



MILLE LACS BAND OF OJIBWE

Executive Branch of Tribal Government

April 25, 2022

Honorable Speaker Sheldon Boyd
Band Assembly Representatives
43408 Oodena Dr
Onamia MN 56359

Dear Honorable Speaker Boyd:

In accordance with 4 MLBS § 6(l), I write to inform you that I veto Band Assembly Bill 20-01-37-22 for various substantive and procedural issues. However, I want to express my appreciation to the Band Assembly for giving the necessary attention to finally amending Title 6. It is long overdue, but much more needs to be done to address ethical and related issues.

Among numerous other reasons for vetoing this bill, recent events have demonstrated the need to clarify the Chief Executive's and the Joint Session's authority over Commissioners. As currently drafted, there are considerable problems involving the relationship between and among elected and appointed officials. This bill does not resolve those issues and we have had to confront those deficiencies while addressing those events. Clarifying the ethical issues in Title 6 may also implicate the need to amend Titles 3 and 4.

I look forward to discussing these important issues in further detail with you at the compromise hearing.

Miigwech,

A handwritten signature in blue ink that reads "Melanie Benjamin".

Melanie Benjamin, Chief Executive

cc: Caleb Dogeagle, Solicitor General

DISTRICT I

43408 Oodena Drive • Onamia, MN 56359
(320) 532-4181 • Fax (320) 532-4209

DISTRICT II

36666 State Highway 65 • McGregor, MN 55760
(218) 768-3311 • Fax (218) 768-3903

DISTRICT IIA

2605 Chimimising Drive • Isle, MN 56342
(320) 676-1102 • Fax (320) 676-3432

DISTRICT III

45749 Grace Lake Road • Sandstone, MN 55072
(320) 384-6240 • Fax (320) 384-6190

URBAN OFFICE

1404 E. Franklin Avenue • Minneapolis, MN 55404
(612) 872-1424 • Fax (612) 872-1257

A Bill repealing Title 6 in its entirety and enacting a new Title 6.

The District I Representative introduced the following Bill on the 20th day of April, 2022.

BE IT ENACTED BY THE BAND ASSEMBLY OF THE NON-REMOVABLE MILLE LACS BAND OF OJIBWE:

Section 1. Repealing Title 6.

Title 6 of Mille Lacs Band Statutes is hereby repealed in its entirety.

Section 2. Enacting Title 6.

TITLE 6 – ETHICS CODE AND GOVERNMENT EMPLOYEES

<u>Chapter</u>	<u>Section</u>
1. <u>Ethics Code</u>	<u>1</u>
2. <u>Personnel Policies and Fringe Benefits</u>	<u>51</u>
3. <u>Expense Reimbursement</u>	<u>101</u>
4. <u>Indemnification</u>	<u>301</u>
5. <u>Whistleblower Protection</u>	<u>401</u>

CHAPTER 1

ETHICS CODE

- Section**
1. **Purpose.**
 2. **Definitions.**
 3. **Duty to Report Violations.**
 4. **The Joint Session.**
 5. **Conduct and Behavior.**
 6. **Conflicts of Interest.**
 7. **Prohibited Activities.**
 8. **Gifts.**
 9. **Trade Transactions.**

39 **§ 1. Purpose.**

40
41 The purpose of this chapter is to maximize trust between Band officials and the people they
42 serve. All official and unofficial conduct of Band officials shall be within the scope of this code
43 of conduct.
44

45
46 **§ 2. Definitions.**

47
48 All words in this chapter shall be construed according to their ordinary and natural meaning
49 unless otherwise provided. The following terms are defined for the purposes of this chapter:
50

- 51 (a) “Abuse of office” includes misusing a public office or position for private or
52 personal gain, attempting to make or influence Band or political subdivision
53 decisions outside of official processes, voting or participating in official decisions in
54 matters where the official has a personal or economic interest greater than that of
55 other Band members or employees, and acts or omissions on the part of the Band
56 official when the powers granted to said Band official are not exercised in
57 accordance with the law.
58
- 59 (b) “Appointed officials” includes the Commissioner of Administration, Assistant
60 Commissioner of Administration, Commissioner for Corporate Affairs,
61 Commissioner of Education, Commissioner of Community Development,
62 Commissioner of Finance, Commissioner of Health and Human Services,
63 Commissioner of Natural Resources, Solicitor General, the Justices and Judges of the
64 Court of Central Jurisdiction, and members of any board of an official Mille Lacs
65 Band entity that are appointed by the Chief Executive, the Secretary-Treasurer, the
66 Chief Justice, or by Band Assembly members.
67
- 68 (c) “Band” means the Mille Lacs Band of Ojibwe, any political subdivision thereof, or
69 any entity the majority of which is owned by the Band.
70
- 71 (d) “Band official” means an elected official or an appointed official.
72
- 73 (e) “Corruption” means the act of a Band official who unlawfully and wrongfully uses
74 his or her station or character to procure some benefit for himself or herself, or for
75 another person, contrary to that Band official’s duties.
76
- 77 (f) “Court” means the Court of Central Jurisdiction or any court of competent
78 jurisdiction over the matter in question.
79
- 80 (g) “Elected official” means the Chief Executive, the Secretary-Treasurer, the District
81 Representatives, or members of any board of a Band entity who are elected by Band
82 members.
83

- 84 (h) “Gift” means money, real or personal property, a service, a loan, a forbearance or
85 forgiveness of indebtedness, or a promise of future employment, that is given and
86 received without the giver receiving consideration of equal or greater value in return.
87
- 88 (i) “Immediate family” means a spouse, biological or adopted child, members of the
89 same household, or the official’s mother, father, or sibling.
90
- 91 (j) “Joint session” means the Joint Session of Band Assembly as identified in Title 3,
92 consisting of the Chief Executive, Secretary-Treasurer, and the three (3) District
93 Representatives.
94
- 95 (k) “Person” includes a partnership, association, corporation, legal representative,
96 trustee, trustee in bankruptcy, receiver, and the Band and its departments, agencies,
97 and political subdivisions
98
- 99 (l) “Unfair employment or business practices” includes, but is not limited to,
100 nepotism, harassment, and retaliation.
101
102

103 **§ 3. Duty to Report Violations.**
104

- 105 (a) All Band officials and employees shall have a duty to report to the appropriate Band
106 authorities any violation of this title.
107
- 108 (b) All Band officials and employees shall have a duty to report to the appropriate Band
109 authorities any instances of waste, fraud, abuse, or corruption.
110
- 111 (c) Appropriate Band authorities may, depending on the severity of the alleged violation
112 of (a) or (b), include any individual in a position of authority, such as a direct
113 supervisor, the commissioner in charge of the relevant department, the Solicitor
114 General, or the elected officials.
115
116

117 **§ 4. The Joint Session.**
118

- 119 (a) A joint session shall be convened to hear matters alleging violations of this title upon
120 written petition signed by three (3) or more of the members of the joint session.
121
- 122 (b) The joint session shall have the authority to discipline Band officials for violations of
123 this title, including by issuing oral or written reprimands, and suspending the Band
124 official with or without pay.
125
- 126 (c) The joint session shall hold an appropriate hearing before the joint session may
127 discipline Band officials for violations of this title, during which the Band official in
128 question shall be given the opportunity to speak in his or her defense and offer such
129 relevant evidence as he or she wishes to provide.

- 130
131 (d) Any decision of the joint session shall not be deemed to infringe upon or otherwise
132 limit any other disciplinary, civil, or criminal action that may otherwise be available.
133
134

135 **§ 5. Conduct and Behavior.**
136

137 The conduct of Band officials reflects on the character and integrity of the entire membership.
138 Band officials shall conduct themselves in a manner that does not discredit their position, the
139 Band, or the people they represent. Band officials with good character enhance the credibility of
140 the Band. Band officials hold positions of honor and respect which place them in a position of
141 high public visibility and provide them with the opportunity and responsibility to be positive role
142 models for the people they serve today as well as for future generations.
143
144

145 **§ 6. Conflicts of Interest.**
146

- 147 (a) Band officials shall pursue and protect the best interests, needs, and welfare of the
148 Band.
149
150 (b) The personal interests of Band officials, and the interests of the Band official's
151 friends, immediate family, and businesses, shall be subordinated to the best interests
152 of the Band.
153
154 (c) Band officials shall have a duty to use basic honesty, sound judgment, and common
155 sense in avoiding actual or apparent conflicts of interest.
156
157 (d) Conflicts of interest include, but are not limited to:
158
159 (1) situations in which the Band official has an interest, whether monetary or
160 otherwise, in a decision, when that interest is greater than that of the rest of
161 the Band; and
162
163 (2) situations in which a reasonable person would conclude that the Band official
164 is unable to make an impartial decision due to some benefit that will inure to
165 the Band official, or the immediate family, friends, or business of the Band
166 official.
167
168

169 **§ 7. Prohibited Activities.**
170

171 The following activities by Band officials are prohibited:
172

- 173 (a) abuse of office;
174

- 175 (b) misusing public office, the Band official's position, or Band personnel or resources
176 for private or personal gain;
177
178 (c) engaging in, supporting, or permitting unfair employment or business practices;
179
180 (d) making unauthorized commitments or promises of any kind that purport to bind the
181 Band;
182
183 (e) hindering, interfering in, or attempting to interfere in any civil or criminal
184 investigation conducted by a Band official having jurisdiction to perform such
185 investigation;
186
187 (f) hindering, interfering in, inappropriately influencing, attempting to interfere in, or
188 attempting to inappropriately influence the court in a pending case or in any case that
189 may go before the court;
190
191 (g) knowingly or intentionally violating any Band statute; and
192
193 (h) receiving compensation for work performed for any person other than the Band that
194 could be reasonably perceived as conflicting with the interests of the Band.
195

196 **§ 8. Gifts.**

- 199 (a) All Band officials who receive a gift, whether a good or a service, the value of which
200 is greater than \$40.00 shall record or cause to be recorded the receipt and description
201 of the gift with the Band Assembly, regardless of whether the gift was intended as a
202 gift to the Band official or the Band.
203
204 (b) Any gift to a Band official may only be accepted as a gift to the Band if the value of
205 the gift is greater than \$100.00.
206
207 (c) No Band official may accept in any fiscal year gifts that, in the aggregate, exceed
208 \$500.00.
209
210 (d) Notwithstanding subsection (c), nominal gifts valued at less than \$40.00 in value shall
211 not be considered for purposes of the \$500.00 aggregate limit.
212
213 (e) Gifts from family members or gifts given pursuant to the customs and traditions of
214 the Band shall be exempt from the provisions of the chapter.
215
216
217

218 **§ 9. Trade Transactions.**

219

220 No Band official or employee may be permitted to have any personal interest or concern in any
221 business that provides services or sells goods to the Band, except as authorized in writing by the
222 Chief Executive.

223

224

225

CHAPTER 2

226

227

PERSONNEL POLICIES AND FRINGE BENEFITS

228

Subchapter

230 **1. General Provisions.**

231 **2. Personnel Policies and Procedures.**

232 **3. Fringe Benefits.**

233

234

235

SUBCHAPTER 1

236

237

GENERAL PROVISIONS

238

Section

240 **51. Definitions.**

241

242

§ 51. Definitions.

244

245 All words in this subchapter are to be construed according to their ordinary and natural meaning.
246 The following words are defined for the purposes of this chapter:

247

248 (a) “Annual leave” shall include both annual and personal leave days authorized by this
249 chapter.

250

251 (b) “Appointed officials” includes the Commissioner of Administration, Assistant
252 Commissioner of Administration, Commissioner of Education, Commissioner of
253 Community Development, Commissioner of Finance, Commissioner of Health and
254 Human Services, Commissioner of Natural Resources, Solicitor General, the Justices
255 and Judges of the Court of Central Jurisdiction, or members of any board of an
256 official Mille Lacs Band entity that are appointed by the Chief Executive, the
257 Secretary-Treasurer, the Chief Justice, or by Band Assembly members.

258

259 (c) “Band” means the Mille Lacs Band of Ojibwe.

260

261 (d) “Band official” means an elected official or an appointed official.

262

- 263 (e) “Elected official” means the Chief Executive, the Secretary-Treasurer, the District
264 Representatives, or members of any board of a Band entity who are elected by Band
265 members.
- 266
- 267 (f) “Personnel policy” means the Mille Lacs Band of Ojibwe Personnel Policies and
268 Procedures Manual.
- 269
- 270 (g) “Senior executive staff” means an individual designated as a senior executive staff
271 employee.
- 272
- 273 (h) “Service” means the amount of time that a Band official has been on the payroll of
274 the Band as a Band official.
- 275
- 276

277 SUBCHAPTER 2

278 PERSONNEL POLICIES AND PROCEDURES

279 Section

- 280
- 281
- 282
- 283 **61. Personnel Policies and Procedures Manual.**
- 284 **62. Band Employees.**
- 285 **63. Exemptions and Exceptions.**
- 286 **64. American Indian Preference.**
- 287
- 288

289 § 61. Personnel Policies and Procedures Manual.

- 290
- 291 (a) The Mille Lacs Band of Ojibwe Personnel Policies and Procedures Manual, as
292 amended and approved on January 15, 2022, is hereby adopted and made applicable
293 to all Band employees, except those specifically exempted under this subchapter.
- 294
- 295 (b) The employment law specialist, the Solicitor General, and Legislative Counsel shall
296 have a duty to ensure that the personnel policy is amended on an annual basis, or as
297 needed to comply with federal law, Band law, and Band policy. Such amendments
298 shall be subject to ratification by the Band Assembly prior to implementation.
- 299

300 § 62. Band Employees.

301 The personnel policy shall apply to all Band employees, except those individuals specifically
302 exempted by statute.

303

304

305

306 **§ 63. Exemptions and Exceptions.**

- 307
- 308 (a) The following individuals shall be exempt from the provisions of the personnel
- 309 policy:
- 310
- 311 (1) the Chief Executive;
- 312
- 313 (2) the Secretary-Treasurer;
- 314
- 315 (3) the District Representatives;
- 316
- 317 (4) the elected members of the Nay Ah Shing School Board, when acting in their
- 318 official capacity;
- 319
- 320 (5) employees of the corporate commission and its subsidiaries;
- 321
- 322 (6) employees of the Gaming Regulatory Authority;
- 323
- 324 (7) employees of the Band's tribal police, except administrative staff;
- 325
- 326 (8) Department of Natural Resources enforcement staff, when assisting the
- 327 Band's tribal police; and
- 328
- 329 (9) employees hired under contract for a particular purpose.
- 330

331

332 **§ 64. American Indian Preference.**

- 333
- 334 (a) The American Indian preference provisions in the MLBO Policy and Procedures
- 335 Manual shall be construed in a manner that is consistent with the requirements of
- 336 Chapter 5 of Title 18 and shall supersede all other provisions of Band law.
- 337
- 338 (b) Assuming equal qualifications, the personnel policy provides American Indian
- 339 preference will be given in employment recruitment, hiring, promotions, training, and
- 340 development in the following order:
- 341
- 342 (1) enrolled members of the Band;
- 343
- 344 (2) enrolled members of any other federally recognized tribe; and
- 345
- 346 (3) all other individuals.
- 347

348 **SUBCHAPTER 3**

349
350 **FRINGE BENEFITS**

351
352 **Section**

- 353 **81. Generally.**
354 **82. Availability.**
355 **83. Annual Leave.**
356 **84. Sick Leave.**
357 **85. Carryover.**
358 **86. Donation of Sick Leave.**
359 **87. Payment.**
360 **88. Effect of Resignation or Removal.**
361 **89. Notification Required.**

362
363
364 **§ 81. Generally.**

365
366 Band officials shall accrue annual and sick leave based upon the number of years of service
367 completed.

368
369
370 **§ 82. Availability.**

371
372 Annual and sick leave of Band officials shall be available at the beginning of each fiscal year.
373 Leave for Band officials who assume office prior to the beginning of a new fiscal year shall be
374 prorated based upon the number of full weeks that the Band official will work during that fiscal
375 year.

376
377
378 **§ 83. Annual Leave.**

379
380 Band officials shall receive the following amounts of annual leave per fiscal year:

- 381
382 (a) for Band officials whose service ranges from zero (0) years to four (4) years, 272
383 hours;
384
385 (b) for Band officials whose service ranges from five (5) years to eight (8) years, 288
386 hours;
387
388 (c) for Band officials whose service ranges from nine (9) years to twelve (12) years, 336
389 hours;
390
391 (d) for Band officials whose service ranges from thirteen (13) years or greater, 400 hours.
392
393

394 **§ 84. Sick Leave.**

395
396 Band officials shall receive 160 hours of sick leave per fiscal year.

397
398
399 **§ 85. Carryover.**

400
401 Band officials may carryover up to 80 hours of annual leave and 160 hours of sick leave. Any
402 annual leave carried over shall be paid out at the pay rate corresponding with the pay rate of the
403 Band official at the time that said annual leave was accrued.

404
405
406 **§ 86. Donation of Sick Leave.**

- 407
408 (a) Elected officials may choose to donate any portion of the sick leave permitted under
409 § 84, subject to the following:
- 410 (1) the elected official shall not be permitted to donate any more than 80 hours of
411 sick leave per fiscal year;
 - 412 (2) the elected official may only donate sick leave to an employee of the Band;
413 and
 - 414 (3) a Band employee shall only be permitted to accept donated sick leave if he or
415 she has already exhausted all of the sick leave and annual leave to which he or
416 she is entitled.
- 417
418 (b) Appointed officials may choose to donate any portion of the sick leave permitted
419 under § 84, subject to the following:
- 420 (1) the appointed official shall not be permitted to donate any more than 80 hours
421 of sick leave per fiscal year;
 - 422 (2) the appointed official may only donate sick leave to an employee of the Band;
423 and
 - 424 (3) a Band employee shall only be permitted to accept donated sick leave if he or
425 she has already exhausted all of the sick leave and annual leave to which he or
426 she is entitled.
- 427
428 (c) All sick leave hours donated by Band officials shall be paid out to the receiving Band
429 employee at the same rate to which the Band employee would otherwise be entitled.
430 In the event that said rate is higher than the Band official's rate, the Band employee
431 will receive sick leave hours at a rate not to exceed the Band official's rate.
432
433
434
435
436
437
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439

440 **§ 87. Payment.**

441
442 Band officials may be paid at the salary rate appropriate for all or any portion of any unused
443 accrued annual leave, whether accrued as a Band official or as an employee of the Band.
444

445
446 **§ 88. Effect of Resignation or Removal.**

447
448 If a Band official resigns or is removed from office, that Band official shall be paid for unused
449 annual leave that has been carried over from the previous fiscal year and for any unused annual
450 leave for the current fiscal year, prorated to the number of weeks in office.
451

452
453 **§ 89. Notification Required.**

454
455 Band officials shall notify the Office of Management and Budget prior to the end of the fiscal
456 year of how the Band official wishes to utilize any unused leave. If the Band official requests
457 payment for any unused annual leave, the Office of Management and Budget shall make said
458 payment within ten (10) business days following receipt of such notice.
459

460
461 **CHAPTER 3**

462
463 **EXPENSE REIMBURSEMENT**

464
465 **Subchapter**

466 **1. General Provisions.**

467 **2. Travel.**

468 **3. Complimentary Services.**
469

470
471 **SUBCHAPTER 1**

472
473 **GENERAL PROVISIONS**

474
475 **Section**

476 **101. Definitions.**
477

478
479 **§ 101. Definitions.**

480
481 All words in this chapter shall be construed according to their ordinary and natural meaning
482 unless defined. The following words are defined for the purposes of this chapter:
483

- 484 (a) “Actual expenses” means out of pocket expenses paid by a traveler when traveling
485 on official Band business that may be reimbursed to the traveler.
486
- 487 (b) “Appointed official” includes the Commissioner of Administration, Assistant
488 Commissioner of Administration, Commissioner for Corporate Affairs,
489 Commissioner of Education, Commissioner of Community Development,
490 Commissioner of Finance, Commissioner of Health and Human Services,
491 Commissioner of Natural Resources, Solicitor General, the Justices and Judges of the
492 Court of Central Jurisdiction, or members of any board of an official Mille Lacs Band
493 entity that are appointed by the Chief Executive, the Secretary-Treasurer, the Chief
494 Justice, or by Band Assembly members
495
- 496 (c) “Authorized signature” means the signature of the Chief Executive or his or her
497 designee, for executive branch officials, the signature of the Secretary-Treasurer or
498 his or her designee, for legislative branch officials, and the signature of the Chief
499 Justice or his or her designee, for judicial branch officials.
500
- 501 (d) “Band official” means an elected official or an appointed official.
502
- 503 (e) “Elected official” means the Chief Executive, the Secretary-Treasurer, and the
504 District Representatives.
505
- 506 (f) “Government business” means matters pursuant to or in furtherance of the Band
507 official’s duties.
508
- 509 (g) “Necessary expense” means an expense, which need not be essential to be deemed
510 necessary, that is appropriate to assist a Band official in the performance of his or her
511 duties while traveling.
512
- 513 (h) “Per diem” means a payment made to a traveler for daily subsistence incurred for
514 travel instead of payment made for the actual expense for subsistence while traveling.
515
- 516 (i) “Privately-owned vehicle” includes cars, motorcycles, buses, airplanes, or other
517 motorized methods of transportation owned or leased by the Band official or a
518 member of the immediate family, as defined in chapter 1 of this title, of the Band
519 official.
520
- 521 (j) “Publicly-owned vehicle” includes cars, motorcycles, buses, airplanes, or other
522 motorized methods of transportation owned or leased by the Band.
523
- 524 (k) “Resolution of the Joint Session of the Band Assembly” shall have the meaning
525 given in 3 MLBS § 1.
526
- 527 (l) “Subsistence” means lodging, meals, and other incidental expenses for the personal
528 sustenance and comfort of the traveler.
529

530 (m) “Unauthorized expense” means any expense incurred by a Band official that is not
531 authorized or approved under this chapter.

532
533
534 **SUBCHAPTER 2**

535
536 **TRAVEL**

537
538 **Section**

- 539 **111. Allowable Travel Expenses; Generally.**
540 **112. Allowable Travel Expenses; Reasonable Care Required.**
541 **113. Allowable Travel Expenses; Personal Expenses Excluded.**
542 **114. Allowable Travel Expenses; Limitation.**
543 **115. Airfare.**
544 **116. Lodging; Generally.**
545 **117. Lodging; Limitation.**
546 **118. Mileage; Privately-Owned Vehicles.**
547 **119. Mileage; Publicly-Owned Vehicles.**
548 **120. Mileage; Incidental Expenses.**
549 **121. Mileage; Exception.**
550 **122. Mileage; Limitation.**
551 **123. Advancements; Generally.**
552 **124. Advancements; Procedure.**
553 **125. Advancements; Limitation.**
554 **126. Post-Travel Expense Statements.**
555 **127. Abandonment of Travel; Generally.**
556 **128. Abandonment of Travel; Limitation.**
557 **129. Abandonment of Travel; Eligibility for Reimbursement.**
558 **130. Abandonment of Travel; Calculation of Payments.**
559 **131. Recovery of Unauthorized Expenses; Generally.**
560 **132. Recovery of Unauthorized Expenses; Timeframe.**
561 **133. Recovery of Unauthorized Expenses; Notice.**

562
563
564 **§ 111. Allowable Travel Expenses; Generally.**

565
566 Subject to the provisions of this subchapter, the following expenses may be claimed by a Band
567 official, if such expenses are not paid using federal or state funds:

- 568
569 (a) actual expenses for the cost of subsistence;
570
571 (b) actual expenses for the cost of business-related telephone or fax usage;
572
573 (c) actual expenses for the cost of using physical fitness facilities;
574

- 575 (d) actual expenses for the cost of transportation for government purposes, including
576 incidental expenses;
577
578 (e) actual expenses for the cost of cleaning or dry-cleaning clothes; and
579
580 (f) other reasonable actual expenses that may arise in the conduct of government
581 business.
582

583
584 **§ 112. Allowable Travel Expenses; Reasonable Care Required.**
585

586 Band officials traveling on government business shall exercise reasonable care in incurring
587 expenses. Violations of the standard of reasonable care shall include, without limitation,
588 incurring excess costs, taking circuitous routes or incurring unnecessary delays, acquiring luxury
589 accommodations, and utilizing services that are unnecessary or unjustified in the performance of
590 government business.
591

592
593 **§ 113. Allowable Travel Expenses; Personal Expenses Excluded.**
594

595 Band officials shall be responsible for any expenses incurred for personal use, preference, or
596 convenience that are determined to be expenses outside the scope of the allowable travel
597 expenses established in this subchapter.
598

599
600 **§ 114. Allowable Travel Expenses; Limitation.**
601

602 Notwithstanding the other provisions of this subchapter, no Band official shall be entitled to
603 reimbursement at a per diem rate greater than the per diem rate established by the United States
604 General Services Administration for federal employees.
605

606
607 **§ 115. Airfare**
608

609 Reimbursement rates for Band official's airfare shall be based on the actual expense incurred in
610 purchasing a seat in coach, except in the following instances:
611

- 612 (a) rates for coach are unavailable within a time that is reasonable based on the trip
613 itinerary;
614
615 (b) purchasing a seat at a rate of less than first class would result in a higher cost due to
616 routing, time urgency, or other unavoidable reasons; or
617
618 (c) the physical condition of the traveler necessitates use of first-class travel.
619
620

621 **§ 116. Lodging; Generally.**

622 Band officials shall be entitled to reimbursement for actual expenses paid for lodging.

624

625

626 **§ 117. Lodging; Limitation.**

627

628 Band officials shall not be entitled to reimbursement of any actual expenses incurred for lodging
629 if the travel is to consume less than ten (10) hours in a single day or if the supporting
630 documentation submitted with the pre-trip travel expense statement does not indicate that the
631 travel is expected to be longer than a single business day.

632

633

634 **§ 118. Mileage; Privately-Owned Vehicle.**

635

636 Band officials shall be entitled to reimbursement for an established mileage rate, as adopted by
637 the Office of Management and Budget, in lieu of the actual expense of transportation when using
638 a privately-owned vehicle for government business when said mode of transportation is
639 authorized or approved. In order to be authorized or approved, said mode of transportation must
640 be determined to be more advantageous to the Band than use of other modes of transport.

641

642

643 **§ 119. Mileage; Publicly-Owned Vehicle.**

644

645 Band officials shall be entitled to reimbursement for the actual expense of travel when using a
646 publicly-owned vehicle for government business.

647

648

649 **§ 120. Mileage; Incidental Expenses.**

650

651 Band officials may be reimbursed in addition to the mileage rate for incidental expenses incurred
652 for parking fees, ferry fees, tolls, airplane landing and tie-down fees, and other similar necessary
653 expenses.

654

655

656 **§ 121. Mileage; Exception.**

657

658 A determination that travel via a privately-owned vehicle is more advantageous to the Band shall
659 not be required if the authorized mileage rate is limited to the actual expense of travel by
660 common carrier.

661

662 **§ 122. Mileage; Limitation.**

663
664 Common carrier transportation shall be utilized for trips with a destination in excess of 200 miles
665 from the Band official's designated post of duty or home, unless it is in the best interest of the
666 Band that the Band official utilize a privately-owned vehicle.

667
668
669 **§ 123. Advancements; Generally.**

670
671 The Office of Management and Budget may advance to a Band official a sum considered
672 reasonable with regard to the character and expected duration of the travel to be performed.

673
674
675 **§ 124. Advancements; Procedure.**

676
677 Band officials shall, when requesting an advance on travel expenses, complete a pre-trip travel
678 expense statement, which must include the following:

- 679
680 (a) the name and title of the Band official requesting the advance;
681
682 (b) the date on which the pre-trip travel expense statement is submitted to the Office of
683 Management and Budget;
684
685 (c) the Band official's destination;
686
687 (d) the purpose of the trip, which must be for government business, and supporting
688 documentation;
689
690 (e) the method or methods of transportation to be used;
691
692 (f) the signature of the Band official; and
693
694 (g) the relevant authorized signature.

695
696
697 **§ 125. Advancements; Limitation.**

698
699 A trip of ten (10) hours or less that occurs entirely in one (1) calendar day shall not be eligible
700 for an advance.

701
702
703 **§ 126. Post-Travel Expense Statements.**

704
705 Post-trip travel expense statements shall be required to receive any reimbursement from the Band
706 and must be submitted to the Office of Management and Budget within thirty (30) calendar days
707 following completion of travel. Post-trip travel expense statements must include the following:

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- (a) the name and title of the Band official;
- (b) the date on which the post-trip travel expense statement is submitted to the Office of Management and Budget;
- (c) the Band official's destination;
- (d) the purpose of the trip, which must be for government business, and supporting documentation;
- (e) the method or methods of travel used;
- (f) an accounting of any advance payment received, except for meals and incidental expenses, which must be supported by receipts;
- (g) receipts for all expenses for which the Band official seeks reimbursement;
- (h) the signature of the Band official; and
- (i) the relevant authorized signature.

§ 127. Abandonment of Travel; Generally.

A Band official who abandons a travel assignment prior to its completion may be entitled to reimbursement for actual expenses of transportation to the Band official's designated post of duty or his or her home, as the case may be.

§ 128. Abandonment of Travel; Limitation.

In order to be entitled to reimbursement for actual expenses of transportation incurred as a result of abandonment of a travel assignment under § 128, a Band official must either:

- (a) be suffering from an incapacitating illness or injury; or
- (b) be experiencing a personal or family emergency, including but not limited to a serious illness, injury, death, or other emergency situation.

§ 129. Abandonment of Travel; Eligibility for Reimbursement.

A Band official who abandons his or her travel assignment due to the reasons established in § 129 may be eligible to receive the following:

- 754 (a) the actual expense of transportation to a location at which necessary medical services
755 are provided;
756
757 (b) the actual expense of transportation back to the travel assignment; and
758
759 (c) other actual expenses to which the Band official would otherwise be entitled under
760 this subchapter until the Band official reaches the location at which necessary medical
761 services are provided.
762
763

764 **§ 130. Abandonment of Travel; Calculation of Payments.**
765

766 The payments to which a Band official may be entitled under § 128 shall be based on the
767 additional time, if any, that was required for the Band official's transportation as a consequence
768 of the transportation having begun and ended at a location on the travel assignment rather than at
769 the Band official's designated post of duty or home, as the case may be.
770
771

772 **§ 131. Recovery of Unauthorized Expenses; Generally.**
773

774 An unauthorized expense is recoverable from the Band official, or from his or her estate, by:
775

- 776 (a) set off against accrued pay, retirement credit, or any other amount due to the Band
777 official;
778
779 (b) deduction from any amount due to the Band official from the Band; and
780
781 (c) such other methods as are provided for by law.
782
783

784 **§ 132. Recovery of Unauthorized Expenses; Timeframe.**
785

786 The Band may recover any unauthorized expenses following the date that the post-trip statement
787 is due.
788
789

790 **§ 133. Recovery of Unauthorized Expenses; Notice.**
791

792 The Secretary-Treasurer, or his or her designee, shall provide to the Band official a written
793 notice that the Band intends to begin a recovery process for unauthorized expenses, which must
794 be issued at least five (5) business days prior to the initiation of such recovery process.
795

796 **SUBCHAPTER 3**

797
798 **COMPLIMENTARY SERVICES**

799
800 **Section**

801 **201. Generally.**

802 **202. Restrictions.**

803 **203. Documentation.**

804 **204. Signatures.**

805 **205. Penalty.**

806
807
808 **§ 201. Generally.**

809
810 All Band officials and employees shall pay for any services they receive at any facility owned by
811 the Band, including meals, except as expressly authorized under Band law.

812
813
814 **§ 202. Restrictions.**

815
816 Complimentary services may only occur when hosting vendors, potential vendors, dignitaries,
817 official representatives of any non-Band government, guests of the Band, or for any other bona
818 fide Band governmental purpose. No Band official may provide complimentary services to
819 another Band official or themselves unless government business is being conducted or a non-
820 Band party is being hosted by the Band official.

821
822
823 **§ 203. Documentation.**

824
825 Any complimentary service provided to a Band official shall be documented with a
826 complimentary slip. All complimentary slips must contain:

- 827
- 828 (a) the names of each person being hosted;
 - 829
 - 830 (b) the purpose or reason for the transaction;
 - 831
 - 832 (c) the date;
 - 833
 - 834 (d) the program budget to which the transaction is to be charged, which must have
835 sufficient funds available;
 - 836
 - 837 (e) the name of each person being hosted, if applicable;
 - 838
 - 839 (f) the entity that is represented by each guest, if applicable; and
 - 840

841 (g) the signature of the Band official, or his or her expressly authorized designee, who
842 authorized the complimentary service.

843
844

845 **§ 204. Signatures.**

846

847 (a) The Chief Executive, executive officers as defined in Title 4, and any full-time
848 employee within the executive branch expressly authorized by the Chief Executive
849 may sign complimentary slips.

850

851 (b) The Secretary-Treasurer, the District Representatives, the Commissioner of Finance,
852 and any full-time employee within the legislative branch expressly authorized by the
853 Secretary-Treasurer may sign complimentary slips.

854

855 (c) The Chief Justice and any full-time employee within the judicial branch expressly
856 authorized by the Chief Justice may sign complimentary slips.

857

858

859 **§ 205. Penalty.**

860

861 Any complimentary service not authorized by or in conformity with Band law may be recovered
862 from the Band official or employee, or from the estate of the Band official or employee, by:

863

864 (a) set off against accrued pay, retirement credit, or any other amount due to the Band
865 official or employee;

866

867 (b) deduction from any amount due from the Band; or

868

869 (c) such other methods as are provided for by law.

870

871

872

CHAPTER 4

873

874

INDEMNIFICATION

875

876

877

Section

878

301. Definitions.

879

302. Indemnification; Band Officials.

880

303. Indemnification; Witnesses.

881

304. Indemnification; Others.

882

305. Eligibility; Determination.

883

306. Eligibility; Appeal.

884

307. Eligibility; Special Counsel.

885

308. Advances; Generally.

886

309. Advances; Written Request.

310. Advances; Promise to Repay.

887 **311. Advances; Approval Required.**

888 **312. Advances; Appointed Officials.**

889

890

891 **§ 301. Definitions.**

892

893 All words in this chapter shall be construed according to their ordinary and natural meaning

894 unless defined. The following words are defined for the purposes of this chapter:

895

896 (a) “Appointed official” means the Commissioner of Administration, the Assistant
897 Commissioner of Administration, the Commissioner for Corporate Affairs, the
898 Commissioner of Education, the Commissioner of Community Development, the
899 Commissioner of Finance, the Commissioner of Health and Human Services, the
900 Commissioner of Natural Resources, the Solicitor General, the Justices and Judges of
901 the Court of Central Jurisdiction, members of any board of an official Mille Lacs
902 Band entity that are appointed by the Chief Executive or by Band Assembly
903 members, and any former occupant of any of the positions included in this definition.

904

905 (b) “Band official” includes the Chief Executive, the Secretary-Treasurer, the District
906 Representatives, members of any board of a Band entity who are elected by Band
907 members, an appointed official, and any former occupant of any of the positions
908 included in this definition.

909

910 (c) “Personal benefit” means money, real or personal property, a service, a loan, a
911 forbearance or forgiveness of indebtedness, or a promise of future employment, that
912 is given and received without the giver receiving consideration of equal or greater
913 value in return.

914

915 (d) “Proceeding” does not include proceedings to resolve conflicts within the executive
916 branch, proceedings to resolve conflicts within the legislative branch, proceedings to
917 resolve conflicts within the judicial branch, or proceedings between the executive
918 branch, legislative branch, or judicial branch.

919

920 (e) “Reasonable expenses” includes attorney’s fees, disbursements, and other expenses
921 directly related to the proceeding for which indemnification is sought.

922

923

924 **§ 302. Indemnification; Band Officials.**

925

926 (a) The Band shall indemnify, subject to the requirements in this chapter, any Band
927 official who is made or threatened to be made a party to a proceeding by reason of
928 any alleged act or omission by the Band official against judgments, penalties, fines,
929 settlements, and reasonable expenses incurred in connection to a proceeding.

930

931 (b) The Band may only indemnify a Band official if:

932

- 933 (1) the Band official has not been indemnified by another entity for the same
934 liability with respect to the same acts or omissions;
935
936 (2) the Band official acted in good faith;
937
938 (3) the Band official has no actual knowledge that such act or omission was
939 beyond his or her authority as a Band official;
940
941 (4) the Band official received no improper personal benefit;
942
943 (5) the Band official reasonably believed that the act or omission was in the best
944 interests of the Band; and
945
946 (6) in the case of a criminal proceeding, the Band official had a reasonable belief
947 that the act or omission was lawful;
948
949 (c) The termination of a proceeding by judgment, order, settlement, conviction, or upon a
950 plea of nolo contendere or its equivalent shall not, by itself, establish that the Band
951 official is not eligible for indemnification.
952

953
954 **§ 303. Indemnification; Witnesses.**
955

956 This chapter shall not be interpreted to limit the ability of the Band, in its discretion, to
957 indemnify a Band official for expenses incurred in connection with an appearance as a witness in
958 a proceeding at a time when such Band official has not been made or threatened to be made a
959 party to the proceeding.
960

961
962 **§ 304. Indemnification; Others.**
963

964 This chapter shall not be interpreted to limit the ability of the Band, in its discretion, to
965 indemnify persons other than Band officials.
966

967
968 **§ 305. Eligibility; Determination.**
969

- 970 (a) Determinations as to whether a Band official, except a current or former Solicitor
971 General, meets the criteria established in § 302 shall be made by the Solicitor
972 General.
973
974 (b) Determinations as to whether a current or former Solicitor General meets the criteria
975 establishes in § 302 shall be made by special counsel.
976
977 (c) Determinations as to whether a Band official appearing as a witness under § 303 shall
978 be made in the same manner as under (a) or (b), whichever is relevant.

979
980 (d) Determinations as to whether persons other than Band officials are entitled to
981 indemnification under § 304 shall be made in the same manner as under (a) or (b),
982 whichever is relevant.
983

984
985 **§ 306. Eligibility; Appeal of Determination.**
986

987 If the Solicitor General or special counsel, as the case may be, determines that a Band official is
988 ineligible for indemnification, the Band official may appeal the determination to the Court of
989 Central Jurisdiction.
990

991
992 **§ 307. Eligibility; Special Counsel.**
993

994 Special counsel shall be appointed by resolution of the Band Assembly. The special counsel
995 must be an attorney licensed under the laws of the State of Minnesota or the Band.
996

997
998 **§ 308. Advances; Generally.**
999

1000 Band officials may submit a request to the Band, which must be made in writing, for payment or
1001 reimbursement of qualified expenses as defined in § 305(a) in advance of the final disposition
1002 the proceeding.
1003

1004
1005 **§ 309. Advances; Written Request.**
1006

1007 In order to receive an advance under § 308, the Band official must submit to the Solicitor
1008 General a written affirmation by the Band official attesting a good faith belief that the Band
1009 official meets the criteria for indemnification in § 302. The written request must also contain a
1010 promise on the part of the Band official to repay any amounts paid or reimbursed by the Band if
1011 the Solicitor General or special counsel, or the Court of Central Jurisdiction, if appealed,
1012 determine that the criteria for indemnification have not been satisfied.
1013

1014
1015 **§ 310. Advances; Promise to Repay.**
1016

1017 The promise on the part of the Band official to repay any amounts paid or reimbursed by the
1018 Band must be an unlimited general obligation. Said promise need not be secured and shall be
1019 accepted without regard to financial ability to make the repayment.
1020

1021 **§ 311. Advances; Approval Required.**

1022
1023 No advance may be paid to any Band official unless a determination has been made by the
1024 Solicitor General or special counsel, or the Court of Central Jurisdiction, if appealed, that the
1025 facts then known satisfied the requirements of § 302.
1026

1027
1028 **§ 312. Advances; Appointed Officials.**

1029
1030 If the individual seeking an advance is an appointed official, the Band Assembly may by
1031 resolution overrule a determination by the Solicitor General or special counsel that the appointed
1032 official is entitled to indemnification. Such resolution must state with specificity the reasons why
1033 the Band Assembly is exercising its right to deny an advance to the appointed official.
1034

1035
1036 **CHAPTER 5**

1037
1038 **WHISTLEBLOWER PROTECTION**

1039
1040 **Section**

- 1041 **401. Definitions.**
1042 **402. Prohibited Action.**
1043 **403. Limitation.**
1044 **404. Disclosure of Identity; Generally.**
1045 **405. Disclosure of Identity; Exception.**
1046 **406. False Disclosures.**
1047 **407. Confidential Information.**

1048
1049
1050 **§ 401. Definitions.**

1051
1052 The following terms are defined for the purposes of this chapter:

- 1053
1054 (a) “Band” means the Non-Removable Mille Lacs Band of Ojibwe.
1055
1056 (b) “Employee” means a person who performs services for hire on lands under the
1057 jurisdiction of the Band.
1058
1059 (c) “Employer” means any person having one or more employees working on lands
1060 under the civil jurisdiction of the Band, including the Band and any political
1061 subdivision of the Band.
1062
1063 (d) “Good faith” means conduct that does not violate § 1206.
1064

- 1065 (e) “Penalize” means conduct that might dissuade a reasonable employee from making
1066 or supporting a report, including post-termination conduct by an employer or conduct
1067 by an employer for the benefit of a third party.
- 1069 (f) “Private data” shall have the meaning given by the Band’s law regarding data
1070 practices or, if the Band has not adopted said law, shall have the meaning provided in
1071 the laws of the State of Minnesota.
- 1073 (g) “Report” means a verbal, written, or electronic communication by an employee
1074 about an actual, suspected, or planned violation of a statute, regulation, or common
1075 law, whether committed by an employer or a third party.

1076

1077

1078 **§ 402. Prohibited Action.**

1079

1080 No employer may discharge, discipline, threaten, penalize, or otherwise discriminate against an
1081 employee regarding the employee’s compensation, terms, conditions, location, or privileges of
1082 employment because:

1083

- 1084 (a) the employee, or a person acting on behalf of an employee, in good faith, reports to
1085 an employer, a governmental body, or a law enforcement official a violation,
1086 suspected violation, or planned violation of any federal, state, or tribal law, or the
1087 common law or a rule adopted pursuant to law;
- 1088
- 1089 (b) the employee is requested by a governmental body to participate in an investigation,
1090 hearing, or inquiry;
- 1091
- 1092 (c) the employee refuses an employer’s order to perform an action that the employee has
1093 an objective basis in fact to believe violates any federal, state, or tribal law, or the
1094 common law or a rule adopted pursuant to law, and the employee informs the
1095 employer that the order is being refused for that reason;
- 1096
- 1097 (d) the employee, in good faith, reports a situation in which the quality of health care
1098 services provided by a health care facility, organization, or provider violates a
1099 standard established by federal, state, or tribal law or a professionally recognized
1100 national clinical or ethical standard and potentially places the public at risk of harm;
- 1101
- 1102 (e) a public employee communicates the findings of a scientific or technical study that
1103 the employee, in good faith, believes to be truthful and accurate, including reports to
1104 a governmental body or law enforcement official; or
- 1105
- 1106 (f) an employee of the Band government communicates information that the employee,
1107 in good faith, believes to be truthful and accurate, and that relates to Band services,
1108 including the financing of Band services, to:
- 1109

- 1110 (1) a District Representative, the Speaker of the Assembly, or the legal staff
1111 employed by the legislative branch;
1112
1113 (2) the Chief Executive or the legal staff employed by the Office of the Chief
1114 Executive; or
1115
1116 (3) the Solicitor General.
1117

1118
1119 **§ 403. Limitation.**
1120

1121 The disclosures protected pursuant to § 1202 do not authorize the disclosure of data otherwise
1122 protected by law.
1123

1124
1125 **§ 404. Disclosure of Identity; Generally.**
1126

1127 The identity of any employee making a report to a governmental body or law enforcement
1128 official under § 1202(a) or (d) is private data on individuals. The identity of an employee
1129 providing information under § 1202(b) is private data if:
1130

- 1131 (a) the employee would not have provided the information without an assurance that the
1132 employee's identity would remain private because of a concern that the employer
1133 would commit an action prohibited under § 1202 or that the employee would be
1134 subject to some other form of retaliation; or
1135
1136 (b) the Band agency or political subdivision reasonably believes that the employee would
1137 not have provided the data because of that concern.
1138

1139
1140 **§ 405. Disclosure of Identity; Exception.**
1141

1142 If the disclosure of the employee's identity is necessary for prosecution, the identity of the
1143 employee may be disclosed, provided that the employee is informed prior to the disclosure of the
1144 employee's identity.
1145

1146
1147 **§ 406. False Disclosures.**
1148

1149 This chapter does not permit an employee to make statements or disclosures knowing that they
1150 are false or that they are in reckless disregard of the truth.
1151

1152 **§ 407. Confidential Information.**

1153

1154 This chapter does not permit disclosures that would violate federal, state, or tribal law or
1155 diminish or impair the rights of any person to the continued protection of confidentiality of
1156 communications provided by common law.

1157

1158

1159 **§ 408. Penalty.**

1160

1161 (a) Any individual found guilty of violating any provision of § 402 shall be subject to a
1162 \$500.00 fine and shall constitute good cause to terminate the employment of said
1163 individual.

1164

1165 (b) Any individual subjected to any prohibited action, as defined in § 402, shall be
1166 compensated according to the injury received, which may include, but not be limited
1167 to, any or all of the following:

1168

1169

(1) loss of wages;

1170

1171

(2) reinstatement to his or her former position, or to a position with similar
1172 responsibilities and compensation; or

1173

1174

(3) a formal apology from the individual who violated § 402.

Ordinance 37-22
(Band Assembly Bill 20-01-37-22)

Introduced to the Band Assembly on this
20th day of April in the year
Two thousand twenty-two.

Passed by the Band Assembly on this
20th day of April in the year
Two thousand twenty-two.

VETO


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: April 25, 2022


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND

VETO