

# Mille Lacs Band Statutes Annotated

Amendments received through: February 11, 2021

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## TITLE 17 – BANKS AND BANKING

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### CHAPTER 1

#### REVOLVING LOAN FUND

##### Section

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##### § 1. Reservation of Right of Amendment.

The Band Assembly hereby fully reserves the right to alter, amend or repeal the several provisions of this Chapter, and all rights and privileges granted or extended hereunder shall be subject to such reserved right.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 1.

### **§ 2. Retrospective Law.**

This Chapter shall apply retroactively to all previous loans disbursed.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 2.

### **§ 3. Loan Committee Establishment and Purpose.**

- (a) The Loan Committee is hereby established for the purpose of consulting with, advising and making recommendations to the Secretary-Treasurer and Band Assembly in all matters pertaining to the loan policy.
- (b) The authority and responsibility of the Loan Committee shall be to report the Secretary-Treasurer and Band Assembly on problems concerning loans to Band members and to foster the interest and cooperation of the all concerned parties on improving their methods of operations.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 3.

### **§ 4. Committee Membership, Terms of Office and Salary.**

- (a) Existing Loan Committee members shall serve terms until September 30, 1998.
- (b) Effective October 1, 1998, the Loan Committee shall consist of six (6) members who shall be nominated by the Chief Executive and confirmed by the Band Assembly, and who shall be persons who are knowledgeable or experienced in financial matters. To aid in making a selection of the six (6) Board Members, the Band Assembly shall submit a list to the Chief Executive of not less than seven (7) names. Nominations shall include candidates from each district. Terms for three (3) of the six (6) members will be for two (2) years initially and four (4) years for the remaining three (3) members. Subsequent to the expiration of the initial term appointments, all terms will be for four (4) years.

- (c) The Board shall be subject to removal of members pursuant to 4 MLBS § 15.
- (d) No members of the Loan Committee shall receive a salary for their Loan Committee Service.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 4.

**§ 5. Officers.**

The Chair and Secretary of the Loan Committee shall be elected annually by and from the members thereof.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 5.

**§ 6. Loan Committee Meetings.**

- (a) Meetings may be called by the Chair of the Loan Committee. Four (4) members of the Loan Committee shall constitute a quorum.
- (b) The Secretary shall ensure accurate record keeping of all meetings and transcripts thereof. Such records shall be prima facie evidence of the facts therein. Minutes shall be approved by the Loan Committee and signed by the Chair of the Loan Committee at the next loan meeting.
- (c) Minutes shall be forwarded to Band Assembly and the Chief Executive within two (2) weeks of their approval.

**Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 6.

**§ 7. Policies.**

Band Assembly shall ratify the policies for the Loan Committee.

## **Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 7.

### **§ 8. Powers and Duties of Board.**

The Mille Lacs Band of Ojibwe Loan Committee shall have the following powers:

- (a) To act on and approve applications for loans.
- (b) To recommend amendments to the loan policies to Band Assembly.
- (c) To fill vacancies in the Loan Committee until successors are nominated by the Chief Executive and confirmed by the Band Assembly.
- (d) To approve loan applications of Loan Committee members subject to the concurrence of the Secretary-Treasurer.
- (e) In furtherance of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and not in limitation of specific powers contained herein, to have all the powers enumerated, authorized and permitted by this Chapter and such other rights, privileges, and powers as may be incidental to, or necessary for, the accomplishment of the objectives and purposes of the Loan Committee.

## **Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 8.

### **§ 9. Powers and Duties of the Office of Management and Budget.**

- (a) The Office of Management and Budget shall have the responsibility to administer the Revolving Loan Fund for the Mille Lacs Band of Ojibwe.
- (b) The Office of Management and Budget may contract with lending institutions for the purpose of loan servicing.
- (c) The Office of Management and Budget shall be responsible for initiating all delinquent loan proceedings.

## Historical and Statutory Notes

**Source:**

Band Ordinance 41-98, § 9.

### **§ 10. Reports and Audits.**

The Loan Committee shall annually file a report to the Chief Executive and Band Assembly for the purpose of giving such relevant information as may be required concerning the Loan fund during the preceding year, although from time to time additional reports may be required. The Revolving Loan Fund shall be reviewed as part of the annual audit of the Mille Lacs Band of Ojibwe. A copy of the audit shall be forwarded to the Chief Executive and Band Assembly within sixty (60) days after the completion of the audit.

## Historical and Statutory Notes

**Source:**

Band Ordinance 41-98, § 10.

### **§ 11. Suspension of Operation.**

- (a) Whenever the Band Assembly finds that the Loan Committee is engaged in unsafe or unsound practices in overseeing the Loan Fund or has knowingly or negligently permitted any of its committee members or employees to violate any material provision of any law, bylaw, or regulation to which the Loan Fund is subject, the Band Assembly may suspend operation of the Loan Fund.
- (b) The Secretary-Treasurer, after formal action of the Band Assembly may suspend the operation of the Loan Fund by giving written notice to the Loan Committee. The notice shall include a list of reasons for said suspension and a list of any specific violations of law, bylaw, or regulation and shall specify which operations, if any, may be continued during the period of suspension. The notice shall also fix a time and place for a hearing before the Band Assembly. The hearing shall be held within thirty (30) calendar days of the notice of suspension. Evidence may be produced at such hearing by any party thereto. The decision as to the continued suspension of operations of the Loan Fund shall be based upon the evidence presented. If the Band Assembly, by formal action, decides to continue suspension, they shall give written notice to the Loan Committee.
- (c) In lieu of the immediate suspension of the operation of the Loan Fund, the Secretary-Treasurer may submit a written notice with respect to practices or violations for the purpose of investigation and review so that the Loan Committee may have a reasonable time within which to correct any deficiencies. If corrections are not made within the time stated in the notice, the Band Assembly, by formal action, may suspend the operation of the loan fund in accordance with this section.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 11.

### **§ 12. Court of Central Jurisdiction.**

The Court of Central Jurisdiction is hereby granted exclusive original jurisdiction for any cause of action which arises from this Chapter or operations of the loan fund. Nothing in this chapter shall be construed as a waiver of sovereign immunity of the Mille Lacs Band of Ojibwe in any court of competent jurisdiction.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 12.

### **§ 13. Solicitor General Obligation.**

The Solicitor General may represent the interest of the Loan Committee in any matter before the Court of Central Jurisdiction.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 13.

### **§ 14. Fund Authorization.**

The Band Assembly hereby authorizes a maximum of \$650,000 for the Revolving Loan Fund. These funds shall remain reserved in the general fund to provide for the operations of the Revolving Loan Fund.

### **Historical and Statutory Notes**

**Source:**

Band Ordinance 41-98, § 14.

## CHAPTER 2

### MILLE LACS BAND OF OJIBWE FOUNDATION

#### Section

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- 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.

#### Historical and Statutory Notes

#### Sources:

Band Ordinance 25-21.

#### § 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.

### **Historical and Statutory Notes**

**Sources:**

Band Ordinance 25-21.

### **§ 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.

### **Historical and Statutory Notes**

**Sources:**

Band Ordinance 25-21.

### **§ 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.

### **Historical and Statutory Notes**

**Sources:**

Band Ordinance 25-21.

### **§ 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.

### **Historical and Statutory Notes**

**Sources:**

Band Ordinance 25-21.

### **§ 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.

#### **Historical and Statutory Notes**

**Sources:**

Band Ordinance 25-21.

#### **§ 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.

#### **Historical and Statutory Notes**

**Sources:**

Band Ordinance 25-21.

**§ 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.

**Historical and Statutory Notes**

**Sources:**

Band Ordinance 25-21.

**§ 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.

**Historical and Statutory Notes**

**Sources:**

Band Ordinance 25-21.

**§ 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.

**Historical and Statutory Notes**

**Sources:**

Band Ordinance 25-21.