

Ordinance 25-21

An Ordinance amending Title 17 of the Mille Lacs Band Statutes (“MLBS”) for the purposes of establishing the Advisory Committee to the Mille Lacs Band of Ojibwe Foundation.

The District II Representative introduced the following Bill on February 10, 2021.

Preamble

It is enacted, by the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe, for the purposes of establishing the Advisory Committee to the Mille Lacs Band of Ojibwe Foundation (“Fund”).

This Bill (a) formally establishes an Advisory Committee; (b) designates the Secretary-Treasurer as Chairperson of the Advisory Committee and the Chief Executive as the Vice-Chairperson of the Advisory Committee; (c) provides for notice to the St. Paul and Minnesota Foundation (“Foundation”) of the name and address of the Chairperson; (d) requires that all communications to and from the Foundation be through the Chairperson; (e) provides that the Advisory Committee may make non-binding recommendations to the Foundation concerning proposed distributions from the Fund; and (f) provides for the option to create a procedure for solicitation of applications for distributions from the Fund.

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

Title 17 is amended by adding the following:

CHAPTER 2

MILLE LACS BAND OF OJIBWE FOUNDATION

Section

- 101. Definitions.**
- 102. Establishment of the Advisory Committee.**
- 103. Composition of the Advisory Committee.**
- 104. Chairperson of the Advisory Committee.**
- 105. Vice-Chairperson of the Advisory Committee.**
- 106. Powers and Duties of the Advisory Committee.**
- 107. Limits on Distributions.**
- 108. Null and Void Recommendations.**
- 109. Advisor to the Advisory Committee.**
- 110. Sovereign Immunity.**

§ 101. Definitions.

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

- (a) “Distribution” means a disbursement of monies or other assets from the Fund in accordance with this chapter and Advisory Committee bylaws.
- (b) “Fund” means the Mille Lacs Band of Ojibwe Foundation.
- (c) “St. Paul and Minnesota Foundation” means the St. Paul and Minnesota Foundation or its successor organization.

§ 102. Establishment of the Advisory Committee.

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

§ 103. Composition of the Advisory Committee.

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

§ 104. Chairperson of the Advisory Committee.

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

- (a) To preside over the meetings of the Advisory Committee;
- (b) To communicate to the St. Paul and Minnesota Foundation in writing the name and address of the Chairperson;
- (c) To communicate to the St. Paul and Minnesota Foundation in writing all recommendations for distributions from the Fund passed by a majority vote of the Advisory Committee;

- (d) To communicate to the St. Paul and Minnesota Foundation in writing the name and address of the incoming Chairperson at least two (2) weeks prior to the seating of an incoming Chairperson;
- (e) To be solely responsible for all other communications to and from the St. Paul and Minnesota Foundation; and
- (f) To perform any other duties laid out in the bylaws of the Advisory Committee.

§ 105. Vice-Chairperson of the Advisory Committee.

The Chief Executive shall serve as Vice-Chairperson of the Advisory Committee. The Vice-Chairperson shall have the following duties:

- (a) To preside over meetings of the Advisory Committee in the absence of the Chairperson; and
- (b) To perform any other duties laid out in the bylaws of the Advisory Committee.

§ 106. Powers and Duties of the Advisory Committee.

- (a) The Advisory Committee shall:
 - (1) Adopt bylaws by majority vote that are consistent with the provisions of this chapter;
 - (2) Consult with the Commissioner of Finance prior to recommending any distribution from the Fund;
 - (3) Communicate in writing, through the Chairperson, recommendations for distributions from the Fund to the St. Paul and Minnesota Foundation;
 - (4) Announce or otherwise publish the name of each recipient organization and the purposes for which each approved distribution will be used;
 - (5) Evaluate all applications that meet the standards established by the Advisory Committee, provided that the Advisory Committee has elected to solicit applications for distributions; and
 - (6) Determine by majority vote which complete applications shall be recommended for distributions from the Fund and in what dollar amount and

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

(b) The Advisory Committee may:

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

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

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

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

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

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

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

§ 107. Limits on Distributions.

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

§ 108. Null and Void Recommendations.

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

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

- (2) A recommendation that is communicated to the St. Paul and Minnesota Foundation by any person other than the Chairperson of the Advisory Committee; or
 - (3) A recommendation that was approved in violation of the procedures established in this chapter, the bylaws of the Advisory Committee, or the policies of the St. Paul and Minnesota Foundation.
- (b) The Chairperson may not knowingly communicate to the St. Paul and Minnesota Foundation any recommendation that is null and void. If the Chairperson does communicate to the St. Paul and Minnesota Foundation a recommendation that is null and void, the Chairperson shall, immediately after learning that the recommendation is null and void, communicate to the St. Paul and Minnesota Foundation that such recommendation is null and void.

§ 109. Advisor to the Advisory Committee.

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


§ 110. Sovereign Immunity.

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

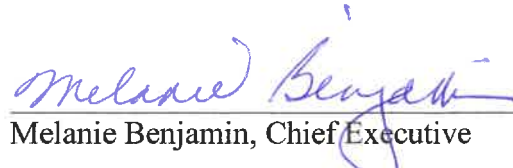
Ordinance 25-21
(Band Assembly Bill 19-03-25-21)

Introduced to the Band Assembly on this
10th day of February in the year
Two thousand twenty-one.

Passed by the Band Assembly on this
10th day of February in the year
Two thousand twenty-one.


Sheldon Boyd, Speaker of the Assembly

APPROVED
Date: February 11, 2021


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND