



MILLE LACS BAND OF OJIBWE

Executive Branch of Tribal Government

February 1, 2021

**Honorable Members of the Band Assembly
43408 Oodena Drive
Onamia, MN 56359**

Dear Honorable Members of the Band Assembly:

Pursuant to 4 MLBSA § 6(1), I veto Band Assembly Bill 19-03-22-21, a bill to establish the Advisory Committee to the Mille Lacs Band of Ojibwe Foundation.

First, I believe it is important for the proposed law to contain a provision limiting the length of time that the elected officials serve as members of the advisory committee. After participating in a Joint Session of the Band Assembly to discuss a course of action regarding the advisory committee, it was my understanding that the Band Assembly would pass a bill temporarily establishing the elected officials as the advisory committee until it establishes a permanent and nonpartisan advisory committee consisting of non-elected officials in order to make recommendations on pending applications.

Second, I also believe that the Chief Executive should serve as the advisory committee's Vice-Chairperson in order to advance division of powers principles.

I look forward to discussing this issue further at our compromise hearing and I am confident that we can quickly resolve this issue. Please contact me if you would like to discuss this further prior to the compromise hearing.

Miigwech,

Melanie Benjamin
Chief Executive

cc: Darcie Big Bear, Parliamentarian
Caleb Dogeagle, Solicitor General
Adam Candler, Legislative Counsel

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2 Band Assembly Bill 19-03-22-21
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4 A Bill amending Title 17 of the Mille Lacs Band Statutes (“MLBS”) for the purposes of
5 establishing the Advisory Committee to the Mille Lacs Band of Ojibwe Foundation.
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7 The District II Representative introduced the following Bill on January 27, 2021.
8

9 Preamble
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11 Be it enacted, by the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe, for the
12 purposes of establishing the Advisory Committee to the Mille Lacs Band of Ojibwe Foundation
13 (“Fund”).
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15 This Bill (a) formally establishes an Advisory Committee; (b) designates the Secretary-Treasurer
16 as Chairperson of the Advisory Committee; (c) provides for notice to the St. Paul and Minnesota
17 Foundation (“Foundation”) of the name and address of the Chairperson; (d) requires that all
18 communications to and from the Foundation be through the Chairperson; (e) provides that the
19 Advisory Committee may make non-binding recommendations to the Foundation concerning
20 proposed distributions from the Fund; and (f) provides for the option to create a procedure for
21 solicitation of applications for distributions from the Fund.
22

23 **Section 1: Amending Title 17 – Banks and Banking by creating and enacting Chapter 2 –**
24 **Mille Lacs Band of Ojibwe Foundation**
25

26 Title 17 is amended by adding the following:
27

28 **CHAPTER 2**
29

30 **MILLE LACS BAND OF OJIBWE FOUNDATION**
31

32 **Section**

- 33 **101. Definitions.**
34 **102. Establishment of the Advisory Committee.**
35 **103. Composition of the Advisory Committee.**
36 **104. Chairperson of the Advisory Committee.**
37 **105. Vice-Chairperson of the Advisory Committee.**
38 **106. Powers and Duties of the Advisory Committee.**
39 **107. Limits on Distributions.**
40 **108. Null and Void Recommendations.**
41 **109. Advisor to the Advisory Committee.**
42 **110. Sovereign Immunity.**
43

44 **§ 101. Definitions.**

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46 Unless otherwise provided in this section, all words in this chapter shall be construed according
47 to their ordinary meaning. The following terms are defined for purposes of this chapter:

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49 (a) “Distribution” means a disbursement of monies or other assets from the Fund in
50 accordance with this chapter and Advisory Committee bylaws.

51

52 (b) “Fund” means the Mille Lacs Band of Ojibwe Foundation.

53

54 (c) “St. Paul and Minnesota Foundation” means the St. Paul and Minnesota
55 Foundation or its successor organization.

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58 **§ 102. Establishment of the Advisory Committee.**

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60 The Mille Lacs Band of Ojibwe establishes the Advisory Committee to the Fund for the purpose
61 of recommending to the Foundation distributions from the Fund to qualifying organizations.

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63

64 **§ 103. Composition of the Advisory Committee.**

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66 The Advisory Committee shall consist of the Chief Executive, the Secretary-Treasurer, and the
67 three (3) popularly elected District Representatives. All five (5) members of the Advisory
68 Committee shall be voting members.

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70

71 **§ 104. Chairperson of the Advisory Committee.**

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73 The Secretary-Treasurer shall serve as the Chairperson of the Advisory Committee. The
74 Chairperson shall have the following duties:

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76 (a) To preside over the meetings of the Advisory Committee;

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78 (b) To communicate to the St. Paul and Minnesota Foundation in writing the name and
79 address of the Chairperson;

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81 (c) To communicate to the St. Paul and Minnesota Foundation in writing all
82 recommendations for distributions from the Fund passed by a majority vote of the
83 Advisory Committee;

84

- 85 (d) To communicate to the St. Paul and Minnesota Foundation in writing the name and
86 address of the incoming Chairperson at least two (2) weeks prior to the seating of an
87 incoming Chairperson;
88
- 89 (e) To be solely responsible for all other communications to and from the St. Paul and
90 Minnesota Foundation; and
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- 92 (f) To perform any other duties laid out in the bylaws of the Advisory Committee.
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95 **§ 105. Vice-Chairperson of the Advisory Committee.**
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97 The Secretary-Treasurer shall appoint one member of the Advisory Committee to serve as Vice-
98 Chairperson of the Advisory Committee. The Vice-Chairperson shall have the following duties:
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- 100 (a) To preside over meetings of the Advisory Committee in the absence of the
101 Chairperson; and
102
- 103 (b) To perform any other duties laid out in the bylaws of the Advisory Committee.
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106 **§ 106. Powers and Duties of the Advisory Committee.**
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- 108 (a) The Advisory Committee shall:
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 - 110 (1) Adopt bylaws by majority vote that are consistent with the provisions of this
111 chapter;
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 - 113 (2) Consult with the Commissioner of Finance prior to recommending any
114 distribution from the Fund;
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 - 116 (3) Communicate in writing, through the Chairperson, recommendations for
117 distributions from the Fund to the St. Paul and Minnesota Foundation;
118
 - 119 (4) Announce or otherwise publish the name of each recipient organization and
120 the purposes for which each approved distribution will be used;
121
 - 122 (5) Evaluate all applications that meet the standards established by the Advisory
123 Committee, provided that the Advisory Committee has elected to solicit
124 applications for distributions; and
125
 - 126 (6) Determine by majority vote which complete applications shall be
127 recommended for distributions from the Fund and in what dollar amount and

128 priority, provided that the Advisory Committee has elected to solicit
129 applications for distributions.

130
131 (b) The Advisory Committee may:

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133 (1) Solicit applications for distributions from the Fund; and

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135 (2) Establish procedures for solicitation of applications for distributions from the
136 Fund, which if created shall specify:

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138 (i) The information that applicants shall provide to the Advisory
139 Committee before the application shall be considered complete;

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141 (ii) The deadline for the receipt of the applications;

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143 (iii) The timeframes in which the Advisory Committee shall consider
144 applications;

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146 (iv) The eligibility requirements to apply for distributions from the Fund
147 established by the Advisory Committee or by rule of law; and

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149 (v) The purposes for which distributions may be made from the Fund,
150 including educational, cultural, environmental, or any other
151 permissible charitable purpose under law.

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154 **§ 107. Limits on Distributions.**

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156 The Advisory Committee may establish in its bylaws an aggregate annual limit on distributions
157 from the Fund and limitations on the maximum allowable distribution to any single applicant.

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160 **§ 108. Null and Void Recommendations.**

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162 (a) Recommendations for distributions from the Fund shall be null and void if the
163 recommendation meets any of the following criteria:

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165 (1) A recommendation the recipient of which is an organization that does not
166 meet the eligibility requirements for distributions from the Fund set by the
167 Advisory Committee or by rule of law;

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169 (2) A recommendation that is communicated to the St. Paul and Minnesota
170 Foundation by any person other than the Chairperson of the Advisory
171 Committee; or

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173 (3) A recommendation that was approved in violation of the procedures
174 established in this chapter, the bylaws of the Advisory Committee, or the
175 policies of the St. Paul and Minnesota Foundation.

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177 (b) The Chairperson may not knowingly communicate to the St. Paul and Minnesota
178 Foundation any recommendation that is null and void. If the Chairperson does
179 communicate to the St. Paul and Minnesota Foundation a recommendation that is null
180 and void, the Chairperson shall, immediately after learning that the recommendation
181 is null and void, communicate to the St. Paul and Minnesota Foundation that such
182 recommendation is null and void.

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185 **§ 109. Advisor to the Advisory Committee.**

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187 The Commissioner of Finance shall maintain financial records relevant to the deliberations of the
188 Advisory Committee and advise the Advisory Committee as to the remaining amount of
189 distributable funds prior to any vote by the Advisory Committee on any application for a
190 distribution from the Fund.

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193 **§ 110. Sovereign Immunity.**

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195 Nothing in this chapter, nor any communication from the Advisory Committee to applicants or
196 the St. Paul and Minnesota Foundation, shall be construed as waiving the sovereign immunity of
197 the Mille Lacs Band of Ojibwe.

Ordinance 22-21
(Band Assembly Bill 19-03-22-21)

Introduced to the Band Assembly on this
27th day of January in the year
Two thousand twenty-one.

Passed by the Band Assembly on this
27th day of January in the year
Two thousand twenty-one.

VETO

APPROVED

Date: February 1, 2021


Sheldon Boyd, Speaker of the Assembly


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND