project length so as to automatically carry-over to the next fiscal year if appropriated funds remain and if the project is not completed within Fiscal Year 2004. If, for any reason, the project length runs over the contracted period for construction causing construction costs to exceed the appropriated amount, the Band Assembly must be notified so as to take appropriate action.

Section 10.01 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 Fiscal Year 2004. If, for any reason, the grant term runs over the original grant term causing costs to exceed the original grant term appropriated amount, the Band Assembly must be notified 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 signed award letter from grantor agency.

Fiscal Year 2005

Section 1. Governmental Operations. The Band Assembly hereby appropriates funds for the Executive, Legislative and Judicial Branches for fiscal years ending September 30, 2005 for the following programs: Chief Executive, Legislative, Judicial, Administration, Education, Natural Resources, Dept of Justice, Governmental Affairs, Community Development, Health and Human Services, and Gaming Authority (attached hereto as "Exhibit B").

Section 1.01. Any program not specifically listed above shall be excluded from appropriations in this bill and as such the Commissioner of Finance shall be precluded from authorizing any expenditure until such time as appropriation occurs.

Section 1.02. The Band Assembly hereby appropriates and authorizes the expenditure of **\$54,322,772** for the fiscal year ending September 30, 2005 for the governmental operation of the Executive, Legislative and Judicial Branches (attached hereto as "Exhibit B"): Fiscal Year 2005 Budget.

Section 1.03. The Band Assembly hereby appropriates and authorizes the expenditures of programmatic funds and specifically allocates these funds for the following tribal operations/functions:

Fiscal Year 2005

Chief Executive	\$ 1,772,564.00
Legislative	\$ 4,028,465.00
Judicial	\$ 889,939.00
Administration	\$ 2,640,150.00
Education	\$16,658,644.00
Natural Resources	\$ 3,789,934.00
Dept of Justice	\$ 3,209,734.00
Governmental Affairs	\$ 2,705,955.00
Community Development	\$ 3,813,520.00
Health and Human Services	\$14,813,867.00

Total F.Y. 2005 Budget \$ 54,322,772.00

All funds appropriated are maximum fund amounts and shall not be exceeded. Continuance appropriations for October, November, and December 2003, are inclusive of the total appropriations listed above.

Section 2. Specifically excluded from this Bill are any grants or contracts not listed in the attached Exhibit B (Fiscal Year 2005 Budget).

Section 3. No expenditure that causes an appropriation to be exceeded may be paid under any circumstance without further Band Assembly action.

Section 4. Any increase in funding to any grant or contract listed in the attached Fiscal Year 2005 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 5. 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 granting agency, shall be subject to action by the Band Assembly to decrease the specific appropriation.

Section 6. Indirect costs shall be collected from 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 or state regulations.

Section 7. The Band Assembly and Chief Executive agree that quarterly progress reports shall be submitted 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 three (3) consecutive days prior to their scheduled appearance.

Section 8. Except as otherwise exempted all appropriations shall lapse at the end of each fiscal year and be available for re-appropriation by the Band Assembly.

Section 9. The Band Assembly hereby authorizes commissioners to approve budgetary transfers within programs up to \$10,000.00 per line item, provided that the transfers are allowable under grant provisions, if applicable. For transfers over \$10,000.00, the Band Assembly hereby authorizes the Administrative Policy Board to approve budget transfers within programs of up to 50% of the total program budget transfers within a given budget line item if the program is under one hundred thousand dollars and up to 20% if the program is one hundred thousand dollars or greater.

Section 10. All funds appropriated for capital construction projects shall be appropriated to align with the project length so as to automatically carry-over to the next fiscal year if appropriated funds remain and if the project is not completed within Fiscal Year 2005. If, for any reason, the project length runs over the contracted period for construction causing construction costs to exceed the appropriated amount, the Band Assembly must be notified so as to take appropriate action.

Section 10.01 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 Fiscal Year 2005. If, for any reason, the grant term runs over the original grant term causing costs to exceed the original grant term appropriated amount, the Band Assembly must be notified 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 signed award letter from grantor agency.

Ordinance 07-04

Re-introduced to the Band Assembly on this
Twelfth day of December in the year
Two Thousand three

Passed by the Band Assembly on this
Twelfth day of December in the year
Two Thousand three.

Herb Weyaus

Herb Weyaus, Speaker of the Assembly

APPROVED

Date: December 15, 2003

Melanie Benjamin

Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND