



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**

*Office of Chief Executive*

**EXECUTIVE ORDER 132-00**

**AN EXECUTIVE ORDER TO ESTABLISH REGULATIONS REGARDING THE  
TENURE OF ANY EXECUTIVE OFFICER OF THE MILLE LACS BAND OF OJIBWE  
WHO IS NOT THE SUBJECT OF A REMOVAL OR RECALL PROCEEDING.**

**WHEREAS,** 4 MLBSA § 5 provides that the term of office of all executive officers shall be four years in duration commencing July 1, 1985;

**WHEREAS,** the Constitution of the Minnesota Chippewa Tribe does not create a property interest in favor of an appointive office-holder with respect to the term of office to which that appointee has been appointed;

**WHEREAS,** consistent with the Constitution of the Minnesota Chippewa Tribe, the laws of the Mille Lacs Band of Ojibwe do not create a property interest in favor of an appointive office-holder with respect to the term of office to which that appointee has been appointed;

**WHEREAS,** the Court of Central Jurisdiction has not issued any decision recognizing a constitutionally protected property right in favor of an appointive office-holder with respect to the term of office to which that appointee has been appointed;

**WHEREAS,** it is not in the best interests of the people of the Mille Lacs Band of Ojibwe to amend the Constitution to recognize a property right in favor of an appointive office-holder with respect to the term of office to which that appointee has been appointed;

**WHEREAS,** all executive officers of the Mille Lacs Band of Ojibwe exercise power delegated by the people of the Mille Lacs Band of Ojibwe;

**WHEREAS,** all executive officers are: 1) members of the Chief Executive's Cabinet; 2) supervised by the Chief Executive; and, 3) authorized to act on behalf of the Chief Executive when directed to do so in accordance with 4 MLBSA § 7 (k), (l), & (m);

**WHEREAS,** all executive officers, except the Commissioner of Finance, are appointees of the Chief Executive in accordance with 4 MLBSA § 6(b), who must be ratified by the Band Assembly pursuant to 3 MLBSA § 2(c);

**WHEREAS,** in the perform of the duties of the office of Chief Executive, the Chief Executive must have complete confidence and faith in the ability of each executive officer to perform the powers and duties of the office to which said person has been appointed to serve the people of the Mille Lacs Band of Ojibwe;

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**WHEREAS,** 3 MLBSA § 25 authorizes the Joint Session of the Band Assembly to remove an appointee from office for just cause and 4 MLBSA § 15 authorizes the suspension of the commission of an appointed officer for just cause;

**WHEREAS,** neither 3 MLBSA § 25, nor 4 MLBSA § 15 provides that removal or recall is the exclusive method under the laws of the Mille Lacs Band of Ojibwe to regulate the tenure of any executive officer; and

**WHEREAS,** in the absence of substantive law of the Mille Lacs Band of Ojibwe regarding the tenure of executive officers, there is a need to create executive policy authorizing the exercise of executive power to terminate or suspend the tenure of any executive officer, subject to the concurrence of the Band Assembly, when just cause exists.

**NOW THEREFORE, BE IT ORDERED,** except for the Commissioner of Finance, the tenure of any other executive officer may be terminated or suspended indefinitely upon a written finding to the Band Assembly by the Chief Executive that: 1) the Chief Executive no longer has confidence in the ability of the executive officer to faithfully or impartially discharge the duties of the office to which that person holds; or 2) the people of the Mille Lacs Band of Ojibwe no longer have confidence or trust in the ability of the executive officer to serve the needs of the people.

**BE IT FURTHER ORDERED** that the effective date of any termination or suspension shall be the date that the Band Assembly concurs with such action.

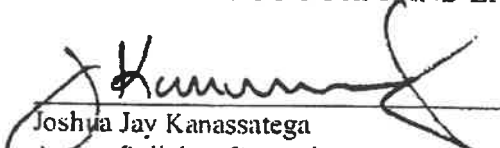
**BE IT FINALLY ORDERED** that this Executive Order shall be automatically repealed upon the enactment of legislation regulating the tenure of an executive officer that is not the subject or a removal or recall proceeding.

**DATED** this 25<sup>th</sup> day of September 2000.

  
MELANIE BENJAMIN  
CHIEF EXECUTIVE

**EXPIRATION DATE:** None.

**APPROVED AS TO FORM AND EXECUTION**

  
Joshua Jay Kanassatega  
Acting Solicitor General

**OFFICIAL SEAL OF THE BAND**