

Mille Lacs Band Statutes Annotated

Amendments received through: May 14, 2004

TITLE 13 - UTILITIES

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CHAPTER 1

PUBLIC WORKS COMMISSION

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Historical and Statutory Notes

The Preamble of Band Statute 1233-MLC-20 provides:

"It is enacted by the Band Assembly of the Mille Lacs Band of Chippewa Indians to adopt the following provisions as Chapter 20-Public Works Commission Act to revise, restate and replace the former Chapter 20, 1010-MLC-20, which is hereby repealed."

Band Statute 1233-MLC-20, T.I., § 11 provides:

"Section 11. Severability. If any provision of this Chapter or its application to any person or set of circumstances is held invalid, the remainder of the Chapter or its application to other persons or circumstances shall not be affected."

SUBCHAPTER I

GENERAL PROVISIONS

Section

1. Charter.
2. Board of Supervisors.
3. Regulation and maintenance of utilities.
4. Construction and operation of utilities.
5. Licenses and permits.
6. Bylaws.
7. Public Works Association.
8. Rates, charges and fees.
9. Failure to submit payment.
10. Employees.
11. Service contracts.
12. Obligations.
13. Vesting of property upon dissolution.
14. Uniform system of records and accounting.
15. Administrative regulations.
16. Meetings.

Cross References

Solid waste, responsibility of Commission, see 11 MLBSA § 1017.

§ 1. Charter

(a) A commission to be known as the Mille Lacs Band of Ojibwe Public Works Commission is hereby chartered within the Executive Branch of Band Government. The Public Works Commission shall have the powers enumerated within this Chapter and as expressly delegated by the Band Assembly. The Commission shall be within the subject matter jurisdiction of the Commissioner of Community Development.

(b) The Commission shall be a body politic which is an instrumentality of the Mille Lacs Band of Chippewa Indians with the right to initiate, and defend the Commission in, any legal action before any court of competent jurisdiction.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., §§ 1, 2.
Band Ordinance 20-97, § 3.

§ 2. Board of Supervisors

(a) The governing body of the Public Works Commission shall be a five member Board of Supervisors, with each member having the title of Supervisor and one vote at regular and special meetings. The Board shall ensure accurate record keeping of all meetings and all transcripts thereof. Such records shall be prima facie evidence of the facts therein stated.

(b) The Public Works Administrator shall be the Chair of the Board of Supervisors and ensure the lawful operation of the Commission. The Director of Operations for Public Works shall also be a member of the Board. The Chief Executive shall nominate three individuals from the Band membership as Supervisors who shall be confirmed by the Band Assembly. The terms of office shall be perpetual.

(c) Any Supervisor may be removed from office for just cause as determined by 4 MLBSA § 15(g).

(d) In exercising any powers granted in this chapter, no Supervisor shall be immune from any liability which arises from the willful, knowledgeable and unacceptable performance of their duties.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, TI, §§ 1.01 to 1.03, 2.

Cross References

Appointment and terms of Board, Bylaws, see 13 MLBSA § 107.

Removal from office, Bylaws, see 13 MLBSA § 112.

Vacancy in office of Chair, see 13 MLBSA § 114.

§ 3. Regulation and maintenance of utilities

The Public Works Commission shall have the power to regulate and maintain Band-owned and operated utilities. The Commission shall have jurisdiction over any and all matters pertaining to such utilities.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 2.

Cross References

Bylaws, management of Commission business and affairs, see 13 MLBSA § 106.

§ 4. Construction and operation of utilities

The Commission shall have the power, subject to Band Assembly approval, to construct, own and operate facilities for the provision of utility services. This authority includes the power to enter into any and all related contracts and agreements.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 2.01.

§ 5. Licenses and permits

The Commission shall have the power to issue licenses and permits in connection with the operation and maintenance of utility facilities and to establish fees for such licenses or permits. The issuance of a license or permit by the Public Works Commission does not exempt any person or vendor from any other provisions of the Mille Lacs Band Statutes Annotated requiring procurement of licenses or permits.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 2.02.

§ 6. Bylaws

The Commission shall adopt a set of Bylaws, which shall be distributed to the membership of the Commission. A copy of the Bylaws shall be available for inspection by the membership of the Association at each office of the Commission.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I. § 2.03.

Cross References

Bylaws, see 13 MLBSA § 101 et seq.

§ 7. Public Works Association

The Commission shall have the power to establish membership in the Mille Lacs Band of Chippewa Indians-Public Works Association. Each person who resides on trust, allotted or private property within the jurisdiction of the Band shall enroll in the Association.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 2.04.

§ 8. Rates, charges and fees

The Commission shall have the power to establish and collect rates, charges and fees for the services provided by the Commission in the manner prescribed by its Bylaws.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 2.05.

Cross References

Rates and charges, bylaws, see 13 MLBSA § 118.

§ 9. Failure to submit payment

The Commission shall have the power to withhold service from any person who fails to submit payment for any fee legally established.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 2.06.

§ 10. Employees

The Commission shall have the power to employ qualified individuals, who shall be employees of the Band.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 2.07.

Cross References

Government employees, see 6 MLBSA § 1 et seq.

§ 11. Service contracts

The Commission shall have the power to contract in writing with individuals for service to any utility facility provided sufficient funds for payment for such service exist.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.1, § 2.08.

§ 12. Obligations

(a) Subject to the limitations set forth in this section, the Commission shall have the authority to borrow money and incur indebtedness by issuing obligations, in its own name or in the name of and on behalf of the Mille Lacs Band of Chippewa Indians, for purposes of acquiring, constructing, maintaining, managing and improving utility systems on all property within the territorial jurisdiction of the Band consistent with the purposes of the Commission. Such obligations shall be issued and sold in the manner, amount and form and shall bear interest at the rate or rates set by the Commission. Each such obligation must be approved by the Band Assembly prior to its issuance.

(b) All such obligations shall be payable solely:

(1) from revenues, income, receipts and profits derived by the commission from its operation and management of utility systems for the Band;

(2) from the proceeds of evidences of indebtedness issued and sold by the Commission which are payable solely from such revenues, income, receipts and profits; or

(3) from federal or state grants or other money received by the Commission which are available therefor.

(c) The Commission may pledge to the repayment of any such obligations, and the interest coming due thereon, any or all of the sources set forth in subsection (b), but is without power to pledge or encumber any other revenues, income or assets of the Mille Lacs Band of Chippewa Indians, or any other organization or instrumentality of the Band for the repayment of such obligations. The Band Assembly may, if deemed to be in the best interests of the Band to do so, pledge to the payment of any such obligations, or authorize any organization or instrumentality of the Band to pledge to the payment of such obligations, such specific revenues, income or assets of the Band or such organization or instrumentality as it

may deem appropriate. In any event, no such obligations shall be payable from, nor be a charge upon, any funds other than the revenues specifically pledged to the payment thereof, nor shall the Band be liable thereon other than to the extent specifically provided in accordance with this section, and such limitation shall be expressly stated in each such obligation.

(d) The Commission, with the approval of the Band Assembly, may provide for the refunding of any obligation of the Commission through the issuance of other obligations of the Commission, entitled to rights and priorities similar in all respects to those held by the obligations that are refunded.

(e) In connection with the issuance of any obligation pursuant to this section the Commission is authorized to waive its sovereign immunity from suit should an action be commenced to enforce the terms of such obligation, and to consent to the jurisdiction of the courts of the United States of America or the State of Minnesota in connection with any such action; provided that the Commission is without power to waive the sovereign immunity of the Mille Lacs Band of Chippewa Indians, to consent to the jurisdiction of any court over the Band, or to consent to the levy of any judgment, lien or attachment upon any property or income of the Commission, the Band or any other organization or instrumentality of the Band other than that specifically pledged pursuant to subsection (c).

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 2.09.

§ 13. Vesting of property upon dissolution

Upon dissolution of the Commission, the title to all property owned by it shall vest in and become the property of the Band.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 2.10.

§ 14. Uniform system of records and accounting

The Commission shall prescribe to the financial record system established by the Secretary of Treasury for the Mille Lacs Band of Chippewa Indians.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 3.

Cross References

Grants, uniform system of records and accounting, see 13 MLBSA § 117.

§ 15. Administrative regulations

The Commission shall have the power to make administrative rules and regulations consistent with those established by the Band Assembly. Enforcement responsibility shall rest with the Chief Executive of the Band.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 4.

Cross References

Rules and regulations, see 13 MLBSA § 201 et seq.

§ 16. Meetings

The Board of Supervisors of the Commission shall meet monthly with an agenda prepared in advance by the Public Works Administrator. All proceedings of the Board shall be open to the public except when an executive session is authorized by unanimous vote of the Board. All proceedings shall be documented in writing and copies distributed to the Chief Executive and Band Assembly not more than five days following any meeting.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 6.

Cross References

Bylaws, Board meetings, see 13 MLBSA § 110.
Open meetings, Board of Supervisors, see 13 MLBSA § 406.

SUBCHAPTER II

BYLAWS

Section

- 101. Establishment of Bylaws.
- 102. Name and offices.
- 103. Fiscal year.

- 104. Public Works Association membership.
- 105. Association meetings.
- 106. Management of Commission affairs.
- 107. Appointment and terms of Board.
- 108. Vice-Chair and Secretary of Board.
- 109. Compensation of Supervisors.
- 110. Board meetings.
- 111. General power of Board.
- 112. Removal of Supervisors from office.
- 113. Powers and duties of Chair.
- 114. Powers and duties of Vice-Chair; vacancy in office of Chair.
- 115. Powers and duties of Secretary.
- 116. Signatures.
- 117. Accounting system.
- 118. Rates and charges for utility services.
- 119. Alteration, amendment or repeal of Bylaws.
- 120. Sovereign immunity.

Cross References

Rules and Regulations, compliance with Bylaws, see 13 MLBSA § 201.

§ 101. Establishment of Bylaws

The Band Assembly hereby establishes the following Bylaws for the Commission.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.

§ 102. Name and offices

The name of the Commission shall be the Mille Lacs Band of Chippewa Indians-Public Works Commission. The principal office of the Commission shall be on the Mille Lacs Reservation at Vineland, Minnesota, Mille Lacs County. The Commission may also have an office at such other place or places as the Commission may direct or as the operation of the Commission may require.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.ui.

Cross References

Address of Commission, see 13 MLBSA § 303.

§ 103. Fiscal year

The fiscal year of the Commission shall begin on the first day of October and end the last day of September of each succeeding year.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.02.

§ 104. Public Works Association membership

All adult members of the Mille Lacs Band who are enrolled on the Minnesota Agency census roll of the Bureau of Indian Affairs and who reside on trust, allotted or private property within the jurisdiction of the Band shall be considered voting members of the Public Works Association. Each member shall be entitled to one vote. Members may, by vote, express a non-binding preference on any issue within the subject matter jurisdiction of the Commission. Voting by proxy will not be permitted. The rights, privileges and obligations of all members of the Association shall be equal. For the purposes of this provision, adult shall mean a Band member who is eighteen (18) years of age or older.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.03.

§ 105. Association meetings

(a) The annual meeting of the Association shall be held at the Government Center, HCR 67, Vineland, Minnesota, County of Mille Lacs, on the second Thursday of October of each year. The meeting shall be called for the purpose of receiving the annual reports of Supervisors and the transaction of other business. This section shall constitute sufficient notice of the annual meeting.

(b) Special meetings of the Association may be called at any time by the Chair of the Board or upon written petition to the Chair signed by 20% of the membership of the Association. The purpose of every special meeting shall be stated in the notice thereof, and no business shall be transacted except as is specified in the notice. A written notice of the special meeting shall be posted in public places at least ten (10) days prior to the meeting, and shall include the nature, time, place and purpose of the meeting.

(c) At least twenty-five (25) voting members of the Association present at a duly called meeting shall constitute a quorum for the transaction of

Association business. In the event that a quorum is not present, informational packages shall be mailed to the membership.

(d) Robert's Rules of Order shall govern at all meetings of the Association. All meetings of the Association held for the purpose of taking any action within the authority of the Association shall be open to the public, except that the public or any person may be excluded from a meeting for unduly interfering with the orderly conduct of business, in matters relating to personnel, in matters adjudicatory in nature, or in matters concerning purchases that can be made only from one source.

Historical and Statutory Notes

Source: Band Statutes 1233-MLC-20, T.I., § 7.04.

§ 106. Management of Commission affairs

The business and affairs of the Commission shall be managed by a board of five (5) Supervisors. The powers of the Commission are prescribed in 13 MLBSA § 3 et seq.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I, § 7.05.

§ 107. Appointment and terms of Board

The Board shall be appointed and have such terms as prescribed in 13 MLBSA § 2(b).

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, TI, § 7.051.

§ 108. Vice-Chair and Secretary of Board

The Board shall elect by ballot a Vice-Chair and Secretary from the three Supervisors nominated by the Chief Executive, each of whom shall hold office until appointment and qualification of their successor, unless sooner removed by resignation or for just cause.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I, § 7.052.

§ 109. Compensation of Supervisors

The members of the Board shall receive no compensation for their service as Supervisors other than reimbursement for reasonable travel expenses.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.053.

§ 110. Board meetings

The Board shall hold meetings at such regular intervals as prescribed by law. A majority of the Board present in person at the meeting shall constitute a quorum for the conduct of business.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.054.

Cross References

Meetings, see 13 MLBSA § 16.

§ 111. General power of Board

The Board shall have the general power to act for the Commission in any manner not prohibited by this subchapter or the Mille Lacs Band Statutes Annotated.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.055.

§ 112. Removal of Supervisors from office

Any Supervisor may be removed from office as prescribed in 13 MLBSA § 2(c).

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.056.

§ 113. Powers and duties of Chair

The Chair shall preside over all meetings of the Board of Supervisors and may call special meetings of the Board. The Chair shall have the power to perform such other duties as may be required by the Board.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.06.

§ 114. Powers and duties of Vice-Chair; vacancy in office of Chair

The Vice-Chair, in the absence or disability of the Chair, shall perform the duties of the Chair. However, in case of the resignation or permanent disability of the Chair, the Board may declare the office vacant and select a successor to fill the position until a new Public Works Administrator is appointed.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.061.

§ 115. Powers and duties of Secretary

The Secretary shall keep a record of the proceedings of all meetings of the Board. The Secretary shall serve or cause to be served the Bylaws of the Commission and shall make a full report of all matters and business pertaining to the office at the annual meeting, or at such other time or times as the Board may require. At the annual meeting, the Secretary shall submit a complete accounting for the past year and shall discharge such other duties as required by the Board.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.062.

§ 116. Signatures

The signatures of both the Chair and Secretary shall be required in order to bind the Commission for any lawful action taken by the Board.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.063.

§ 117. Accounting system

(a) An accounting system shall be established as prescribed by 13 MLBSA § 14, and include the implementation of Attachment P of OMB Circular A-102;

(b) If the Commission shall at any time receive by way of grant any property of any Federal, State, Tribal or private agencies, the Board shall use the uniform system of records and accounting as prescribed in 13 MLBSA § 14.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., §§ 7.055, 7.07.

§ 118. Rates and charges for utility services

All rates and charges for utility services shall be established by the Board of Supervisors. The Board may negotiate with large users of a particular utility service for special rates and charges provided that such rates are fair and equitable to all other users of Commission services. The Board shall review the established rate schedule of charges at least annually to ensure that sufficient income will be generated in the coming year to cover anticipated expenses. This determination shall be based on the previous year's actual expenses and the estimated budget for the coming year.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.08.

Cross References

Rates, charges and fees, see 13 MLBSA § 8.

§ 119. Alteration, amendment or repeal of Bylaws

These Bylaws may be altered, amended or repealed. Any Bylaws that are altered, amended or repealed must be presented to the Band Assembly for ratification. New Bylaws may be adopted by a majority vote of the Board of Supervisors present at any regular or special meeting of the Board called for that specific purpose.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.09.

Cross References

Adoption of Bylaws, see 13 MLBSA § 6.

§ 120. Sovereign immunity

Nothing in these Bylaws shall be construed as a waiver of the sovereign immunity of the Mille Lacs Band of Chippewa Indians in any court of competent jurisdiction.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 7.10.

SUBCHAPTER III

RULES AND REGULATIONS

Section

- 201. Compliance with Bylaws.
- 202. Application for service.
- 203. Water service generally.
- 204. Multiple water services.
- 205. Transfer of water prohibited.
- 206. Connection with private water system; inspection.
- 207. Extension of main and service lines.
- 208. Maintenance of water lines.
- 209. Maintenance of sewer system; liability for property damage.
- 210. Sewer service charge.
- 211. Billing for water and sewer services.

Cross References

Administrative regulations, see 13 MLBSA § 15.

§ 201. Compliance with Bylaws

The Rules and Regulations in this subchapter are issued in compliance with the Bylaws of the Commission and are designed to govern the supplying and receiving of services rendered by the Commission. They are subject to change from time to time. If a provision of the Rules and Regulations should conflict with a provision of the Bylaws, the Bylaws shall prevail.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.

Cross References

Bylaws, see 13 MLBSA § 101 et seq.

§ 202. Application for service

Application for service shall be made as provided by the Board of Supervisors. Upon review and approval of the application by the Board, a membership certificate shall be issued and service provided. The Board may enter into special service contracts in cases where the applicant has unusual service requirements.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.

§ 203. Water service generally

Water service shall consist of facilities to supply water at the normal operating pressure of the system to one residence or place of business. Water service shall be considered available when the Commission maintains the water supply at the normal pressure at the point of delivery in readiness for the member's use, regardless of whether or not the member made use of it, and charges shall be made for service as of this date.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.01.

§ 204. Multiple water services

One member may have more than one water service pursuant to rules established by the Board.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.011.

§ 205. Transfer of water prohibited

Water service is for the sole use of the member and the member's agents or tenants at the location where it is provided, and the transfer of water by any means to another dwelling or place of business is prohibited. With the exception of emergency conditions, the sharing or reselling of water is grounds for disconnection of water service by the Board.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.011.

§ 206. Connection with private water system; inspection

There shall be no physical connection between any private water system and the water service provided by the Commission. The Commission shall have the right, at all reasonable hours, to enter upon member's premises for the purpose of inspection and enforcement of this provision. Violation of this provision is cause for disconnection of a member's water service by the Board.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.012.

§ 207. Extension of main and service lines

Main and service lines laid beyond the member's existing water system must be installed to the Commission's specifications and be paid for by the individual installing such lines.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.013.

§ 208. Maintenance of water lines

It is the responsibility of the Commission to maintain the water lines up to the curb stop, or if none, up to within five feet of the building. The building is the owner's responsibility, except for buildings that are being rented from the Housing Authority or the Mille Lacs Band.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.014.

Cross References

Maintenance services, water and sewer systems, see 13 MLBSA § 305.
Responsibilities of Commission, plan of operation, see 13 MLBSA § 304.

§ 209. Maintenance of sewer system; liability for property damage

The collection system and treatment facilities utilized in any sewer service provided by the Commission shall be maintained in good repair and operating order at all times, if possible. The Commission shall not be responsible for damage to members' property due to damage or malfunction of the facilities due to causes beyond its control.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.02.

Cross References

Maintenance services, water and sewer systems, see 13 MLBSA § 305.

Responsibilities of Commission, plan of operation, see 13 MLBSA § 304.

§ 210. Sewer service charge

All members are subject to a sewer service charge as soon as sewer service is available at the point of delivery in readiness for the member's use, regardless of whether or not the member made use of it.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.03.

§ 211. Billing for water and sewer services

Members shall be billed monthly for water and sewer services based upon approved rate schedules. Billing for water and sewer services shall be as provided for in 13 MLBSA §§ 401, 402.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 8.04.

SUBCHAPTER IV

PLAN OF OPERATION

Section

301. Operating guidelines.

302. Purpose of Commission.

303. Address of Commission.

- 304. Responsibilities of Commission.
- 305. Maintenance services.
- 306. Amendment of Plan of Operation.

§ 301. Operating guidelines

The Plan of Operation and any amendments thereto shall serve as the operating guidelines for the Commission. The General Policies of the Plan of Operation are established as provided in this subchapter.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 9.

§ 302. Purpose of Commission

The purpose of the Commission shall be to acquire, construct, manage, operate and maintain utility systems for the Mille Lacs Band of Chippewa Indians.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 9.01.

§ 303. Address of Commission

The Commission shall maintain an office in Vineland, Minnesota. Its address shall be: Public Works Commission, Mille Lacs Band of Chippewa Indians, HCR 67, Box 194, Onamia, Minnesota 56359.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 9.02.

Cross References

Name and offices, see 13 MLBSA § 102.

§ 304. Responsibilities of Commission

- (a)(1) The Commission is responsible for providing safe, adequate water for a fee to those buildings connected to the mainlines of the community water system. Responsibility for maintenance will include water sources,

storage tanks, controls, mainlines, valves and hydrants, and service lines up to the curb stops, or if none; up to within five feet of the building.

(2) The Commission is responsible for providing sanitary disposal of domestic waste for a fee to those buildings connected to the mainlines of Band sewage systems. Responsibility for maintenance will include treatment facilities, pumping stations, mainlines and manholes, and service lines to the property lines only.

(3) The remainder of the sewer and water service lines and interior building plumbing shall be the responsibility of the member, excluding buildings rented from the Housing Authority or the Band, which are the responsibility of the appropriate entity.

(b) To ensure the provision of adequate water and sewage service to its members, the Commission shall retain qualified personnel on duty or on call at all times. The Commission shall respond in a timely manner to breakdowns and other emergencies.

(c) Services for individual septic tank systems may be available at the Commission's discretion in areas within the territorial jurisdiction of the Commission. The Commission may elect to provide for the pumping of individual septic tanks for a fee. The Commission shall have no responsibility for this service except in instances of such elective pumping. The Commission cannot guarantee the operation of improperly designed, constructed or operated septic tank systems.

(d) The Commission may elect, as resources permit, to perform certain plumbing repairs or new installations for a fee in those buildings served by one of the Commission's systems.

(e) Private wells are the responsibility of the individual property owner, and the Commission cannot guarantee the operation of improperly designed, constructed or operated well systems or their water quality.

(f) The Commission may, in its discretion, agree to perform construction, operation or maintenance services under contract with tribal, governmental, or private bodies.

(g) In its discretion, the Commission may assume responsibility to provide other utility services and adopt regulations governing the provision of such other services.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 9.03.

Cross References

Maintenance of sewer system, see 13 MLBSA § 209.

Maintenance of water lines, see 13 MLBSA § 208.

§ 305. Maintenance services

The Commission shall develop and follow a regular schedule of maintenance services for each water and sewage system under its control. These services shall include, but not be limited to, the following:

(a) Inspect and operate valves and hydrants, inspect and repair water mains for leaks or damage, flush water lines, inspect storage tanks and level indicators, and adjust and service controls; and

(b) Flush sewer mains, remove debris from manholes, control weeds and erosion at lagoons inspect and service lift station and mechanical aerators, and, where the responsibility has been assumed by the Commission, inspect individual septic tanks.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 9.04.

Cross References

Maintenance of sewer system, Rules and Regulations, see 13 MLBSA § 209.

Maintenance of water lines, Rules and Regulations, see 13 MLBSA § 208.

§ 306. Amendment of Plan of Operation

The Plan of Operation may be amended by a simple majority of Supervisors in attendance at a meeting called for that purpose and the subsequent approval of the Band Assembly.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 9.05.

SUBCHAPTER V

POLICIES

Section

- 401. Billing and payment policy.
- 402. Billing and collection policies.
- 403. Enforcement policies.
- 404. Bookkeeping and handling of funds policies.
- 405. Management policies.
- 406. Public service.

§ 401. Billing and payment policy

(a) Billing for water and sewage services shall be done jointly. In instances where a member receives only one service, the member shall only be billed for that service. Each bill shall be based upon the usage of water and sewage services under an applicable rate schedule. The schedule shall provide for a minimum monthly service charge, regardless of usage, in addition to rates for water and sewage services in excess of the minimum monthly service charge.

(b) Bills shall be sent to members by the sixth business day of each month for services rendered the previous month, and shall be due and payable at the location indicated on the face of the bill ten days thereafter. Unpaid bills shall become delinquent five days after the due date. The Commission shall then have three days in which to notify the member, either personally or by certified mail, that they are delinquent and subject to a penalty and disconnection of water and sewage service unless their account is paid in full. The member shall have two days after the mailing of notice or personal notification to pay the bill in full without penalty. Thereafter, the Commission may impose a twenty-five dollar (\$25.00) penalty, in addition to any other amounts due or chargeable, and may disconnect services at the member's expense.

(c) Bills not paid by the due date shall be subject to a fifteen percent (15%) late charge on the unpaid balance in addition to any other service charges or penalties.

(d) A minimum reconnection fee of twenty-five dollars (\$25.00) shall be charged for disconnected service. However, should the actual cost of reconnection exceed twenty-five dollars (\$25.00), the member shall be charged the actual cost. Any service which has been disconnected, whether due to delinquency or any other reason, shall be reconnected only upon payment of any past due amount and the reconnection fee.

(e) Partial payments may be accepted, but shall not relieve the member of the responsibility for paying bills by their due date, nor does it extend the due or delinquent date.

(f) Advance payments may be accepted and credited to the member's account monthly until exhausted.

(g) All returned checks shall result in a delinquent account, if the check is not redeemed by the due date stated on the applicable bill. In the event that a returned check is not redeemed by the due date, the delinquent account procedures listed in subsection (b) shall apply.

(h) All members who issue a dishonored check shall be charged a fee of fifteen dollars (\$15.00) to reimburse the additional administrative expenses associated with ensuring payment on these items.

(i) The minimum monthly service charge shall be increased from six dollars (\$6.00) to eight dollars (\$8.00) for combined water and sewage services. In the event that a member only receives one service, the member shall only be assessed half the minimum monthly service charge.

(1) Notwithstanding any provision of this section to the contrary, members who have attained the age of fifty-five or who qualify for services from the Elderly Nutrition Program, irrespective of age, shall be exempt from any increase in the minimum monthly service charge above the amount assessed as of January 1, 1985.

(2) Notwithstanding any provision of this chapter to the contrary, members who have attained the age of fifty-five or who qualify for services from the Elderly Nutrition Program shall be exempt from the payment of all service fees if they have a gross monthly income of less than three hundred dollars (\$300.00). Verification of income shall be certified by the Contracting Officer of the Food Commodity Program or provided by the member seeking this exemption.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 10.

Cross References

Billing for water and sewer services, see 13 MLBSA § 211.

§ 402. Billing and collection policies

Billing and collection policies shall be as follows:

(a) The Commission shall maintain a complete and up-to-date record of all members served by those systems operated by the Commission. Additions and deletions to the records shall be made as soon as the Commission learns of the changes;

(b) The Commission shall ensure that each member is billed for services in accordance with 13 MLBSA § 401 and this Section;

(c) Members may make payments by cash or check or money order, payable to the Commission, by mailing payments to the Commission's office at the Mille Lacs Government Center or personally delivering payments thereto. Members shall receive a receipt for payments personally made at the Government Center;

(d) Members who live in buildings managed by the Housing Authority or other tribal enterprises shall include monthly water and sewage payments along with their rent or house payment. The agency collecting the payments shall then pay the Commission for services to all of its housing occupants. The agency shall receive a receipt for this payment; and

(e) Members requesting a new service, reconnection, plumbing repairs, or pumping of a septic tank shall make arrangements with the Director of Operations for Public Works for payment prior to receiving the services. Normally, such charges shall be due on the next month's bill.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 10.09.

Cross References

Billing for water and sewer services, see 13 MLBSA § 211.

§ 403. Enforcement policies

Enforcement policies shall be as follows:

(a) The Commission is hereby authorized to collect fees for services and to disconnect services for nonpayment; and

(b) The Commission shall enforce its regulations and fee collections by disconnecting services to any and all violators and delinquent members. The Commission shall not seek to attach members' property nor to have fines assessed by the Court of Central Jurisdiction, except in cases of blatant or continued abuse or destruction of property.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 10.10.

§ 404. Bookkeeping and handling of funds policies

Bookkeeping and handling of funds policies shall be as follows:

(a) The Commission shall follow the established Band procedures for bookkeeping and banking. This will allow the convenient handling of Commission funds through the bank accounts of the Band, while also providing a separate accounting of the funds. The Public Works Administrator shall make a monthly accounting of the Commission's funds available to the Board;

(b) Actual handling of the Commission's funds shall be performed by the Band's Secretary of Treasury; and

(c) All accounts and ledgers of the Commission shall be available for audit at any time by any auditor appointed by the Secretary of Treasury.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 10.11.

§ 405. Management policies

Management policies shall be as follows:

(a) The Board may establish overall program objectives which shall be implemented by the Public Works Administrator;

(b) The Public Works Administrator shall manage the daily operations of the Commission. The Public Works Administrator shall have responsibility to direct the work of all employees of the Commission and shall establish a direct chain of command for orderly functioning of the office and operation and maintenance of all utility systems;

(c) Job descriptions for all employees shall be developed and followed; and

(d) Employees of the Commission shall receive wages and benefits comparable to other employees of the Band. Employees shall have the right of appeal pursuant to the Band's personnel policies should any employment-related dispute not be resolved to their satisfaction by the Public Works Administrator or the Board.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 10.12.

Cross References

Government employees, see 6 MLBSA § 1 et seq.

§ 406. Public service

The Commission is created in order to serve the people of the Mille Lacs Band. Yearly meetings of the Board of Supervisors shall be open to the public, except as provided elsewhere in this Chapter. Members with particular problems or complaints shall request inclusion on the agenda of the next Board meeting.

Historical and Statutory Notes

Source: Band Statute 1233-MLC-20, T.I., § 10.13.

Cross References

Board meetings, see 13 MLBSA § 16.

CHAPTER 2

COMMISSIONER OF COMMUNITY DEVELOPMENT

Section

- 1001. Powers and duties of the Commissioner of Community Development
- 1002. Term of Office

§ 1001. Powers and duties of the Commissioner of Community Development

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:

(a) 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;

(b) To provide technical assistance to the Chief Executive, Band Assembly and other departments of the Mille Lacs Band as requested and to recommend or initiate any appropriate action as required with respect to such matters;

(c) 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;

(d) 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;

(e) 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;

(f) 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;

(g) To oversee the Debris Clearance and Restoration portion of an Emergency Operation Plan and coordinate responsibilities for a Blizzard Emergency Preparedness Plan;

(h) To develop, oversee and chair Community Development Committees;

(i) 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;

(j) To negotiate contracts on behalf of the Mille Lacs Band of Ojibwe and when authorized to do so by Band Statute to enter into such contracts not otherwise inconsistent with other applicable law;

(k) 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;

(l) 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;

(m) To obtain through grant proposals funds that may be available to meet the housing and community needs of the Band;

(n) 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;

(o) 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;

(p) 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;

(q) 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;

(r) 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;

(s) To serve Band members through home loans, renovation loans or any new housing program loan as stipulated by loan agreement; and

(t) To purchase insurance from any stock or mutual company for any property or against any risk or hazards.

Historical and Statutory Notes

Source:

Band Ordinance 20-97, § 4
Band Ordinance 18-04, § 114

§ 1002. Term of Office

The Commissioner of Community Development shall serve a four-year term of office expiring June 30, 1999 and on this date every four years hence.

Historical and Statutory Notes

Source:

Band Ordinance 20-97, § 5