

Ordinance 46-15

An Ordinance of program and budget transfer for the Department of Justice of the Mille Lacs Band Tribal Government for Fiscal Year ending September 30, 2015

The District III Representative introduced the following Bill on the 30th day of July, 2015.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of a program and budget transfer for the Department of Justice of the Mille Lacs Band Tribal Government for Fiscal Year ending September 30, 2015.

Title I

Section 1: Governmental Operations. The Band Assembly hereby appropriates and authorizes the program and budget transfer for the Department of Justice of the Mille Lacs Band Tribal Government for Fiscal Year ending September 30, 2015.

Section 1.01: Amendment to Section 1.02. The Band Assembly hereby authorizes the budget transfer of programmatic funds for the following:

Section 1.02

FY2015 – Department of Justice program and budget transfer of Public Safety 100-175 to Tribal Police 100-160

Public Safety 100-175	(\$ 134,449.90)	to
Tribal Police 100-160		\$ 134,449.90

Section 1.03: The Band Assembly hereby authorizes Commissioners to approve budgetary revisions within programs up to **\$10,000.00** (ten thousand dollars and no cents) 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** (ten thousand dollars and no cents), the Band Assembly hereby authorizes the Administration Policy Board to approve budget revisions within programs of up to 50% of the total program's budget within a given budget line if the program is under **\$100,000.00** (One hundred thousand dollars and no cents) and up to 20% if the program is **\$100,000.00** (One hundred thousand dollars and no cents) or greater.

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

Ordinance 46-15
(Band Assembly Bill 16-04-46-15)

Introduced to the Band Assembly on this
Thirtieth day of July in the year
Two thousand fifteen.

Passed by the Band Assembly on this
Thirtieth day of July in the year
Two thousand fifteen.



Carolyn Beaulieu, Speaker of the Assembly

APPROVED
Date: July 31, 2015



Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND

INTEROFFICE MEMORANDUM

JUL 16 11:42

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TO: Melanie A. Benjamin, Chief Executive
Mille Lacs Band Assembly

FROM: Todd R. Matha, Solicitor General *TRM*

SUBJECT: Partial Restructure of the Department of Justice

DATE: July 16, 2015

CC: Catherine L. Colstrud, Commissioner of Administration
Adam M. Valdez, Commissioner of Finance
Jared R. Rosati, Chief Law Enforcement Officer
Sara M. Rice, Public Safety Director



In the immediate future, the Public Safety Division will be incorporated into the Police Department. This action comports with a recommendation contained in the 2014 final report resulting from an executive hearing of the Police Department.¹ The Public Safety Division presently consists of the Public Safety Director and the Emergency Management Coordinator. This memorandum will address the budgetary and organizational ramifications resulting from the departmental restructure.

To begin, on several occasions the Office of the Solicitor General has analyzed the authority of the Administration Policy Board to sanction budget modifications occurring within the Department of Justice.² In short, the APB does not possess valid statutory authority to approve DOJ budgetary modifications unrelated to performance based employee status changes or contract approval.³ The APB, consisting of six (6) executive officers,⁴ has no expressly delegated power to oversee budgets, including subsequent modifications thereto. That being said, the individual officers may each "authorize the expenditure of all appropriated funds within their subject matter jurisdiction."⁵

Consequently, the APB can permissibly serve as an instrumentality for exercising delegated executive fiscal authority given that its constituent officers independently and collectively possess such power. Individual executive officers participating on the APB may permissibly invite their counterparts to render joint departmental decisions. However, an asserted ability of the APB to control the budgetary decisions of the DOJ does not enjoy a statutory underpinning, even an attenuated one, absent perhaps an overriding Chief Executive directive.⁶

As a result, the DOJ has repeatedly presented budget modification requests directly to the Band Assembly after first securing the concurrence of the Chief Executive.⁷ In this instance, the DOJ does not require supplemental funding to undertake the contemplated restructure,⁸ and regards this memorandum as merely a formal notification. The DOJ, however, does need the Office of Management and Budget to administratively transfer funds from the Public Safety Division budget into the Police Department budget,⁹ and thereafter discontinue use of the depleted line items.

Similarly, no amendment to Band statute needs to precede the restructure.¹⁰ The Public Safety Division represents an anomaly within the Department of Justice since it is not, and has never been, a statutorily recognized division of the department.¹¹ The Police Department may accordingly subsume the two-member division, which makes institutional and operational sense.

Please inform me of any questions or concerns. Thank you.

Attach.: *See infra* note 9.

¹ Report Pursuant to Executive Order 166-13, p. 25; *see also generally* 4 MLBSA §§ 12-14. The Band Assembly was previously notified of this intention, most recently on June 2, 2015.

² *See, e.g.*, Interoffice Mem. re: APB Role in DOJ Budgetary Decisions (Feb. 2, 2012).

³ 4 MLBSA § 8.

⁴ 4 MLBSA § 9(a). The Solicitor General is not considered an executive officer. 4 MLBSA § 4.

⁵ 4 MLBSA § 7(c).

⁶ 4 MLBSA § 8(h) (envisioning that the Chief Executive may assign the APB further duties).

⁷ *See, e.g.*, Interoffice Mem. re: Appropriation Req. (May 1, 2014).

⁸ 3 MLBSA § 2(b) (acknowledging constitutional authority to appropriate Band revenue).

⁹ Per standard practice, the Department of Justice requests Band Assembly approval of the revised appropriation structure. Tribal Police Budget Revision Spreadsheet (July 16, 2015); Pub. Safety Budget Revision Spreadsheet (July 16, 2015).

¹⁰ Executive officers may "recommend the reorganization of any department within their subject matter jurisdiction," which must implicitly garner the approval of the Chief Executive. 4 MLBSA § 7(f).

¹¹ 24 MLBSA § 1053.

Budget Revision Spreadsheet

Mille Lacs Band of Ojibwe		Date		7/16/2015	
Budget Revision					
Department		100-175			
Program Name		Public Safety			
Source of Revenue	Check Off	Amount	Check Off	Revision Type	
Federal Grant		-		Increase in Revenue and Expenditures	
State Grant		-		Contingency Fund Utilization	
Net Revenue	X			Increased Expenditures without	
Carryover		-		Increase in Revenue	
Program Transfer	X	(5,134,449.90)	X	Program Transfer	
Income		-			
Total Changes		(134,449.90)			

Expenditures:	Account Code	Available Balance	Increase	Decrease	Revised Amount
Salaries	4000	58,833.64	-	58,833.64	-
Health	4105	4,179.75	-	4,179.75	-
Life	4106	265.15	-	265.15	-
Disability	4107	313.61	-	313.61	-
Dental	4108	434.96	-	434.96	-
Work Comp	4109	438.15	-	438.15	-
Unemployment	4110	343.97	-	343.97	-
Retirement	4111	391.48	-	391.48	-
FICA E/S	4112	1,036.20	-	1,036.20	-
Pera	4113	5,068.05	-	5,068.05	-
Contract Services	4300	1,818.00	-	1,818.00	-
Local Milage	4400	945.85	-	945.85	-
Non- Local Travel	4450	904.99	-	904.99	-
Communication	4500	327.70	-	327.70	-
Postage	4550	23.40	-	23.40	-
Training	5000	1,725.00	-	1,725.00	-
Office Supplies	6100	397.14	-	397.14	-
Insurance	6120	-	-	-	-
Canine Prog. Supplies	6400	3,119.00	-	3,119.00	-
Donations	6668	212.00	-	212.00	-
Utilities	6700	70.03	-	70.03	-
Vehicle/Equip. Maint.	6720	1,668.82	-	1,668.82	-
Program Activities	6800	1,210.63	-	1,210.63	-
Small Equip.	7000	1,537.05	-	1,537.05	-
Equipment	7100	41,172.09	-	41,172.09	-
IDC	9010	8,013.24	-	8,013.24	-
Totals:		\$ 134,449.90	\$ -	\$ 134,449.90	-

Commissioner Signature Date Administration Policy Board Date

Budget Revision Spreadsheet

Mille Lacs Band of Ojibwe			Date	<u>7/16/2015</u>
Budget Revision				
Department	<u>100-160</u>			
Program Name	<u>Tribal Police</u>			
Source of Revenue	Clock Off	<u>Amount</u>	Clock Off	Revision Type
Federal Grant		-		Increase in Revenue and Expenditures
State Grant		-		Contingency Fund Utilization
Net Revenue	X			Increased Expenditures without
Carryover		-		Increase in Revenue
Program Transfer	X	\$134,449.90	X	Program Transfer
Income		-		
Total Changes		<u>134,449.90</u>		

Expenditures:	Account Code	<u>Available Balance</u>	<u>Increase</u>	<u>Decrease</u>	Revised Amount
Salaries	4000		58,833.64		58,833.64
Health	4105		4,179.75		4,179.75
Life	4106		265.15		265.15
Disability	4107		313.61		313.61
Dental	4108		434.96		434.96
Work Comp	4109		438.15		438.15
Unemployment	4110		343.97		343.97
Retirement	4111		391.48		391.48
FICA E/S	4112		1,036.20		1,036.20
Pera	4113		5,068.05		5,068.05
Contract Services	4300		1,818.00		1,818.00
Local Milage	4400		945.85		945.85
Non- Local Travel	4450		904.99		904.99
Communication	4500		327.70		327.70
Postage	4550		23.40		23.40
Training	5000		1,725.00		1,725.00
Office Supplies	6100		397.14		397.14
Insurance	6120		-		-
Canine Prog. Supplies	6402		3,119.00		3,119.00
Donations	6668		212.00		212.00
Utilities	6700		70.03		70.03
Vehicle/Equip. Maint	6720		1,668.82		1,668.82
Program Activities	6800		1,210.63		1,210.63
Small Equip.	7000		1,537.05		1,537.05
Equipment	7100		41,172.09		41,172.09
IDC	9010		8,013.24		8,013.24
Totals:		\$ -	\$ 134,449.90	\$ -	134,449.90


Date
Administration Policy Board
Date

Mille Lacs Band of Ojibwe Indians
 Revenue and Expense w/Contracts

Service: 4500-100-0000
 07/16/15
 07/16/15
 07/16/15

ACCOUNT DESCRIPTION	ANNUAL BUDGET	MONTH TO DATE EXPENDITURES	YEAR TO DATE EXPENDITURES	Fiscal year thru 6/30/15 ending 07/31/2015	P.O. COMMITMENTS	AVAILABLE BALANCE	% USED
100-160-3220-0000 LAW ENFOR TAXATION	200,000.00	.00	.00	.00	.00	200,000.00	.00
100-160-3304-0000 LAW ENFOR ZD14 GRNT BP VEST	4,785.72	.00	.00	.00	.00	4,785.72	.00
100-160-3305-0000 LAW ENFOR SELF GOVERNANCE	55,000.00	.00	55,000.00	55,000.00	.00	(1,000)	(1.82)
100-160-9030-0000 NET REVENUE	2,557,231.07	.00	20,500.00	20,500.00	.00	2,536,731.07	.80
Total Revenue	3,047,017.79	.00	85,000.00	85,000.00	.00	2,962,017.79	(.63)
100-160-4000-0000 LAW ENFOR SALARIES REG	1,428,799.00	68,535.92	987,647.23	987,647.23	.00	440,551.77	.69
100-160-4105-0000 LAW ENFOR HEALTH INS	315,673.89	(3,515.13)	202,717.35	202,717.35	.00	114,156.52	.64
100-160-4107-0000 LAW ENFOR LIFE INS	8,761.69	.00	4,510.71	4,510.71	.00	4,250.98	.51
100-160-4109-0000 LAW ENFOR DISABILITY	14,492.88	.00	10,201.60	10,201.60	.00	4,291.28	.70
100-160-4110-0000 LAW ENFOR DENTAL INS	11,174.64	(437.08)	5,925.97	5,925.97	.00	5,248.67	.53
100-160-4111-0000 LAW ENFOR WORKER S COMP	59,633.72	3,268.92	44,783.27	44,783.27	.00	15,050.45	.75
100-160-4112-0000 LAW ENFOR UNEMPLOYMENT	20,040.24	234.12	12,955.98	12,955.98	.00	7,084.26	.65
100-160-4113-0000 LAW ENFOR FICA E/S	4,071.00	251.43	3,543.27	3,543.27	.00	427.73	.87
100-160-4114-0000 LAW ENFOR PERA	24,059.50	1,132.08	17,124.45	17,124.45	.00	6,935.05	.71
100-160-4300-0000 LAW ENFOR C/L CONSULT	222,917.38	10,951.60	150,316.60	150,316.60	.00	72,600.78	.67
100-160-4400-0000 LAW ENFOR LOCAL MILEAGE	45,550.00	38.13	16,622.65	16,622.65	.00	28,927.35	.37
100-160-4500-0000 LAW ENFOR ROM/LOCAL TRAVEL	1,315.00	.00	689.94	689.94	.00	625.06	.52
100-160-4550-0000 LAW ENFOR TELEPHONE	12,500.00	(8.05)	9,060.81	9,060.81	.00	3,439.19	.73
100-160-5000-0000 LAW ENFOR POSTAGE	28,000.00	1,995.27	16,275.89	16,275.89	.00	11,724.11	.58
100-160-5000-0000 LAW ENFOR TRNG/DUES/AC/EDUC	1,050.00	.00	411.11	411.11	.00	638.89	.39
100-160-5700-0000 LAW ENFOR MISC EXPENSE	18,700.00	25.00	11,443.55	11,443.55	.00	7,256.45	.61
100-160-6100-0000 LAW ENFOR OFFICE SPLY	31,000.00	(5.00)	23,708.74	23,708.74	1,650.00	5,291.26	.82
100-160-6120-0000 LAW ENFOR INSURANCE	7,000.00	.00	4,327.60	4,327.60	1,400.00	1,272.40	.62
100-160-6400-0000 LAW ENFOR COMP/UNY MATCH SU	29,000.00	.00	25,681.94	25,681.94	.00	3,318.06	.88
100-160-6401-0000 LAW ENFOR PROG SPLY	2,500.00	.00	452.55	452.55	.00	2,047.45	.18
100-160-6600-0000 LAW ENFOR EQUIP REP/MAINT	26,500.00	29.00	11,051.13	11,051.13	1,500.00	13,948.87	.47
100-160-6668-0000 LAW ENFOR DONATIONS	4,000.00	.00	1,650.05	1,650.05	.00	2,349.95	.41
100-160-6700-0000 LAW ENFOR WATER SPLY EXP	800.00	.00	527.78	527.78	.00	272.22	.65
100-160-6720-0000 LAW ENFOR O & M VEHICLE	1,200.00	.00	1,426.75	1,426.75	.00	(226.75)	1.19
100-160-6800-0000 LAW ENFOR UNIFORM ALLOWANCE	20,000.00	1,510.27	75,724.69	75,724.69	29,681.58	34,593.11	.75
100-160-7000-0000 LAW ENFOR SMALL EQUIPMENT	131.98	131.98	13,709.22	13,709.22	2,004.26	4,284.96	.79
100-160-7100-0000 LAW ENFOR EQUIPMENT	11,000.00	.00	5,505.68	5,505.68	1,392.53	4,100.79	.53
100-160-7103-0000 2014 BP VESTS GRANT EXP.	240,535.50	.00	11,052.35	11,052.35	9,357.00	191,057.15	.19
100-160-9010-0000 LAW ENFOR INDIRECT COST	4,785.72	.00	2,346.99	2,346.99	.00	2,438.73	.53
100-160-9010-0000 LAW ENFOR INDIRECT COST	310,575.44	.00	208,757.32	208,757.32	.00	101,818.12	.67
Total Expenditure	3,047,017.79	83,919.52	1,884,763.76	1,884,763.76	45,555.47	1,658,197.97	.55
		(63,919.52)	(1,733,763.76)	(45,555.47)	(47,070.59)	1,603,619.82	.00