

Ordinance 33-14

An Ordinance of a Budget Transfers and Supplemental Appropriation for **Department of Justice and Economic Development** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

The District I Representative introduced the following Bill on the 21st day of May, 2014.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of appropriating for **Department of Justice and Economic Development** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

Title I

Section 1: Governmental Operations. The Band Assembly hereby appropriates and authorizes expenditures for **Department of Justice and Economic Development** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

Section 1.01: Amendment to Section 1.02. The Band Assembly hereby appropriates and authorizes the expenditure of: Twelve thousand three hundred thirty four dollars and no cents (\$12,334.00) for OSG 100-215 under **Department of Justice**; which amends the **Total Fiscal Year 2014 Mille Lacs Band Tribal Operations** to read: One hundred seventeen million nine hundred thirty eight thousand one hundred twenty nine dollars and ninety three cents (\$117,938,129.93); and

Thirty eight thousand one hundred ten dollars and no cents (\$38,110.00) to cover the shortfall 100-215 under **Department of Justice**; which amends the **Total Fiscal Year 2015 Mille Lacs Band Tribal Operations** to read: Eighty eight million seven hundred twenty six thousand four hundred fifty dollars and ninety two cents (\$88,726,450.92); and

Section 1.01: Amendment to Section 1.02. The Band Assembly hereby appropriates and authorizes the expenditures of: One million five hundred thousand dollars and no cents (\$1,500,000.00) for the purchase of 51% ownership in 20/20 Brand Solutions under **Economic Development Account of the Corporate Commission** which amends the **Total Fiscal Year 2014 Economic Development** to read: Two million five hundred fifty five thousand dollars and no cents (\$2,555,000.00); and

Section 1.02: The Band Assembly hereby appropriates and authorizes the expenditure of supplemental programmatic funds for the following:

<u>Tribal Operation Fiscal Year 2014</u>	<u>Supplemental</u>	<u>Amended Amount</u>
Department of Justice		
Additional to cover the shortfall		
100-215	\$ 12,334.00	\$ 4,553,556.00

<u>Tribal Operation Fiscal Year 2015</u>	<u>Supplemental</u>	<u>Amended Amount</u>
Department of Justice		
Additional to cover the shortfall		
100-215	\$ 38,110.00	\$ 4,719,367.00
<u>Fiscal Year 2014</u>	<u>Supplemental</u>	<u>Amended Amount</u>
Economic Development		
51% ownership to purchase		
20/20 Brand Solutions	\$1,500,000.00	\$ 2,555,000.00

Section 1.02.1: The Band Assembly hereby authorizes the budget revision of programmatic funds for the following:

FY 2014 – Gaming Regulatory Authority Budget transfer
Legal 100-188 (\$18,333.00) transfer to

Department of Justice
Office of Solicitor General 100-215 \$18,333.00

FY 2015 – Gaming Regulatory Authority Budget transfer
Legal 100-188 (\$56,650.00) transfer to

Department of Justice
Office of Solicitor General 100-215 \$56,650.00

Section 1.03: The Band Assembly hereby authorizes Commissioners to approve budgetary revisions within programs up to **\$10,000.00** provided that the revisions are allowable under grant provisions, if applicable and that sufficient funds are available for the revision. For revisions over **\$10,000.00**, the Band Assembly hereby authorizes the Administration Policy Board to approve budget revisions 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.

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

Ordinance 33-14
(Band Assembly Bill 16-01-33-14)

Introduced to the Band Assembly on this
Twenty first of May in the year
Two thousand fourteenth.

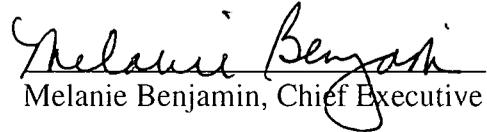
Passed by the Band Assembly on this
Twenty first of May in the year
Two thousand fourteenth.



Curt Kalk, Speaker of the Assembly

APPROVED

Date: May 23, 2014



Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND



April 30, 2014

The Honorable Chief Executive Melanie Benjamin
The Honorable Secretary-Treasurer Curt Kalk
The Honorable District 1 Representative Sandra Blake
The Honorable District 2 Representative Marvin Bruneau
The Honorable District 3 Representative Diane Gibbs

Mille Lacs Band of Ojibwe
43408 Oodena Drive
Onamia, MN 56359

Subject: 20/20 Brand Solutions Appropriation

Dear Distinguished Members:

Please accept this letter as a formal request for an appropriation from the Economic Development Fund in the amount of **\$1,500,000** for Mille Lacs Corporate Ventures to purchase 51% ownership in 20/20 Brand Solutions.

As I mentioned during the presentation, this purchase will allow Mille Lacs Corporate Ventures to enter into the minority owned status sector to compete with corporate business, to earn profit on our continuity items, create an additional line of business to serve Indian Gaming and to expand our printing offerings.

Please contact me with questions; I can be reached at 532-8882.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Nayquonabe", written over a horizontal line.

Joseph S. Nayquonabe
Commissioner of Corporate Affairs

CC: Ronda Weizenegger, CFO
Jeff Castillo, Director of Investments & Economic Development
John Gerdener, Commissioner of Finance
Elaine Smith, Legislative Counsel
Sylvia Villebrun, Parliamentarian

JSN:bg

INTEROFFICE MEMORANDUM

TO: Band Assembly Members

FROM: Todd R. Matha, Solicitor General 

SUBJECT: Appropriation Request (Police Department)

DATE: May 20, 2014

CC: Melanie A. Benjamin, Chief Executive
Jared R. Rosati, Interim Chief of Police



The Band Assembly earlier asserted its principal justification for adoption of the Band's criminal code.

[T]he purpose of this chapter is to protect *all* persons under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians through the development of various measures which define in writing acceptable and non-acceptable behaviors or omissions in the behavior of those persons who are enrolled members and other Indians under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians¹

This purpose statement corresponds with and is intended to effectuate a well-known fundamental right, *i.e.*, “[a]ll persons within the territorial jurisdiction of the Non-Removable Mille Lacs Bands of Chippewa Indians shall be accorded the equal protection of the Band's laws”² In turn, the MLB Department of Justice and its constituent divisions are entrusted with the realization of this laudable goal.

In particular, the Department of Justice, including the Police Department,³ exists “for the expressed purpose of protecting the general welfare and safety of all those who enter lands under the jurisdiction of the Non-Removable Mille Lacs Band of Chippewa Indians.”⁴ The Police Department vigorously attempts to fairly and evenly enforce Band and state law on the reservation and within after acquired tribal trust and fee lands,⁵ but financial constraints require it to allocate limited personnel on the basis of established historical trends.⁶ The Police Department consequently endeavors to maintain a constant presence of at least one (1) patrol officer in District I, which usually increases to two (2) patrol officers for the late evening/nighttime shift.

However, an increase in residential housing in District III, coupled with the advent of a collaborative undertaking in District II,⁷ merits the immediate addition of two (2) new patrol

officers. The Police Department would then operate at full strength, thereby enabling a constant patrol officer presence in all districts, instead of just District I. The Police Department would require the amount of \$220,000.00 to facilitate the hiring of two (2) officers, which includes salary, fringe benefits, Public Employees Retirement Association (“PERA”) contribution, and vehicle acquisition.

As always, the Police Department will attempt to obtain federal grant funds to offset or supplement the addition of the officers.⁸ Yet, at this juncture, the Police Department requests a Band Assembly allocation of necessary funds from unspent net revenue or other appropriate source. Chief Executive Melanie A. Benjamin has noted her support of this request.

Thank you for your kind consideration of this important matter.

¹ 24 MLBSA § 1001(a) (emphasis added).

² 1 MLBSA § 8; *see also* Indian Civil Rights Act of 1968, 25 U.S.C. § 1302(8) (2014).

³ 24 MLBSA § 1053(b).

⁴ *Id.*, § 1051.

⁵ MLB POLICE DEP’T OPERATIONS MANUAL (“Police Manual”) (ed. Mar. 19, 2010), § 103.4, *available at* <http://www.millelacsband.com/pdf/Current%20MLTPD%20Policies.pdf>. Band Statute entrusts the DOJ with “promulgat[ing] policy governing the conduct and employment rules and regulations of all law enforcement.” 24 MLBSA § 1052. Consequently, the Police Department is expressly exempted from the Band’s governmental policies and procedures. 6 MLBSA § 2(a)(5); MLB PERS. POLICY & PROCEDURES MANUAL (ed. Mar. 5, 2014), § 2(7) at 5.

⁶ POLICE MANUAL, § 101.4(2); *see also* Request for United States Assumption of Concurrent Federal Criminal Jurisdiction (Feb. 25, 2013) at 2 (identifying an alarming rate of crime in the Vineland community). In 2012, the Police Department generated a total of 4,615 Incident Criminal Reports. The lion share of these reports derived from District I, whereas reports originating from Pine County properties accounted for less than five percent (5%) of the annual total, and reports originating from Aitkin County properties accounted for less than one percent (1%) of the annual total.

⁷ The Aitkin County Sheriff’s Department has begun monitoring and identifying tribal call assistance in a effort to establish grounds for the county board and attorney to reexamine the merits of entering a joint powers agreement. The MLB Police Department must certainly be capable of assuring a constant patrol officer presence in District II in order to justify such an agreement.

⁸ 24 MLBSA § 1052 (“The Department of Justice shall have power to seek financial assistance from the United States, any of its subdivisions or any private foundation in the interests of enhancing the development of law enforcement and judiciary in general.”).

Band Assembly Bill 16-01-33-14

A Bill of a Budget Transfer for **Department of Justice** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

The District I Representative introduced the following Bill on the 20th day of May, 2014.

Preamble

Be it enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of appropriating for **Department of Justice** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

Title I

Section 1: Governmental Operations. The Band Assembly hereby appropriates and authorizes expenditures for **Department of Justice** for the Fiscal Years ending September 30, 2014 and September 30, 2015.

Section 1.0.1: The Band Assembly hereby authorizes the budget revision of programmatic funds for the following:

FY 2014 – Gaming Regulatory Authority Budget transfer

Legal 100-188	(\$11,250.00)	transfer to
	18,333	
Department of Justice		18,333
Office of Solicitor General 100-215	\$11,250.00	

FY 2015 – Gaming Regulatory Authority Budget transfer

Legal 100-188	(\$33,750.00)	transfer to
	56,650	
Department of Justice		56,650
Office of Solicitor General 100-215	\$33,750.00	

ALSO NEED
ADDITIONAL APPROPRIATION
TO OSC

FY14 12,334
FY15 38,110

Section 1.03: The Band Assembly hereby authorizes Commissioners to approve budgetary revisions within programs up to \$10,000.00 provided that the revisions are allowable under grant provisions, if applicable and that sufficient funds are available for the revision. For revisions over \$10,000.00, the Band Assembly hereby authorizes the Administration Policy Board to approve budget revisions 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.

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

John Gerdener

From: John Gerdener
Sent: Wednesday, May 14, 2014 4:41 PM
To: Sylvia Villebrun; Curt Kalk; Sandi Blake; Marvin Bruneau; Diane Gibbs
Cc: Elaine Smith
Subject: RE: Budgetary Allocation
Attachments: GRA-OSG attorney split.xlsx

I agree with most of Todd's logic, but not entirely with his all his math.

The average total benefits for Band government employees runs 41% to 42%, making the total salary and benefits closer to \$92,000, not \$82,000. In addition, assuming the attorney would start on June 1 as Todd states below, means 4 months need to be included in FY14, where it appears Todd is using only 3 months.

I have reworked what the correct additional allocation between GRA and OSG should be on the attached worksheet, which assumes GRA commits to covering \$55,000 in FY14.

Please call me if you have any questions.

John Gerdener
Commissioner of Finance
Mille Lacs Band of Ojibwe
320-532-7475

From: Sylvia Villebrun
Sent: Wednesday, May 14, 2014 3:55 PM
To: John Gerdener; Curt Kalk; Sandi Blake; Marvin Bruneau; Diane Gibbs
Cc: Elaine Smith
Subject: FW: Budgetary Allocation

FYI

From: Todd Matha
Sent: Wednesday, May 14, 2014 3:52 PM
To: Sylvia Villebrun
Subject: Budgetary Allocation

Parliamentarian Villebrun,

Please consider this note as a summary of our recent conversation. In regards to the request for a full-time GRA dedicated attorney, both the Chief Executive and Band Assembly had expressed that the GRA should likely dedicate partial funding to the OSG for this purpose. Consequently, the GRA has agreed to pay fifty-percent (50%) of an OSG attorney's salary, including fringe benefits, which presently amounts to \$55,000.00 per year. This amount would likely increase year to year given inflation and merit increases.

If the OSG attorney assumed full-time duties on June 1, 2014, then the GRA would need to submit a prorated amount of \$13,750.00 for the remainder of the fiscal year, which concludes on September 30, 2014. In the following fiscal year, the GRA would submit the full amount of \$55,000.00 (or about \$56,500.00 given an anticipated merit increase).

The OSG would require an additional allocation of funds to hire a sixth attorney with an approximate starting salary of \$65,000.00 per year. According to OMB, this amount increases to roughly \$82,000.00 per year when figuring in fringe benefits. Provided that the GRA commits the above funding, then the OSG would need \$11,250.00 added to its present fiscal year budget (four (4) remaining months), and the amount of \$33,750.00 the following fiscal year, totaling the requested \$45,000.00 for the biennial fiscal cycle.

Todd R. Matha
Solicitor General
Mille Lacs Band of Ojibwe
43408 Oodena Drive
Onamia, MN 56359

Tel. 320.532.7894

Mille Lacs Band Of Ojibwe
Cost of OSG/GRA additional attorney
 prepared by John Gerdener on May 14, 2014

		4 mos FY14	3% Annual Increase FY15
Estimated Base Salary	65,000	21,667	66,950
Estimated Fringes at 41.5%	<u>27,000</u>	<u>9,000</u>	<u>27,810</u>
Estimated Total Cost	<u><u>92,000</u></u>	<u><u>30,667</u></u>	<u><u>94,760</u></u>
GRA Share	55,000	18,333	56,650
Balance --OSG share	<u>37,000</u>	<u>12,334</u>	<u>38,110</u>
	<u><u>92,000</u></u>	<u><u>30,667</u></u>	<u><u>94,760</u></u>

From: Todd Matha
Sent: Wednesday, May 14, 2014 3:52 PM
To: Sylvia Villebrun
Subject: Budgetary Allocation

Parliamentarian Villebrun,

Please consider this note as a summary of our recent conversation. In regards to the request for a full-time GRA dedicated attorney, both the Chief Executive and Band Assembly had expressed that the GRA should likely dedicate partial funding to the OSG for this purpose. Consequently, the GRA has agreed to pay fifty-percent (50%) of an OSG attorney's salary, including fringe benefits, which presently amounts to \$55,000.00 per year. This amount would likely increase year to year given inflation and merit increases.

If the OSG attorney assumed full-time duties on June 1, 2014, then the GRA would need to submit a prorated amount of \$13,750.00 for the remainder of the fiscal year, which concludes on September 30, 2014. In the following fiscal year, the GRA would submit the full amount of \$55,000.00 (or about \$56,500.00 given an anticipated merit increase).

The OSG would require an additional allocation of funds to hire a sixth attorney with an approximate starting salary of \$65,000.00 per year. According to OMB, this amount increases to roughly \$82,000.00 per year when figuring in fringe benefits. Provided that the GRA commits the above funding, then the OSG would need \$11,250.00 added to its present fiscal year budget (four (4) remaining months), and the amount of \$33,750.00 the following fiscal year, totaling the requested \$45,000.00 for the biennial fiscal cycle.

Todd R. Matha
Solicitor General
Mille Lacs Band of Ojibwe
43408 Oodena Drive
Onamia, MN 56359

Tel. 320.532.7894