



**THE MILLE LACS BAND OF
OJIBWE INDIANS**

Executive Branch of Tribal Government

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EXECUTIVE ORDER 143-02

AN ORDER REPEALING EXECUTIVE ORDER 118-96 REGULATING THE PROVISION OF SERVICES TO EXECUTIVE OFFICERS, APPOINTED OFFICIALS, AND BOARD MEMBERS.

WHEREAS, Executive Order 118-96 denied Executive Officers and Appointed officials, board members and their families from receiving need and non-need based services until all other Band members who had a higher demonstrated need were served; and,

WHEREAS, Executive Order 118-96 unfairly discriminated against Executive Officers and Appointed officials, board members, and their families by disqualifying them from receiving non-need based services; and,

WHEREAS, all members under the jurisdiction of the Mille Lacs Band of Ojibwe Indians shall be accorded equal opportunity to participate in the economic resources and activities of the Band pursuant to Article XIII of the Constitution of the Minnesota Chippewa Tribe; and,

WHEREAS, pursuant to 4 MLBSA § 3 the Chief Executive is charged with the legal authority to ensure the lawful operation of all activities under the jurisdiction of the Band; and,

WHEREAS, the various entities of the Non-Removable Mille Lacs Band of Ojibwe Indians have entered into contracts with and received various grants from both the United States of America and the State of Minnesota and their political sub-divisions, with the purpose of providing basic services to persons under the jurisdiction of the Band pursuant to guidelines established under the terms and conditions of such grants and contracts; and,

WHEREAS, the Administration Policy Board, other Policy Boards and Semi-Independent Political Sub-Divisions of the Band possess the statutory authority to deliver services to eligible Band members and other persons under the jurisdiction of the Band according to the terms of such grants and contracts; and,

NOW THEREFORE, pursuant to the authority vested in me, I, Melanie Benjamin, repeal Executive Order 118-96 and henceforth allow Executive and Appointed officials, their families, and board members to receive any and all non-need based services that they are entitled to as Band members.

DISTRICT I
HCR 67, Box 194 • Onamia, MN 56359
(320) 532-4181 • Fax (320) 532-4209

DISTRICT II
Route 2 • Box 58 • McGregor, MN 55760
(218) 768-3311 • Fax (218) 768-3903

DISTRICT III
Route 2 • Box 233-N • Sandstone, MN 55072
(320) 384-6240 • Fax (320) 384-6190

BE IT FURTHER ORDERED, that Executive Officers are defined under 4 MLBSA § 4 shall not receive need based services; as well as, all appointed officers, members of the Housing Authority, School Board, and-or any person appointed to a Mille Lacs Band of Ojibwe Board shall not receive need based services until all other Band members are given priority. For purposes of this Executive Order need based services are those services for low income Band members, federal programs designed for low income Band members, or any program that uses federal poverty guidelines to determine eligibility. Housing loans, small business loans, and other Band loan programs are not considered need based services unless the program specifically states it was intended as a need based program or service.

BE IT FURTHER ORDERED, that Executive Officers, appointed officers, members of the Housing Authority, School Board, and-or any person appointed to a Band board shall not receive any preference for need based Band services until all other Band members are given priority. Education, medical, social services, and community non-profit services are exempt from this Executive Order.

BE IT FURTHER ORDERED, that before any such elected or appointed officials receive any need based services, the elected or appointed official must certify in writing that no conflict of interest exists, no undue influence or improper influence was exerted, and that Band officials followed all prescribed procedures before the officials may receive any need based Band services.

BE IT FURTHER ORDERED, that an employee of the Band shall authorize the provision of services to any elected or appointed official without first filling out a notarized statement declaring that provision of such services comports with this Executive Order.

BE IT FURTHER ORDERED, that elected or appointed officials may receive any non-need based services provided they would otherwise qualify for the services. However, elected and appointed officials may not receive any preference for services.

BE IT FURTHER ORDERED, that any person who violates this Executive Order shall be prosecuted under 24 MLBSA § 1212 and subject to \$500 fine, loss of his or her usufructuary rights, and subject to 6 months community service.

BE IT FURTHER ORDERED, that the Solicitor General shall assist as requested in determining whether or not an elected or appointed official may receive need based services.


BE IT FURTHER AND FINALLY ORDERED, that any person who shall violate or cause any other person to violate express provisions or the intent of this Executive Order shall be subject to disciplinary action and criminal and civil prosecution pursuant to Band Law.

Dated this 18th Day of July 2002


MELANIE BENJAMIN
CHIEF EXECUTIVE

EXPIRATION DATE: NONE

APPROVED AS TO FORM AND NUMBERING


Mary Al Balber
Solicitor General

OFFICIAL SEAL OF THE BAND