

Mille Lacs Band Statutes Annotated

Amendments received through: September 19, 2020

TITLE 27 – EMERGENCY MANAGEMENT

Section

1. Findings.
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Historical and Statutory Notes

The title of Band Ordinance 27-20 is: “An Ordinance to provide for the emergency management of the Non-Removable Mille Lacs Band of Chippewa Indians.”

Section 1 of Band Ordinance 27-20 states that, “This act shall be cited as the Emergency Management Act.”

Section 2 of Band Ordinance 27-20 states that, “The Band Assembly establishes Title 27 within the Mille Lacs Band Statutes Annotated, which will be titled ‘Emergency Management.’”

The title of Band Ordinance 60-20 is “An Ordinance appending Title 27 (Emergency Management), authorizing the Commissioner of Finance to take certain actions on behalf of the Band pertaining to the receipt of federal Coronavirus Aid, Relief, and Economic Security Act funding.”

The preamble of Band Ordinance 60-20 states: “It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of appending Title 27 (Emergency Management) to authorize the Commissioner of Finance to take certain actions on behalf of the Band pertaining to the receipt of federal Coronavirus Aid, Relief, and Economic Security Act funding.”

Section 1 of Ordinance 60-20 states that, “Title 27 (Emergency Management) is appended to add the following responsibilities and authorities of the Commissioner of Finance, to be sectioned as Title 27, § 7).

§ 1. Findings.

The Band Assembly finds it necessary to:

- (a) Confer upon the Chief Executive all emergency management powers;
- (b) Establish an emergency operations plan for the protection of public health, life, property, and general well-being adequate to cope with disasters resulting from natural and man-made causes; and
- (c) Provide for the coordination of all emergency management functions with comparable functions of the federal, state, and local units of government and of private agencies.

Historical and Statutory Notes

Source:

Band Ordinance 27-20, § 1.

§ 2. Definitions.

As used in this Title:

- (a) **“Emergency or disaster”** means an event or set of circumstances which:
 - (1) Demands immediate action to protect public health, life, and property; or
 - (2) Reaches such degree of destructiveness as to warrant the Chief Executive declaring a state of emergency.
- (b) **“Public place”** means any location that the Band government maintains for the use of the public under the territorial jurisdiction of the Band.

Historical and Statutory Notes

Source:

Band Ordinance 27-20, § 2.

Cross References

Children and Families, Definition of Emergency, *see* 8 MLBS § 72(c).

§ 3. Authorities of the Chief Executive.

At all times other than a state of emergency, the Chief Executive is authorized to:

- (a) Establish a Tribal Emergency Response Committee, which will consist of Executive Officers and any other officials or individuals the Chief Executive deems necessary to meet the demands of the emergency or disaster;

- (b) Prepare and maintain a comprehensive emergency operation plan and to coordinate preparations of the emergency operations plan and programs by the political subdivisions of the Band; and
- (c) Institute training programs and public information programs and to take all necessary preparatory actions, including the mobilization of the Mille Lacs Tribal Police Department in advance of actual emergency or disaster.

Historical and Statutory Notes

Source:

Band Ordinance 27-20, § 3.

Cross References

Executive Branch, Powers and Duties of Chief Executive, *see* 4 MLBS § 6.

§ 4. Declaration of State of Emergency.

In event of an emergency or disaster, the Chief Executive is authorized to declare a state of emergency through the issuance of an executive order. Once the Chief Executive has declared a state of emergency and until termination of the state of emergency, the Chief Executive, or the Tribal Emergency Response Committee acting on behalf of the Chief Executive, may:

- (a) Provide resources and services necessary to avoid or minimize harm to health, life, and property;
- (b) Enter into agreements with the federal government and government of the State of Minnesota for the receipt of public assistance funds and coordinate such agreements between the political subdivisions of the Band;
- (c) Procure supplies and equipment;
- (d) Reallocate funds already appropriated to political subdivisions of the executive branch as reasonably necessary to meet the needs of the emergency or disaster; and
- (e) Prohibit any number of persons from assembling or gathering on or at any public place.

Historical and Statutory Notes

Source:

Band Ordinance 27-20, § 4.

Cross References

Civil Rights Code, Freedom of Religion, Speech and Press; Right to Assemble and Petition, *see* 1 MLBS § 1.

Executive Branch, Powers and Duties of Chief Executive, *see* 4 MLBS § 6.

Children and Families, Emergency Planning, *see* 8 MLBS § 960.

§ 5. Termination of State of Emergency.

Any state of emergency declared by the Chief Executive shall terminate if:

- (a) The Chief Executive issues an executive order terminating the emergency; or
- (b) The Band Assembly issues a resolution terminating the emergency.

Historical and Statutory Notes

Source:

Band Ordinance 27-20, § 5.

Cross References

Executive Branch, Powers and Duties of Chief Executive, *see* 4 MLBS § 6.

Legislative Branch, Legislative Power, *see* 3 MLBS § 2.

§ 6. Accountability and Reporting.

- (a) The Chief Executive will provide periodic updates to the Band Assembly regarding the status of an emergency or disaster as needed, requested, or available.
- (b) The Chief Executive and the Tribal Emergency Response Committee will provide the Band Assembly with the minutes of Tribal Emergency Response Committee meetings within one week after such meetings.
- (c) The Chief Executive will provide to the Band Assembly, at monthly intervals after such declaration, a report on the total expenditures incurred by the Band government during the preceding monthly interval which are directly attributable to the exercise of powers and authorities conferred by such declaration. Within one month after the termination of an emergency, the Chief Executive will provide a final report to the Band Assembly on all such expenditures.

Historical and Statutory Notes

Source:

Band Ordinance 27-20, § 6.

Cross References

Executive Branch, Powers and Duties of Chief Executive, *see* 4 MLBS § 6.
Legislative Branch, Legislative Power, *see* 3 MLBS § 2.

§ 7. Coronavirus Relief Funds.

- (a) The Commissioner of Finance is directed to report to the Band Assembly on expenditures incurred due to Coronavirus Disease 2019. Such reports will include, but not be limited to:
 - (1) the total amount of payments from the Coronavirus Relief Fund received from the United States Department of the Treasury;
 - (2) the amount of funds received that were expended or obligated for each project or activity;
 - (3) a detailed list of all projects or activities for which funds were expended or obligated, including the name of the project or activity; a description of the project or activity; and detailed information on any loans issued, contracts and grants awarded, transfers made to other government entities, and direct payments made by the Band that are greater than \$50,000.

- (b) Upon the Band Assembly’s formal or informal acceptance of such reports, the Commissioner of Finance is authorized to submit such reports to the United States Department of the Treasury to certify that the contents of such reports are true, accurate, and complete. The Commissioner of Finance shall also submit a copy of the report to the Chief Executive.

Historical and Statutory Notes

Source:

Band Ordinance 60-20, § 1.