



# MILLE LACS BAND OF OJIBWE

*Executive Branch of Tribal Government*

August 16, 2022

District Representative Wind  
Mille Lacs Band Assembly  
43408 Oodena Drive  
Onamia, Minnesota 56359

Dear Representative Wind,

Miigwech for offering to meet with me to discuss concerns regarding my nominee for Commissioner of Administration, Baabiitaw Boyd. If you are agreeable, I would also like to invite Representative Merrill, Representative Davis and Speaker Sheldon Boyd to attend this meeting, because I am also interested in discussing the nomination process for all appointees.

The Commissioner of Administration is a unique position in Band government because in accordance with 4 MLBSA § 10, Powers and Duties of Commissioner of Administration, the "*Commissioner of Administration shall act as the Chief of Staff*" for the Chief Executive who leads the Executive Branch. The Commissioner of Administration is also charged with "*representing the interest of the Chief Executive*" in matters before the Band Assembly. It is very important that Mille Lacs Band Chief Executives are able to work with persons they imminently trust to serve as their Chief of Staff/Commissioner of Administration. It has always been my view that, unless there exist extraordinary circumstances, particular deference should be granted to the Chief Executive's nominee to serve as their Chief of Staff.

In our discussions on Wednesday, August 10, 2022, Representative Merrill commented that the decision of the elected official making the nomination should be respected. I agree with that statement, as this is how the nomination and confirmation processes were handled up until more recent years. It was not until about 2016 that the Band Assembly began more regularly rejecting nominations of the Chief Executive for cabinet level positions and only recently that elected officials have questioned one another's nominees for other positions. I understand and respect that different Assemblies handle matters differently and there are always ways to improve processes.

In general, it has always been the duty of the Band elected official responsible for submitting a nomination to do their due diligence, vet their candidates and select the person or persons they most trust to do the job well. Historically, the other elected officials gave the elected official and the nominee the benefit of the doubt, respecting the selections of their colleagues and respecting the commissioner nominees of the Chief Executive. If a commissioner later proves to be failing to perform their duties, the Band Assembly always has the ultimate trump card with the power to initiate recall/removal proceedings.

This is how we operated for approximately the first 30 years of our division-of-powers government and is also how our state and federal counterparts operate as well. As gridlocked as the Congress has been over the past many years, the last Presidential nominee to fail a senate confirmation process was in 1989, and throughout most of this period, the Senate has been controlled by the opposite party of the President. Throughout all of U.S. history there have been approximately 700 Cabinet member nominees but the U.S. Senate has only refused to confirm 9 of those nominees. This is just an historically interesting note and I am not suggesting we must mimic other similar systems.

## *DISTRICT I*

43408 Oodena Drive Onamia, MN 56359  
(320) 532-4181 Fax (320) 532-4209

## *DISTRICT II*

36666 State Highway 65 McGregor, MN 55760  
(218) 768-3311 Fax (218) 768-3903

## *DISTRICT IIA*

2605 Chiminising Drive Isle, MN 56342  
(320) 676-1102 Fax (320) 676-3432

## *DISTRICT III*

45749 Grace Lake Road Sandstone, MN 55072  
(320) 384-6240 Fax (320) 384-6190

## *URBAN OFFICE*

1404 East Franklin Avenue Minneapolis, MN 55404  
(612) 872-1424 Fax (612) 872-1257

As Chief Executive, my criteria for commissioners includes experience, academic credentials, subject matter knowledge, integrity and understanding of our community and culture. This means there is a limited pool of qualified candidates to choose from. If I were to rule out every candidate who has ever made professional mistakes or errors in judgement while employed with the Band, every Band Member who has ever worked for our Band would be disqualified. My benchmark is that the candidate must demonstrate that they learned from any mistakes they made. Similarly, if I ruled out every candidate whose nomination could generate negative calls from a handful of our nearly 5000 Band Members or our 800 employees who dislike the nominee for personal reasons or because of past professional mistakes that have gone unforgiven, every Mille Lacs Band member and employee would be disqualified.

Finally, I want to share another barrier that has made it difficult to recruit qualified nominees. On several occasions, qualified Band Members who know our community and understand our culture have ultimately declined my request to be considered for commissioner positions. They did not turn down my offer because they were uninterested in the position, but rather because they view the public confirmation process to be too stressful for themselves and their families and they do not want to risk public humiliation due to the risk of rejection by the Band Assembly.


As elected officials, we choose to run for office and subject ourselves to a highly visible public process and risk that Band Membership will vote us down; the reality is that elections can be a form of a public popularity contest. We need to keep in mind that most people have no interest in engaging in a popularity contest or placing themselves in what could be a potentially demeaning public job interview witnessed by hundreds of people. Band Members now know that anyone in the community they have ever crossed paths with can pick up the phone, disparage their reputation and influence the confirmation decision without the nominee being afforded any due process to refute whatever claims are made against them. Even if due process were to be offered, most Band Members would never agree to put themselves in a position of defending their character or skills in a public debate.

In short, the process itself has become a barrier to recruiting qualified candidates. From the moment a vacancy occurs to the moment a nominee is either confirmed or denied by the Band Assembly, it can take several months to complete the process and in some cases it has taken well over a year to fill a vacancy. When critical positions in Band government are vacant, this ultimately impacts all Mille Lacs Band Members. The best interests of Band Members are served when an appointment process is successful and results in a commissioner position for Band government being filled by a qualified individual.

I propose that we schedule a working lunch meeting for the purpose of brainstorming and trouble-shooting these issues together and discuss how we can overcome these barriers. I am hoping that we can be frank with one another about each of our concerns, offer ideas to improve processes and discuss collaborative solutions.

Thank you for your willingness to meet, and I hope we can schedule this meeting soon. I will have my staff contact your office for scheduling, and hopefully the other Members of the Assembly will be able to join as well.

Sincerely,

  
Melanie Benjamin  
Chief Executive

cc: Speaker Sheldon Boyd  
District II Representative Wendy Merrill  
District III Representative Harry Davis