

Ordinance 47-07

An Ordinance of Appropriation for Governmental Operations of the Executive, Legislative, and Judicial Branches and Circle of Health of Tribal Government for Fiscal Years ending September 30, 2008 and September 30, 2009.

The District I, District II and District III Representative jointly introduced the following Bill on this 25th day of September, 2007. The Bill was vetoed on September 28, 2007, and a compromise hearing was held Monday, October 1, 2007. The District I, II & III Representatives re-introduced the following Bill on this 2nd day of October, 2007.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe Indians for the purpose of appropriating funds for Governmental operations for fiscal years ending September 30, 2008 and September 30, 2009.

Fiscal Year 2008

Section 1: Governmental Operations. The Band Assembly hereby appropriates funds for the Executive, Legislative and Judicial Branches for fiscal year ending September 30, 2008 for the following: Executive, Legislative, Judicial, Circle of Health, Administration, Education, Natural Resources, Department of Justice, Housing, Community Development and Health and Human Services (attached hereto as "Exhibit C").

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

Section 1.02. The Band Assembly hereby appropriates and authorizes the expenditure of \$67,669,270.00 for the fiscal year ending September 30, 2008 for the Government operation of the Executive, Legislative and Judicial Branches and Circle of Health (attached hereto as "Exhibit C"): Fiscal Year 2008 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:

Fiscal Year 2008

Legislative	\$ 5,416,745.00
Chief Executive	\$ 1,830,362.00
Judicial	\$ 935,986.00
Administration	\$12,611,132.00
Education	\$14,772,788.00
Natural Resources	\$ 4,100,709.00
Department of Justice	\$ 3,234,592.00
Housing	\$ 4,963,374.00
Community Development	\$ 4,997,299.00
Health and Human Services	<u>\$14,806,282.00</u>
Total FY 2008 Budgets	<u>\$67,669,270.00</u>

Circle of Health

From Permanent Initiative

\$5,917,441.00

All funds appropriated are maximum amounts and shall not be exceeded.

Section 2. Specifically excluded from this Bill are any grants or contracts not listed in the attached Exhibit C (Fiscal Year 2008 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 2008 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 grant agency, shall be subject to action by the Band Assembly to decrease the specific appropriation.

Section 6. 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 lesser rate by applicable federal and/or state regulations.

Section 7. A 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 provided that the transfers are allowable under grant provisions, if applicable and that sufficient funds are available for the transfer. For transfers over \$10,000.00, the Band Assembly hereby authorizes the Administration Policy Board to approve budget transfers within programs of up to 50% of the total programs budget within a given budget line if the program is under \$100,000.00 and up to 20% if the program is \$100,000.00 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 2008. 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 beforehand 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 terms 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 2008. 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 2009

Section 1: Governmental Operations. The Band Assembly hereby appropriates funds for the Executive, Legislative and Judicial Branches for fiscal year ending September 30, 2009 for the following: Executive, Legislative, Judicial, Circle of Health, Administration, Education, Natural Resources, Department of Justice, Housing, Community Development and Health and Human Services (attached hereto as "Exhibit D").

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

Section 1.02. The Band Assembly hereby appropriates and authorizes the expenditure of **\$68,760,295.00** for the fiscal year ending September 30, 2009 for the Government operation of the Executive, Legislative, and Judicial Branches and Circle of Health (attached hereto as "Exhibit D"): Fiscal Year 2009 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:

Fiscal Year 2009

Legislative	\$ 5,601,403.00
Chief Executive	\$ 1,868,931.00
Judicial	\$ 971,102.00
Administration	\$12,782,802.00
Education	\$14,793,042.00
Natural Resources	\$ 4,298,946.00
Department of Justice	\$ 3,432,151.00

Housing		\$ 4,953,679.00
Community Development		\$ 5,073,421.00
Health and Human Services		<u>\$14,984,818.00</u>
Total FY 2009	Budgets	<u>\$68,760,295.00</u>
Circle of Health		
Permanent Initiative		\$ 5,913,677.00

All funds appropriated are maximum amounts and shall not be exceeded.

Section 2. Specifically excluded from this Bill are any grants or contracts not listed in the attached Exhibit D (Fiscal Year 2009 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 2009 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 grant agency, shall be subject to action by the Band Assembly to decrease the specific appropriation.

Section 6. Indirect costs shall be collected for the particular programs based on the current rate approval by the United States Department of Interior and/or Office of Inspector General unless limited to 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 provided that the transfers are allowable under grant provisions, if applicable and that sufficient funds are available for the transfer. For transfers over

\$10,000.00, the Band Assembly hereby authorizes the Administration Policy Board to approve budget transfers within programs of up to 50% of the total programs budget within a given budget line if the program is under \$100,000.00 and up to 20% if the program is **\$100,000.00** 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 2009. 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 beforehand 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 terms 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 2009. 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 47-07

Re-introduced to the Band Assembly on this
second day of October in the year
Two thousand seven

Passed by the Band Assembly on this
second day of October in the year
Two thousand seven

Herb Weyaus

Herb Weyaus, Speaker of the Assembly

APPROVED

Date: October 2, 2007

Melanie Benjamin

Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND