

Ordinance 02-22

An Ordinance amending Title 3 of the Mille Lacs Band Statutes (“MLBS”) to establish legislative sessions and authorize the Speaker of the Assembly to call special sessions of the Band Assembly under exigent circumstances. This bill clarifies that official hearings of inquiry shall be conducted according to rules adopted by the Band Assembly.

By amending Title 3, “[t]he Band Assembly shall conduct formal public hearings on any bill which alters, amends or repeals Titles 1, 3, 4 and 5, Chapter 1 of Title 2 and Subchapters 1 to 3 of Chapter 3 of Title 24 of the Mille Lacs Band Statutes.” After a formal public hearing has been conducted, the proposed bill shall be posted in a conspicuous location for ten calendar days.

The Band Assembly conducted a formal public hearing on October 6, 2021, during a live-streamed Band Assembly meeting. Because of the circumstances of COVID-19, Band Assembly did not find it appropriate to conduct in-person hearings in all appropriate Band districts and thus held the formal public hearing via Zoom and live-stream. To ensure all districts felt heard, Band Assembly sent out a letter giving notice of the formal public hearing, encouraging all Band members and employees to participate in the hearing. From October 7, 2021, to October 16, 2021, the Band Assembly posted the proposed bill in a conspicuous place by emailing the bill to all Band employees, posting the bill in the government center, and posting the bill on the Tribal Register.

The District I Representative introduced this bill on the 20th day of October, 2021.

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

Section 1. Amending 3 MLBS §§ 1, 7, 23, 30. Renumbering sections throughout Title 3 to enact §§ 18, 19.

§ 1. Definitions.

The definitions in this section shall apply to this Title.

- (a) **“Band”** means the Non-Removable Mille Lacs Band of Ojibwe.
- (b) **“Band Assembly”** means the Band’s legislative branch, established pursuant to 3 MLBS § 1, and comprised of the duly elected Speaker of the Assembly and three (3) District Representatives.
- (c) **“Bill”** means proposed legislation under consideration by the Band Assembly.

- (d) **“Chief Executive”** means the elected official who leads the Band’s executive branch pursuant to 4 MLBS § 6.
- (e) **“Clerk of the Band Assembly”** means the appointed official pursuant to 3 MLBS § 10 who is responsible for managing the session proceedings, record-keeping, and bill drafting.
- (f) **“Formal Public Hearing”** means a hearing conducted by the Band Assembly pursuant to 3 MLBS § 17(a).
- (g) **“Joint Session of the Band Assembly”** means a meeting with the four (4) members of the Band Assembly and the Chief Executive, convened pursuant to 3 MLBS § 25.
- (h) **“Legislative Session”** means the period of time in which the Speaker of the Assembly convenes the Band Assembly pursuant to § 18.
- (i) **“Opinion”** means a written interpretation of Band laws, policies, or legislative, secretarial, or commissioner’s orders pursuant to 4 MLBS § 18.
- (j) **“Ordinance”** means a law adopted by the Band Assembly and signed by the Chief Executive.
- (k) **“Parliamentarian”** means the appointed official pursuant to 3 MLBS § 10 who is trained in parliamentary law and in the rules, precedents, and practices of the Band Assembly.
- (l) **“Resolution”** means a formal expression of opinion, will, or intention voted on by the Band Assembly.
- (m) **“Resolution of the Joint Session of the Band Assembly”** means a resolution of the Joint Session of the Band Assembly, which is voted on by the Band Assembly, including the Speaker of the Assembly, and the Chief Executive.
- (n) **“Secretary-Treasurer”** means the elected official who has the powers and duties in administrating the Band’s financial affairs pursuant to 3 MLBS § 8.
- (o) **“Speaker of the Assembly”** means the elected official who leads the Band’s legislative branch pursuant to 3 MLBS § 7.
- (p) **“Special Session”** means a meeting held outside of the normal legislative session. A special session is called pursuant to § 7 of this Title.
- (q) **“Statute”** means an ordinance that has been codified into Band law pursuant to Title 25.

§ 7. Powers and Duties of Speaker of Assembly.

- (a) The Speaker of the Assembly shall be the leader of the Legislative Branch of Government and have the following authority in exercising said authority of government:
 - (1) to convene the Band Assembly subject to §§ 18 and 19. In the event that he or she shall fail to do so upon request of any two District Representatives, the Band Assembly may be convened after 48 hours' notice by any member of the Band Assembly;
 - (2) to be considered as a member of the Band Assembly for purposes of establishing a quorum;
 - (3) to require the prompt recording of the Band Assembly's acts and deeds;
 - (4) to schedule all special hearings of the Band Assembly upon request of any two District Representatives;
 - (5) to have the powers of authorization for issuance of all subpoenas and official documents on behalf of the Band Assembly; and
 - (6) to maintain order in all sessions of the Band Assembly.
- (b) The Speaker of the Assembly shall not be a voting member of the Band Assembly.

§ 18. Legislative Sessions.

The Speaker of the Assembly shall convene two legislative sessions per year. At the annual State of the Band Address on the second Tuesday of January of each calendar year running through the last week of April. Meeting again, the second week of July of each calendar year running through September 30.

§ 19. Special Sessions.

- (a) The Band Assembly shall meet for a special session when called on pursuant to § 7 of this Title. The Speaker of the Assembly may call a special session in exigent circumstances. Special sessions may be requested for exigent circumstances that require Band Assembly action.
- (b) The parliamentarian shall not accept any agenda items that he or she has not received two (2) complete calendar days in advance of the upcoming special session. The

parliamentarian shall publish the agenda for any upcoming special session no later than twenty-four hours in advance.

§ 25. Assembly Powers of Inquiry.

- (a) The Band Assembly shall have the power to hold Hearings of Inquiry on any issue affecting the general welfare of the Band or its members. Said power shall include the power to issue subpoenas and cause them to be served and enforced, and the power to impound records or documents that will aid the Band Assembly in fulfilling its responsibility to the members of the Band.
- (b) All official Hearings of Inquiry of the Band Assembly shall be held according to rules adopted by the Band Assembly.

§ 32. Effective Date for Bills, Orders, and Resolutions.

- (a) If a Bill does not have an effective date, the effective date shall be immediately upon a majority vote of the Band Assembly and either the signature of the Chief Executive or the absence of action by the Chief Executive as prescribed in § 17(c).
- (b) If a Legislative Order does not have an effective date, the effective date shall be immediately upon a majority vote of the Band Assembly.
- (c) If a Secretarial Order does not have an effective date, the effective date shall be immediately upon the signature of the Secretary-Treasurer.
- (d) If a Resolution does not have an effective date, the effective date shall be immediately upon the signature of the Speaker of the Assembly.

EFFECTIVE DATE. This bill shall become effective on January 1, 2022.

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(Band Assembly Bill 19-04-02-22)**

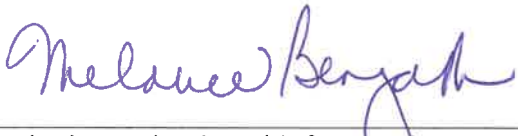
Introduced to the Band Assembly on this
Twentieth day of October in the year
Two thousand twenty-one.

Passed by the Band Assembly on this
Twentieth day of October in the year
Two thousand twenty-one.


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: 10/25/2021


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND