

ORDINANCE 14-04

An Ordinance to repeal 12 MLBSA §§ 1-33 (Housing) and to establish a new Government structure known as the "Housing Department" to administer the Mille Lacs Band of Ojibwe Indians Housing programs.

The District II Representative introduced the following Bill on the 17th day of February, 2004.

Preamble: This Ordinance shall establish a new structure for the administration of the Band's Housing programs and shall be cited hereafter as the "Fair and Equitable Housing Act."

Section 101. Purposes and Findings:

1. This Ordinance repeals and replaces in its entirety 12 MLBSA §§ 1-33 (Housing) and amends 13 MLBSA § 1001 (Powers and duties of the Commissioner of Community Development).
2. There are currently a duplication of housing programs and services available to Band members and the Band Assembly recognizes a need to coordinate the housing programs to maximize the resources of the Band.
3. The Band Assembly recognizes that with the repeal and replacement of 12 MLBSA §§ 1-33, there is a need to recognize that the newly formed structure will become the Tribally Designated Housing Entity ("TDHE") for the Mille Lacs Band of Ojibwe Indians.
4. To eliminate the duplication of housing programs, a new structure known as the "Housing Department" will be administered under the direction of the Commissioner of Community Development.
5. To assist the Commissioner of Community Development with the scope of this task, there is a need to create a new position known as the "Executive Director of the Housing Department." The Executive Director will be responsible for the daily administration of the Housing Department's programs and services. The Executive Director shall report directly to the Commissioner of Community Development.
6. To accommodate the new housing structure, a newly created Housing Board will work in partnership with the Commissioner of Community Development and the Executive Director to ensure that long-term housing needs are clearly identified through the implementation of Strategic Planning.
7. The Band Assembly also recognizes that a new process must be established to continually assess and manage the housing needs as the demographics of the Band change.

Section 102. Definitions.

1. Band means the Mille Lacs Band of Ojibwe Indians.
2. Band Assembly means the legislative branch of the Mille Lacs Band of Ojibwe Indians.
3. Band Member means an enrolled person of the Mille Lacs Band of Ojibwe Indians.
4. Executive Director means the person responsible for the daily administration of the Housing Department who shall report directly to the Commissioner of Community Development.
5. Commissioner of Community Development means an appointed official of the Executive Branch who is responsible for the administration, management, supervision and coordination activities for Community Development, Public Works, Facilities Management, Transportation and the Housing Department.
6. Housing Board means the advisory board that works in partnership with the Commissioner of Community Development and the Executive Director of the Housing Department.
7. Housing Department means the structure created by statute to be responsible for new construction, renovations, residential land acquisition, residential services, maintenance, the Home Loan program and transitional housing.
8. Misconduct means a dereliction of duty, unlawful behavior, misdeed, impropriety, mismanagement, unfair treatment, or conduct that shows willful or wanton disregard of any Band member's right to housing.
9. Service Area means the area designated to receive housing services as enacted in Band Assembly Bill 10-04-40-03 or as otherwise amended by the Band Assembly.
10. Strategic Housing Plan means the housing plan developed by the Commissioner of Community Development including but not limited to goals and objectives and an overview of the planned activities for the period.

Section 103. Housing Department.

1. A new structure known as the Housing Department is hereby established to administer the Mille Lacs Band of Ojibwe Indians housing programs and services.
2. The Housing Department shall be under the supervision of the Commissioner of Community Development.

3. The Housing Department shall hereafter be recognized as the Band's Tribally Designated Housing Entity ("TDHE") for purposes of receipt of federal housing grants and the administration of federal housing programs.

Section 104. Executive Director.

A position known as the Executive Director of the Housing Department is hereby created. This position shall be responsible for the daily administration of housing programs and services to Band members. The Executive Director shall report directly to the Commissioner of Community Development.

Section 105. Housing Board.

1. No more than ninety (90) days after passage of this Ordinance, a newly formed Housing Board shall be created to act in an advisory capacity to assist the Housing Department and Commissioner of Community Development with housing matters and such Board shall have those powers as delegated in sub-section 2.

2. Powers and Duties.

- a) To advise the Commissioner of Community Development and make recommendations on various housing matters relating to the Band's Housing vision and mission.
- b) To acknowledge Band members' housing needs and communicate concerns to the Executive Director of the Housing Department.
- c) To approve an annual Strategic Housing Plan with ratification by the Band Assembly.
- d) To ensure that the Housing Policies conform to the Band's Housing vision and mission and that Community Development and the Housing Department comply with the Housing Policies.
- e) To maintain a fair and equitable service level to all Band members.
- f) To approve home loans, renovation loans or other housing program loans that may be developed by the Housing Department.
- g) To approve foreclosures in circumstances where a mortgagee defaults on their housing loan for a period of more than six (6) months.
- h) To approve new Housing programs and Housing Policies developed by the Housing Department with ratification by the Band Assembly.

- i) To approve Housing Meeting Minutes from the previous meeting and forward a copy to Band Assembly within ten (10) business days.
- j) To approve any housing grants if such regulations require it.
- k) To approve the quarterly reports developed by the Commissioner of Community Development and the Housing Department.
- l) To maintain confidentiality of all housing client matters.
- m) To treat all Band members fairly and equally without regard to family relationships.

Section 106. Board Member Selection Process.

1. This section establishes the rules for selection of Housing Board members, the number of Board members to be appointed and the term length of each Board member. The rules are as follows:

- a) The Housing Board is hereby organized and designated as a subdivision of the Housing Department of the Mille Lacs Band of Ojibwe Indians.
- b) The Housing Board shall be composed of seven (7) persons.
- c) Each Housing Board member must be an enrolled Band member of the Mille Lacs Band of Ojibwe Indians and at least eighteen (18) years of age.
- d) No person shall be barred from serving on the Board because he or she is a tenant or homebuyer. However, such Board member shall not participate in or be present at any portion of a meeting concerning any matter that involves his or her individual rights, obligations or status as a tenant or homebuyer.
- e) The Chief Executive shall nominate two (2) individuals and the Band Assembly shall confirm one (1) of the two. This Housing Board member shall serve until June 30, 2007. Thereafter, this position shall be eligible for appointment to a four (4) year term beginning on June 30, 2007.
- f) The Speaker of the Assembly shall nominate two (2) Elders and the Chief Executive shall confirm one (1) of the two. This Housing Board member shall serve until June 30, 2006. Thereafter, this position shall be eligible for appointment to a four (4) year term beginning on June 30, 2006.
- g) The District I Representative shall select two (2) individuals and the Chief Executive shall nominate one of the two to the Band Assembly for confirmation to the Housing Board. This Board Member shall serve until June 30, 2007.

Thereafter, this position shall be eligible for appointment to a four (4) year term beginning on June 30, 2007.

- h) The District II Representative shall select two (2) individuals and the Chief Executive shall nominate one of the two to the Band Assembly for confirmation to the Housing Board. This Board Member shall serve until June 30, 2006. Thereafter, this position shall be eligible for appointment to a four (4) year term beginning on June 30, 2006.
- i) The District III Representative shall select two (2) individuals and the Chief Executive shall nominate one of the two to the Band Assembly for confirmation to the Housing Board. This Board Member shall serve until June 30, 2006. Thereafter, this position shall be eligible for appointment to a four (4) year term beginning on June 30, 2006.
- j) The Chief Executive and the Speaker of the Assembly shall each select two (2) persons from the At Large area and the Band Assembly shall confirm two (2) of the four (4) for appointment to the Housing Board. These Board members shall serve until June 30, 2005. Thereafter, these positions shall be eligible for appointment to a four (4) year term beginning on June 30, 2005.

2. The nomination process established in this subsection shall apply to all future nominees who hold this position.

3. If, for any reason, an elected official does not nominate a person in the manner set out hereinabove, that position shall be filled by nomination by the Chief Executive and Speaker of the Assembly. The Chief Executive and Speaker of the Assembly shall each nominate one (1) person from the pool where the vacancy occurs and the Band Assembly shall confirm one (1) person.

Section 107. Process to Fill Vacant Board Positions.

1. If, for any reason, a Board position becomes vacant, the elected official that originally nominated that person shall nominate a new person in the same manner to replace the vacant position for the remainder of that term. Thereafter, this position shall be filled in the manner set out above.

2. If, for any reason, the elected official does not nominate a person within thirty (30) days of the vacancy, that position shall be filled by nomination by the Chief Executive and Speaker of the Assembly. The Chief Executive and Speaker of the Assembly shall each nominate one (1) person from the pool where the vacancy occurs and the Band Assembly shall confirm one (1) person.

Section 108. Officers.

1. The Housing Board shall select from its members one person to serve as Chairperson of the Board, one person to serve as Vice-Chairperson, and one person to serve as Secretary. In the absence of the Chairperson, the Vice-Chairperson shall preside over the meeting. In the absence of the Chairperson and Vice-Chairperson, the Secretary shall preside. The Secretary shall keep a complete and accurate record of all meetings and any actions taken by the Board.
2. These offices shall be held for a two-year period beginning on June 30, 2004.

Section 109. Meetings.

1. The Housing Board shall meet at least one (1) time per month to attend to Housing Department business. If any Housing Board member is absent from three (3) consecutive meetings, they shall be removed from the Housing Board.
2. The Housing Board members shall be paid a stipend for their services, but payment of such stipend shall be limited to two (2) meetings per month. If more than two meetings within a month are required to handle housing business, no stipend shall be paid although mileage expenses will be allowed.

Section 110. Quorum.

A majority of the full Board, notwithstanding the existence of any vacancies, shall constitute a quorum for the transaction of business. No formal Board action shall be taken by a vote of less than a majority. A quorum is defined as four (4) members.

Section 111. Removal of Board Members.

1. A member of the Housing Board may be removed for misconduct of office, absence from three (3) consecutive meetings without cause, or neglect of duty, but only after notice and hearing before the Joint Session. The Commissioner of Community Development and the Executive Director shall submit in writing such reason for removal and submit the same to the Joint Session. The Joint Session shall hear the case and determine if valid reason exist to remove such Board member.
2. The Board Member shall receive such notice of removal hearing at least ten (10) days prior to the hearing date.
3. At any such hearing, the Board Member is entitled to be heard in person or through an attorney and to present witnesses on his or her behalf.
4. A confidential record of any such hearing shall be kept for a period of seven (7) years.

Section 112. Housing Board Bylaws.

The Housing Board shall operate according to bylaws established by them and the Commissioner of Community Development. The bylaws shall contain any operational requirements in order for the Board to carry out its powers and duties.

Section 113. Transfer of Ownership Interest.

1. All units owned by the Mille Lacs Band of Ojibwe Indians "Housing Authority" shall be transferred to the Mille Lacs Band of Ojibwe Indians "Housing Department."
2. All leases held by the Mille Lacs Band of Ojibwe Indians "Housing Authority" shall be transferred to the Mille Lacs Band of Ojibwe Indians "Housing Department."
3. Any land acquisition performed by the Mille Lacs Band of Ojibwe Indians Department of Natural Resources ("DNR") that includes a house shall be leased to the Housing Department according to the following limitations:
 - a) restricted to residential use;
 - b) follow the area zoning requirements for a residential dwelling;

Section 114. Duties of the Commissioner of Community Development.

Title 13 MLBSA, Chapter 2, sec. 1001 (Powers and Duties of the Commissioner of Community Development) shall be amended as follows:

The Commissioner of Community Development shall have the responsibility to administer, manage, supervise and coordinate activities for Community Development, Public Works, Facilities Management, Transportation and the Housing Department of the Mille Lacs Band of Ojibwe Indians. In carrying out the responsibilities within his or her jurisdiction, the Commissioner of Community Development shall have the following powers and duties:

1. To provide an effective and efficient system of administration to plan, direct and evaluate the functions of Community Development, Public Works, Facilities Management, Transportation and the Housing Department;
2. To provide technical assistance to the Chief Executive, Band Assembly and other departments of the Mille Lacs Band of Ojibwe Indians as requested and to recommend or initiate any appropriate action as required with respect to such matters;
3. To provide information to Band members and other members of the public on programs and services of the various departments under the jurisdiction of the Commissioner of Community Development;

4. To conduct investigations in order to ensure appropriate resolution of complaints of Band members as well as the general public and order specific actions when justified not inconsistent with other applicable law;
5. To supervise employees, assign or delegate tasks, define levels of expected performance, and evaluate the performance of department heads and staff not inconsistent with other applicable law;
6. To prepare and recommend operating and capital improvement budgets for the Band, including but not limited to construction and maintenance projects as well as equipment acquisition and replacement;
7. To oversee the Debris Clearance and Restoration portion of an Emergency Operation Plan and coordinate responsibilities for a Blizzard Emergency Preparedness Plan;
8. To develop, oversee and chair Community Development Committees;
9. To develop and coordinate a Facilities Management Plan on behalf of the Mille Lacs Band of Ojibwe, and direct the maintenance of all Band Facilities not inconsistent with other applicable law;
10. To negotiate contracts on behalf of the Mille Lacs Band of Ojibwe and when authorized to do so by Band Statute and to enter into such contracts not otherwise inconsistent with other applicable law;
11. To inspect and ensure the safety of all buildings and facilities within the jurisdiction of the Mille Lacs Band of Ojibwe and to condemn the same when appropriate;
12. To acquire through gift, lease, purchase, in the name of the Band, lands or any interest in lands deemed suitable for the future interests of the Band;
13. To obtain through grant proposals funds that may be available to meet the housing and community needs of the Band;
14. To ensure that all contractors and/or any sub-contractor comply with minimum wage and maximum hours of labor or any attached conditions as stipulated in any agreement relating to a federal, state or agency financial assistance housing program;
15. To develop a Strategic Housing Plan that meets the Band's Housing vision and mission and ensure that the Housing Board approves the same with ratification by Band Assembly before implementation;

16. To develop Housing Policies that meets the Band's Housing vision and mission and ensure that the Housing Board approves the same with ratification by Band Assembly;
17. To join or cooperate with any other public housing agency or agencies operating under the laws or ordinance of a state or another tribe for the purpose of financing, planning, undertaking, owning, constructing, operating or contracting with respect to a housing project(s) serving Band Members;
18. To lease property from the Band and others, for such periods as are authorized by law, and to hold and manage or to sublease the same;
19. To serve Band members through home loans, renovation loans or any new housing program loan as stipulated by loan agreement; and
20. To purchase insurance from any stock or mutual company for any property or against any risk or hazards.

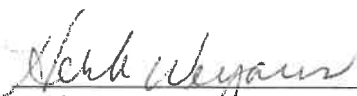
Section 115. Sovereign Immunity.

Nothing contained in this Ordinance shall be construed as a waiver of sovereign immunity of the Mille Lacs Band of Ojibwe Indians.

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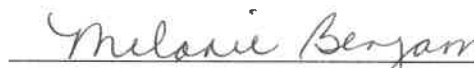
Introduced to the Band Assembly on this the
Seventeenth day of February in the year
Two Thousand Four.

Passed by the Band Assembly on this
Seventeenth day of February in the year
Two Thousand Four.



Herb Weyaus, Speaker of the Assembly

APPROVED

Date: February 18, 2004 

Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND