



LEECH LAKE BAND OF OJIBWE
Ordinance No. 01-01
Budget Ordinance

It is the responsibility of the governing body of the Leech Lake Band of Ojibwe to ensure fiscal accountability and to protect tribal assets and resources for future generations, therefore, the Budget Ordinance of the Leech Lake Band of Ojibwe is hereby enacted by the Tribal Council of the Leech Lake Band of Ojibwe in a Regular Meeting held on August 25, 2000 at Cass Lake, Minnesota.

SECTION ONE – PRELIMINARIES

TITLE

- 1.1 Short Title: - This title is known and may be cited as the Leech Lake Band of Ojibwe Budget Ordinance or "Budget Ordinance."

AUTHORITY AND PURPOSE

- 1.2 Authority and Purpose of the Leech Lake of Ojibwe
- (1) The Leech Lake Tribal Council is empowered to enact the Ordinance pursuant to Article VI, Sections 1(b) of the duly adopted and approved Minnesota Chippewa Tribal Constitution and Bylaws.
 - (2) As governed and empowered by this constitutional provision and the inherent and sovereign powers possessed by tribal governments, the Leech Lake Tribal Council believes this Ordinance is necessary to ensure fiscal accountability by the Tribal Council and the divisions, programs, projects, and entities of the Leech Lake Band of Ojibwe.
 - (3) The specific purpose of this Ordinance is to govern and regulate the use and expenditure of Leech Lake Band of Ojibwe funds including but not limited to, funds generated from Tribal Gaming. Tribal businesses' assets and any funds derived from contracts, grants and agreements from outside entities and governments. The Tribal Council, all Band officials and Band employees are prohibited from expending funds except as authorized under this Ordinance.
- 2.1 Definitions – As used in this Title, the words and terms defined in Section Two, inclusive, have the following meanings ascribed to them throughout this Title unless the context requires otherwise.
- 2.2 Band – means the Leech Lake Band of Ojibwe, one of the six Bands that form the Minnesota Chippewa Tribe.

- 2.3 Budget Amendment – an increase or decrease in the Final Fiscal Year budget, which require passage by Resolution.
- 2.4 Budget Authority Resolution – the formal Resolution passed by the Tribal Council enacting the Fiscal Year Budget for the Band’s operations for the next fiscal year.
- 2.5 Budget Justification Package – Revenue, written reports and budgetary requests from the Band’s programs, projects and entities, the Final Fiscal Year Budget, the Authorizing Resolution, public comments and any other relevant information the Tribal Council utilizes as authority in adopting the Band’s Final Fiscal Year Budget.
- 2.6 Budget Modification - An increase or and decrease in specific line items within a program budget that requires approval by the appropriate Executive Director and/or Deputy Director at the request of the Division Director.
- 2.7 Budget Ordinance – the Ordinance, which carries the effect of law, enacted by the Tribal Council designed to govern and regulate the internal spending of the Leech Lake Band of Ojibwe.
- 2.8 Budget Oversight – the authority the Tribal Council retains, or delegates, under this Ordinance to ensure that the Final Fiscal Year Budget and Fiscal Policies, adopted by the Tribal Council, is being adhered to and followed.
- 2.9 Budget Team – the group responsible for formulating the budget on behalf of the Chairman and the Secretary Treasurer – the team is chaired by the Executive Director and is comprised of the Deputy Directors, the Controller, the Assistant Controller, the Budget Manager, and others so assigned by the Budget Team Chair.
- 2.10 Carryover (or Reserve Funds) – any unspent or unobligated funds from the previous or present fiscal year; any savings accounts or other financial devices or tools where Band funds have been kept for future use; accounts and funds which can be used for the next fiscal year.
- 2.11 Chairman – the legally seated and officially recognized Chairman of the Leech Lake Band of Ojibwe.
- 2.12 Contract – an agreement the Band enters into with another government, organization or entity, in which funds are given to the Band pursuant to that agreement. The Band agrees to provide services or duties to the extent that such an agreement requires.
- 2.13 Director (or Manger) – any Band employee who is in direct control over any Band program, project function or entity.

- 2.14 Disbursement – payment for goods and services.
- 2.15 Emergency (or Emergencies) – a determination by the Tribal Council, that a threat to the Band, its members, its property or interests, its resources or rights warrants the expeditious reprogramming of Band funds.
- 2.16 Employee – any person, other than an independent contractor, working for the Band for monetary or other compensation.
- 2.17 Expenditure – the outlay of financial resources or Band funds in accordance with the Final Fiscal Year Budget, Budget Ordinance and the Band’s Fiscal policies.
- 2.18 Final Fiscal Year Budget – the financial spending plan adopted by the Tribal Council setting forth the Band’s specific intent for utilizing and disbursing Band controlled funds for the next fiscal year.
- 2.19 Fiscal Year – the twelve-month period beginning July 1 and ending June 30 during which the Band implements its Final Fiscal Year Budget adopted pursuant to this Ordinance.
- 2.20 Fiscal Year Budget Package – the complete document package supporting the Final Fiscal Year Budget as adopted by the Tribal Council.
- 2.21 Grant – a financial gift to the Band, obtained by application from an external funding source, which is designated for a specific program, project, purpose or item.
- 2.22 Grants Review Team – the Team, chaired by the Executive Director and/or the Deputy Directors, selected to review proposals and applications for compliance with Band priorities; indirect costs; fixed cost; other general contract/grant obligations; budgetary considerations; relevancy to the mission and management plan of the division, and to assure consistency with existing Band priorities or planned activities.
- 2.23 Preliminary Fiscal Year Budget – The initial budget put forth by the Budget Team, to be approved by the Chairman and the Secretary-Treasurer, prior to submitting for public review and comment and for full council acceptance.

- 2.24 Programs (or Project or Entities) - any division, program, business or operation of the Leech Lake Band of Ojibwe.
- 2.25 Proposal Fiscal Year Budget - the initial detailed fiscal financial plan proposed by the Tribal Council, which details the amounts, utilization and disbursement of the Band's funds for the coming fiscal year.
- 2.26 Realized - to bring into receipt, by any means, funds or financial resources, which the Band may immediately utilize, without delay or encumbrance.
- 2.27 Secretary-Treasurer - the legally seated and officially recognized Secretary-Treasurer of the Leech Lake Band of Ojibwe.
- 2.28 Tribe - The Minnesota Chippewa Tribe.
- 2.29 Tribal Council the five member governing body of the Leech Lake Band of Ojibwe legally seated and authorized to govern and set policy for the Leech Lake Band of Ojibwe.
- 2.30 Tribal Representatives (Official) - any Tribal Council Member, Director, Manager, or employee representing the Band or any of the Band's entities or interests.

SECTION THREE

DUTIES AND RESPONSIBILITIES OF THE BUDGET TEAM

- 3.1 Identification of Tribal Revenues - No later than October 30th of each year, all division, programs, projects, businesses, including Leech Lake Gaming, and other tribal entities shall provide a written report to the Budget Team identifying any and all revenues, projected or real, including carry-overs that are anticipated during the next fiscal year. Funds which are not within Accounts managed by the Leech Lake Accounting Division on a monthly basis, unless otherwise directed by the Leech Lake Tribal Council.
- 3.2 Identification of Contracts, Grants, Miscellaneous Funds - No later than October 30th of each year, all division, programs, businesses and entities shall provide a written report to the Budget Team detailing any and all grants, contracts, or any other miscellaneous funds that the division, program, or entity anticipates receiving during (or which will carry over into) the next fiscal year.
- 3.3 Use of Funds Identified, Matching Funds - The use of any funds identified under subsections 3.1 and 3.2 shall be detailed in the Fiscal Year Budget. No contract, grant, revenues or miscellaneous funds shall be expended unless they have been Identified and their use designated and approved in the Final Fiscal Year Budget or any amendments thereto. The use of Band funds for grant-matching funds is not permitted unless such Band funds have been justified and identified as per Section 3.7.
- 3.4 Reserve Funds, Contingency Funds and Set-Aside Investment Funds - The Budget Team, at the direction of the Tribal Council, shall include in the annual budget, special reserves and funds. The Tribal Council shall formally enact fiscal controls, including a plan, for such special reserves and funds. Such Reserves and Funds shall be utilized for purposes such as Endowment Funds, Contingency and Investment Funds.
- 3.5 Budget Projections - By no later than November 15th, Leech Lake Gaming and Each Division Director or manager shall submit to the Budget Team, budgets for all programs and projects within that division. The budget shall be submitted in a format and manner established by the Budget Team.
- 3.6 Tribal Priorities - The Leech Lake Tribal Council shall, from time to time, establish and revise, Tribal Priorities. The Budget Team shall, to the best of their abilities, assure that all budget requests are reflective of such priorities as established by the Leech Lake Tribal Council.

- 3.7 Allocation of Band Funds - Except for specific allocations established by Ordinance Funds shall be considered the funding source of last resort. Program budgets which seek access to Band Funds must establish, to the full satisfaction of the Budget Team, that the program or service is necessary and that the program has, and will continue to seek non-Band funding for this program or service. Whenever possible Tribal funds will be reimbursed and dedicated to the Contingency Fund, once alternative funding sources have been secured.

SECTION FOUR

DEVELOPMENT OF A FISCAL YEAR BUDGET

PUBLIC REVIEW, PUBLIC HEARINGS AND COMMENTS

- 4.1 The District Representatives shall represent district community needs and priorities and submit those prioritized needs to the Budget Team.
- 4.2 The Budget Team shall compile all relevant budgetary documentation and information. With that documentation and material, the Team will produce a Preliminary Budget to be reviewed, amended and accepted by the Chairman and the Secretary-Treasurer.
- 4.3 The Preliminary Budget shall be accepted and approved by the Chairman and the Secretary-Treasurer no later than the first working day in the Month of January.
- 4.4 No later than January 10th of each year, the Executive Director shall publish and Distribute the Preliminary Budget for public review and written comment.
- 4.5 The Executive Director, in consultation with the District Representatives, shall schedule public hearings between the dates of January 15th and February 15th in each of the three Districts of the Leech Lake Reservation. Public Hearings will be conducted by the District Representative representing the community. All written and oral comments will be made a part of the Budget Hearing Record and will be submitted to the Chairman and The Secretary-Treasurer.
- 4.6 Between the dates of February 16th through February 28th the Executive Director will review all comments with the Chairman and the Secretary-Treasurer. The Chairman and the Secretary-Treasurer will consider comments and recommendations and direct the Budget Team to amend the Preliminary Budget accordingly.
- 4.7 No later than February 28th, the Preliminary Budget will be approved and accepted by the Chairman and the Secretary-Treasurer.

SECTION FIVE

ADOPTION OF TRIBAL BUDGET

- 5.1 Presentation of the Proposed Fiscal Year Budget – by March 1st or the first working day thereafter, the Tribal Chairman and the Secretary-Treasurer, shall submit the Preliminary Fiscal Year Budget to the Leech Lake Tribal Council for their review.
- 5.2 Tribal Council Review of Preliminary Fiscal Year Budget – The Tribal Council shall review the Preliminary Fiscal Budget and make any changes deemed appropriate, however, the total appropriated amount of the budget shall not exceed anticipated revenue.
- 5.3 Tribal Council Acceptance of Preliminary Budget - By no later than March 31st, the Tribal Council shall formally accept, by motion, the Preliminary Fiscal Year Budget. Upon acceptance, the Preliminary Fiscal Year Budget shall become the Proposed Fiscal Budget.
- 5.4 Distribution of Proposed Fiscal Year Budget - Once accepted, the Tribal Council shall direct the Executive Director to have copies of the Proposed Fiscal Year Budget and a narrative budget explanation available to the public for their information.
- 5.5 Adoption of a Final Fiscal Year Budget – At its Regular meeting each April, the Tribal Council shall review all materials submitted under Section Three. Upon review and acceptance, the Tribal Council shall formally adopt, by Resolution, the Fiscal Year Budget setting forth the total authorized budget for the next fiscal year. The Resolution enacted under this section shall be called the Budget Authority Resolution and the Proposed Fiscal Year Budget shall become the Final Fiscal Year Budget.
- 5.6 Fiscal Year Budget Package – Once enacted, the Final Fiscal Year Budget, the Authorizing Resolution, Public Hearing Comments and all other relevant documents shall become the fiscal Budget Package.

SECTION SIX

ASSIGNMENT OF RESPONSIBILITY

- 6.1 Authority and Responsibility of the Chairman – Once the Final Fiscal Year Budget has been properly enacted, The Chairman, on behalf of the Tribal Council shall be responsible for the following:
- (1) Carrying out the terms of this Ordinance and any enacted Amendments.
 - (2) The Chairman, in consultation with the Tribal Council, may propose Amendments are conducted in compliance with the provisions and fiscal limitations of this Ordinance.
 - (3) With the Secretary/Treasurer, shall report to the Tribal Council on all requested or proposed amendments to the Final Fiscal Year Budget, as well as on any matters that might justify changes or modifications.
 - (4) The Chairman shall, act in accordance with Ordinance No. 1, administer the policies necessary and appropriate to implement the terms of this Ordinance.
 - (5) The Chairman and the Secretary/Treasurer shall have joint signatory authority on all Budgets expenditures.
 - (6) The Chairman shall have the power of Budget oversight.
- 6.2 Authority and Responsibility of the Secretary-Treasurer – Once the Final Fiscal Year Budget has been properly approved and finalized, the Secretary-Treasurer, on behalf of the Tribal Council, is responsible for the following:
- (1) Ensuring that the Budget Ordinance is adhered to and enforced. In regard, the Secretary-Treasurer shall have the full and complete authority and control to prevent any unauthorized expenditure of funds.
 - (2) Shall immediately report any deviations from the Final Fiscal Year Budget to Tribal Chairman or to the full Tribal Council and recommend appropriate corrective action.
 - (3) No disbursements shall be permitted unless it shall bear the signature of the Secretary-Treasurer and the Chairman.
 - (4) Shall carry out all fiscal duties as defined in accordance with Ordinance No. 1 of The Leech Lake Band of Ojibwe.

- 6.3 Duties and Responsibilities of the Executive Director and the Deputy Directors - The Executive Administrative Staff are responsible for the overall administration of Leech Lake Band operations. They shall monitor funds and spending levels and direct that corrective actions be taken if necessary. In addition, the Executive Staff is responsible to assure that all phases of enacted laws, regulations and policies are implemented and followed.
- 6.4 Duties and Responsibilities of the Controller - The Controller shall be responsible to:
- (1) identify, develop and implement needed fiscal policies and procedures;
 - (2) ensure that the Bands finance system protects the Bands assets and interests;
 - (3) ensure compliance with this Ordinance and other applicable financial laws, regulations and policies;
 - (4) At the direction of the Executive Director and Deputy Directors, with proper notification the Chairman and the secretary/Treasurer, the Controller shall have the authority to take whatever action is necessary, including program sanctions, freezing funds and suspending program operation when this Ordinance and other applicable fiscal policies are found to be violated;
 - (5) The Controller shall assure that all programs, projects and entities operated under any contracts, grants, and/or any other funding arrangements receive accurate and current monthly financial statements in a timely manner.
- 6.5 Duties and Responsibilities of the Office of Compliance - The Compliance Officer shall be responsible for monitoring compliance with the terms of contracts, grants or tribally funded programs; monitoring program accomplishments; meeting reporting requirements in a timely manner; monitoring budgetary expenditures and to report deviations or violations to the Executive Director Deputy Directors and to the Controller.
- 6.6 Authority and Responsibility of Division Directors/Program Directors - The Division Directors are responsible for general oversight and Administration of all divisional programs and managers. Program Directors are responsible for the day-to-day operations of their programs and to assure the following:
- (1) that their programs operate in compliance with the budgets approved under this Ordinance and other applicable laws, regulations, policies and procedures.
 - (2) for assuring that expenditures are appropriate and justified and that monthly financial statements, for their respective programs and projects are received and monitored as they affect program operations and future program needs.
 - (3) to identify and report in writing, any matters that prevent their programs

compliance with the Final Fiscal Year Budget or this Ordinance, through their respective Chain of Command. If a Manager/Director learns that an action has been, or is about to be, taken which is in violation of the programs approved Final Fiscal Year Budget, the Manager/Director becomes directly and immediately responsible for insuring that the problem is correct.

- 6.7 Limitations on Authority - Unless specifically authorized in the Ordinance, no person, whether elected, appointed, or employed under any position, program, project or entity of the Band, has the authority to deviate from this Ordinance. However, this Ordinance is not intended to, nor shall it be construed so as to prevent the Tribal Council, if acting in accordance with its overriding responsibility to the Leech lake Band, from taking any necessary action to protect and safeguard the rights, resources, or the welfare of the Band.

SECTION SEVEN

LIMITATIONS, PROHIBITIONS, COMPLIANCE, ENFORCEMENT AND SEVERABILITY

- 7.1 Failure to Identify or Designate a Source of Funding - Only those funds, contracts and grants which are properly identified and designated in the Final Fiscal Year budget are authorized for expenditure. In the event the Final Fiscal Year Budget authorizes an activity, but fails to specifically identify the funding source, any expenditure of Band funds for that purpose or activity is absolutely prohibited. Violation by any Band official, employee or representative will be grounds for appropriate disciplinary action. The Secretary/Treasurer shall be responsible for pursuing legal action for the recovery of the funds.
- 7.2 Responsibility to Disclose Funding Search - Any Band program, project or entity that seeks funding from a non-Band funding source, must disclose its Program and funding efforts to the Grants Team. The Tribal Council may refuse any outside funding which it determines to be inconsistent with Tribal priorities and the Final Fiscal Year Budget.
- 7.3 Authority and Responsibility of the Tribal Council - Except as otherwise provided in the Ordinance, neither the Tribal Council, nor any individual member of the Tribal Council, has the authority to deviate from this Ordinance or any of its associated procedures. Once the Final Fiscal Year Budget is adopted, the authority of the Tribal Council is limited to general budget oversight and compliance.
- 7.4 Responsibility for Assuring Compliance - The Tribal Council is responsible for assuring compliance with the Ordinance and any Resolutions, Amendments and Modifications adopted pursuant to this Ordinance. Nothing in this Ordinance is intended to place limitations on any lawful powers of the Tribal Council, Band Official, or Band employees other than those limitations specifically delineated in this Ordinance.
- 7.5 Tribal Court -
- (1) Any alleged violations of this Ordinance that have not been satisfactorily resolved administratively, pursuant to the terms of this Ordinance shall be resolved in the Leech Lake Tribal Court. No other Court shall have jurisdiction to determine alleged violations of the Leech Lake Budget Ordinance.
 - (2) The defense of sovereign immunity shall not be available to any individual, including members of the Tribal Council, either individually or collectively, in any civil or criminal action arising out of alleged violations of this Ordinance.

- (3) No violations of this Ordinance shall result in the award of actual, compensatory, consequential, exemplary, punitive or any other type of monetary damages against the Leech Lake Band of Ojibwe, members of the Tribal Council, either individually or in their official capacities, Band Officials or Band Employees.
- (4) No party who brings suit to enforce the provisions of, or to correct any violations to this Ordinance shall be entitled to attorney fees or advocate fees from either the party being sued or the Leech Lake Band of Ojibwe. All parties, in any legal or administrative proceeding brought in relation to this Ordinance, are responsible for the fees of their own attorneys or advocates.

7.6 Civil and Criminal Remedies -

The Leech Lake Tribal Court shall have jurisdiction to impose the equitable remedies of Temporary Restraining Orders, Injunctions, Mandamus and Declaratory Relief to correct any infractions under this Ordinance. Additionally, the Tribal Court shall have jurisdiction to order restitution of any funds the Court finds to have been diverted to any individual's personal use.

- (1) The Court may also impose any remedy available in relevant Ordinances and Policies adopted by the Band.
- (2) Evidence of any theft, fraud or embezzlement involving Tribal funds shall be submitted to the appropriate authority for prosecution.

7.7 Protection of Tribal Employees and Whistle Blowers - A Tribal Employee, or any other person, who has taken action in good faith to assure compliance with this Ordinance shall have available to them remedies and protections to prevent retribution or retaliation for taking such action.

7.8 Severability Clause - If any provision or section of this Ordinance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this Ordinance, which shall continue to be in full force.

SECTION EIGHT

REGULAR AND EMERGENCY BUDGET AMENDMENTS

- 8.1 Amendments to the Final Fiscal Year Budgets - Should circumstances make it necessary, such as an Emergency or funding opportunities which become available after the Final Fiscal Year Budget has been enacted, the Tribal Council may amend at any duly convened meeting of the Tribal Council, the Final Fiscal Year Budget, by Resolution only, to include such funding, provided that the following considerations be met:
- (1) That any required matching funds, which are to be provided by the Band, are specifically identified and the source(s) of such funds are specifically designated and
 - (2) That the proposed amendments first attain the review and approval of the Budget Team, the Chairman and the Secretary/Treasurer prior to consideration.
- 8.2 Format of Amendments - Any Amendments shall be by Resolution only and shall be identified as such in the following manner: "Amendment No. ____ to F.Y. ____ Budget."
- 8.3 Effect of Amendments - Upon formal affirmative action by the Tribal Council, the Amendment and the Authorizing Resolution shall become a part of the Fiscal Year Budget Package.
- 8.4 Budget Line Item Modifications - At the written request of the Division Director, with the concurrence of the appropriate Executive Staff and Controller, a budget may be modified up to a maximum of 10% of its total program budget. However, no modification under this provision shall be in excess of \$10,000 unless it is accomplished in accordance the terms provided for in Section 8.1 and in compliance with the terms of the grant or contract. Modifications must be requested, in writing, at least thirty days before the end of the fiscal year in a format acceptable or prescribed by the Budget Team.
- 8.5 Emergency Amendments - The Tribal Council retains the emergency power to reprogram Band funds if a substantial threat is found to exist which threatens the Band, itÆs members, itÆs property, itÆs interests or itÆs resources or rights. Upon taking such an emergency action the Tribal Council shall, within 30 days, convene a special Tribal Council Meeting for the purpose of formally ratifying the action taken and to Amend the Final Fiscal Year Budget through an Amending Resolution. Nothing in this Ordinance shall require the Tribal Council or any other Tribal Official, acting during such an emergency, to publicly disclose any information that could adversely impact the legal and/or political standing of the Leech Lake Band of Ojibwe.

8.6 Limitations on Amendments or Separate Tribal Actions -

- (1) No Amendment to the Final Fiscal Year Budget, or to any final or proposed budget, becomes valid until such funds are realized.
- (2) In addition, funds not contained in the Final Fiscal Year Budget may not be advanced nor expended, including grant-matching fund obligations, unless and until an Amendment to the Final Fiscal Year Budget is adopted in accordance with this ordinance
- (3) Any official actions undertaken by the Tribal Council outside the provisions of this Ordinance shall not bind nor affect the Final Fiscal Year Budget or this Ordinance. Any official action that violates the terms of this Ordinance or the Final Fiscal Year Budget shall be considered null and void but only to the extent that it affects the Final Fiscal Year Budget Authority or this Ordinance.

SECTION NINE

ORDINANCE REFORMATION OR REPEAL

- 9.1 Ordinance Modification or Rescission - Any effort to modify or repeal this Ordinance may be brought to a vote at a Regular Tribal Council Meeting after the intent to Modify or Repeal has been published and publicly posted for a minimum of Thirty (30) days, written comment has been solicited and public hearing conducted. This Ordinance may not be amended or repealed unless that action is conducted and brought for a vote at a duly convened Regular Meeting of the Leech Lake Tribal Council.

CERTIFICATION

WE, THE UNDERSIGNED, as Chairman and Secretary/Treasurer of the Leech Lake Tribal Council, do hereby certify that the Tribal Council of the Leech Lake Band of Ojibwe is composed of five members, of which 5 were present, constituting a quorum, at a **Regular Meeting** therefore, duly called, noticed and convened on this 25th day of August in the year 2000 and that this **Ordinance** was duly adopted by a vote of 4 for, 0 against and 0 Silent, at Cass Lake, Minnesota.

Eli O. Hunt

Eli O. Hunt, Chairman
LEECH LAKE TRIBAL COUNCIL

Linda G. Johnston

Linda G. Johnston, Secretary/Treasurer
LEECH LAKE TRIBAL COUNCIL