

JOINT RESOLUTION 19-02-157-20

A JOINT RESOLUTION APPROVING CORONAVIRUS RELIEF FUND (CRF) CARES ACT EXPENDITURES FOR SUBMISSION TO THE U.S. TREASURY FOR THE REPORTING PERIOD MARCH 1 – JUNE 30, 2020

WHEREAS, the Mille Lacs Band Assembly (“Band Assembly”) is the duly-elected governing body of the Mille Lacs Band of Ojibwe (“Band”), a federally-recognized Indian Tribe; and

WHEREAS, pursuant to 3 MLBS § 2 (d), the Band Assembly has the power to adopt resolutions to promote the general welfare of the people of the Band; and

WHEREAS, pursuant to 4 MLBS § 2, the Chief Executive of the Band is empowered to exercise the Executive Branch powers of the Band; and

WHEREAS, the World Health Organization has declared the worldwide outbreak of COVID-19, a novel coronavirus, a pandemic. On March 13, 2020, the President of the United States declared the COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia. Also, on March 13, 2020, the Governor of Minnesota declared Minnesota to be in a “peace-time State of Emergency” and the number of confirmed cases of COVID-19 in Minnesota are rising daily. On March 15, 2020, the Chief Executive of the Mille Lacs Band of Ojibwe (“Band”) issued an executive order declaring a state of emergency pursuant to Title 27 of MLBSA. That state of emergency resulted in Grand Casino Hinckley and Grand Casino Mille Lacs being closed effective 4 pm March 16, 2020, as a proactive measure to slow the spread of COVID-19, and reopened on a limited basis June 1, 2020. As a result of the closure of Grand Casino Hinckley and Grand Casino Mille Lacs, and subsequent partial opening at limited capacity, there have been diminished net revenues coming from the casinos to the Band to fund essential programs and services that comprise a safety net for Band members. Meanwhile, many Band members remain in economic distress due to conditions directly stemming from the COVID-19 public health emergency, with many elders and children depending for survival on adult Band members who are under-employed or unemployed and facing increased expenditures required to mitigate or respond to the COVID-19 pandemic. The additional \$600 per week in unemployment benefits provided by the Federal government, that supplemented Minnesota state unemployment benefits, expired July 31, 2020; and

WHEREAS, The national, state, regional, and local impact of this COVID-19 pandemic has depressed the economic and employment opportunities available to Band members, and has substantially increased their basic cost of living due to the COVID-19 public health emergency.

WHEREAS, Band Assembly and the Chief Executive took swift and decisive action as evidenced and articulated in Resolution 19-01-101-20 approving availability of funds for the State of Emergency in response to the COVID-19 pandemic; Resolution 19-01-103-20 approving funds to cover business losses associated with the pandemic; Resolution 19-01-104-20 authorizing funds to cover business operation projected shortfalls; Ordinances 33-20, 36-20, and 41-20 appropriating COVID-19 Economic Support payments to adult Band members; and

WHEREAS, as stated in ordinances and restated again here, Band leadership has recognized that taking no action in response to this ongoing economic crisis would have created additional financial hardship and increased stress for many Band member families. Any reduction or suspension of regular monthly Adult Band Member Economic Support Payments would have had catastrophic consequences for many Band households. During these unprecedented times and circumstances, Band Assembly and the Chief Executive chose to initiate and maintain without disruption a monthly Adult Band Member Economic Support Payments (Economic Support) in the exercise of its authority under 3 MLBSA sec. 2(b) to appropriate all Band revenue regardless of source; and 2(d) to promote the general welfare of the people of the Band as Band members responded to and attempted to mitigate the effects of, the COVID-19 public health emergency and pandemic; and

WHEREAS, The Band Assembly and Chief Executive chose to structure its monthly Economic Support to be an integral part of its tribal benefits program that is consistent with the I.R.S. general welfare exclusion of such Economic Support from federal individual income taxation; and

WHEREAS, The Band Assembly and Chief Executive finds that use of a portion of its CARES Act Title V (Coronavirus Relief Fund) allocation is necessary and appropriate for the purpose of funding the Band's emergency Economic Support program, after determining in an administratively feasible process, that individual members have generally demonstrated a need for assistance directly related to the COVID-19 pandemic. Adult Band Members may use this Economic Support to meet economic loss and other costs during this COVID-19 pandemic such as, but not limited to, cleaning supplies, personal protective equipment, telecommunications, internet access, medical care, mental health, child care, school supplies, insurance, repairs, debt service, food, shelter, health supplies and services, safety and security, education and training, subsistence activities, housing, elder and disabled care, water, sewer, electricity, gas and oil and other fuel, transportation, relocation, rehabilitation, cultural enhancement, social engagement, hunting/fishing/gathering activities, and disaster relief.

WHEREAS, on March 24, 2020, the Commissioner of Corporate Affairs notified the Chief Executive, Band Assembly, and Commissioner of Finance that the casinos would be holding back a certain amount of funds from distribution due to the casino closures and unbudgeted expenditures from the COVID-19 pandemic in the amounts of Four Million dollars and no cents (\$4,000,000.00) for Grand Casino Hinckley and Three Million Two Hundred Thousand dollars and no cents (\$3,200,000.00) for Grand Casino Mille Lacs; and

WHEREAS, The Band Assembly and Chief Executive recognize that unbudgeted expenditures needed to occur with both financial and human resources diverted to substantially different uses.

NOW, THEREFORE, BE IT RESOLVED, the Chief Executive and Band Assembly hereby approve for submission to the U.S. Treasury the following projects and expenditures covering the time period March 1 – June 30, 2020:

Project (in bold)	<u>Mar 1-Jun 30</u>
Community Public Health and Safety	
* Health and Human Services Salary/Wages	\$916,651.12
* Employer portion of payroll related taxes and benefits for preceding item	417,991.72
* Law Enforcement Salary/Wages	479,931.24
* Employer portion of payroll related taxes and benefits for preceding item	181,293.18
COVID-19 MLBO Essential Workforce	
* MLBO tribal gov't Essential staff, other than Public Health and Safety whose duties were diverted toward managing the MLBO's tribal government navigation through the pandemic including crisis management, base core gov't services, administrative support for public health and safety, and all governmental functions	3,241,070.71
* Employer portion of payroll related taxes and benefits for preceding item	1,576,213.66
COVID-19 Medical Expense Support	
* COVID-19 Medical expenses	3,112.04
COVID-19 Funeral Support	

* Funeral Expenses for five COVID-19 deaths 75,200.00

Distance Learning & Remote Working

* Internet services to student homes that didn't have it 7,464.00

* Public employees laptops, remote work capabilities 15,804.89

Tribal Member General Welfare Economic Support

* May 2020 General Welfare Econ. Support Pymts to Adult Band Members (\$1,500 x 3,330) 4,995,000.00

* Jun 2020 General Welfare Econ. Support Pymts to Adult Band Members (\$1,500 x 3,328) 4,992,000.00

Facility Essential Services Operations and Re-opening Preparedness

* PPE, Cleaning Supplies, Facility Improvements 189,053.45

MLBO Employee Economic Support/Emergency Financial Assistance

* Mar & Apr 2020 Econ. Support Pymts to MLBO Employees as a result of Gov't Center closing, going to Essential Svc. Level operations only, Social Distancing implemented for safe working environment for essential staff (1st four weeks of payroll) 618,318.10

* Employer portion of payroll related taxes and benefits, of preceding item 306,362.32

Subtotal - MLBO

\$18,015,466.43

COVID-19 MLCV Essential Workforce

* Redeployment of Corporate Ventures (component unit of the MLBO) for COVID-19 pandemic response and business re-opening strategic planning payroll expense and payroll related \$10,574,215.47

COVID-19 MLCV Community Food Support

* Payroll expense included in essential workforce 354,269.64

Facility Re-opening Preparedness

* Personal Protective Equipment, Screening Equipment, and Cleaning Supplies 627,852.84

MLCV Employee Economic Support/Emergency Financial Assistance

* Mar, Apr, May 2020 Econ. Support Pymts to MLCV and Casino Employees as a result of business operations closing, going to Essential Svc. Level operations only, Social distancing implemented for safe working environment for essential staff (1st four weeks of payroll and payroll related while closed), and core group functions including security and re-opening plans while no revenue. 3,928,869.53

*Health care costs allocated 80% for March and 80% for 1/2 of April

*401 costs allocated as percentage stimulus wages to total wages (28.09%)

Subtotal - MLCV

\$15,485,207.48

Total

\$33,500,673.91

BE IT FURTHER RESOLVED, the Chief Executive and Band Assembly hereby state that the above listed expenditures are costs that 1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); 2) were not accounted for in the budget most recently approve as of March 27, 2020 (the date of the enactment of the CARES Act); and 3) were incurred during the period that begins on March 1, 2020 and ends on June 30, 2020; and

BE IT FURTHER AND FINALLY RESOLVED, that the Chief Executive and Band Assembly authorize the Office of Management and Budget, under the direction of the Commissioner of Finance to submit stated expenditures in accordance with the processes and procedures established by the U.S. Treasury Department.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly via teleconference call, a quorum of legislators being present held on the 18th day of September 2020, by a vote of ___ FOR, ___ AGAINST, ___ SILENT.

IN WITNESS WHEREOF, we, the Band Assembly, hereunto cause to have set the signature of the Speaker of the Assembly.

Sheldon Boyd, Speaker of the Assembly

IN CONCURRENCE with the action of the Speaker of the Assembly, I hereunto set my hand to this resolution.

Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND