



MILLE LACS BAND OF OJIBWE

Executive Branch of Tribal Government

EXECUTIVE ORDER NO. 176-16

AN EXECUTIVE ORDER APPOINTING HEARING OFFICERS TO PRESIDE OVER THE REMOVAL PROCEEDING OF THE COMMISSIONER OF NATURAL RESOURCES.

WHEREAS, the Chief Executive possesses all Executive Branch authority unless expressly divested of such authority by Band statute, 4 MLBSA § 2;

WHEREAS, the Chief Executive must ensure the impartial application of Band law, 4 MLBSA § 6(a);

WHEREAS, the Chief Executive may issue an executive order upon any matter falling under the purview of the Executive Branch, 4 MLBSA § 6(e);

WHEREAS, the Joint Session of the Band Assembly may by two-thirds vote, *i.e.*, four (4) of five (5) members, initiate a removal proceeding of an appointed officer, 3 MLBSA § 25(a); 4 MLBSA § 15(a);

WHEREAS, on May 19, 2016, the Joint Session of the Band Assembly affirmatively voted to initiate a removal proceeding against Commissioner of Natural Resources Susan M. Klapel, prompting the temporary suspension of Ms. Klapel's commission on the same date, 4 MLBSA § 15(a);

WHEREAS, a removal proceeding of an appointed officer must adhere to the substantive and procedural provisions that otherwise inform and guide an executive hearing of inquiry, 3 MLBSA § 25(a); 4 MLBSA § 15(b)-(d), (f);

WHEREAS, the Chief Executive is singularly responsible for appointing the presiding officer(s) of a hearing of inquiry, 4 MLBSA § 13(a);

WHEREAS, the Joint Session of the Band Assembly has instituted a removal proceeding due to serious misgivings arising from Commissioner Klapel's involvement with and oversight of an attempted assignment or transfer of a private residence located in Government Lot Two (2) of the Fractional Southwest Quarter of the Southeast Quarter (Fr. SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Sixteen (16), Township Forty-two (42) North, Range Twenty-six (26) West of the Fourth Principal Meridian, in Mille Lacs County, including a subsequent effort to secure compensation for individual improvements performed upon the residence; and

WHEREAS, the foregoing incidences, embracing actions relating thereto or deriving therefrom, may constitute violations of several Band statutory provisions, 4 MLBSA § 15(g)(1), including, but not limited to, the following:

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

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URBAN OFFICE

1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55404
(612) 872-1424 • Fax (612) 872-1257

1) "Attempting to make or influence Mille Lacs Band or political subdivision decisions outside official processes," 6 MLBSA § 1157(b);

2) "Soliciting or accepting Mille Lacs Band contracts for work without going through the prescribed procurement process," 6 MLBSA § 1157(d); and

3) "Making unauthorized commitments or promises of any kind purporting to bind the Mille Lacs Band," 6 MLBSA § 1157(e).

NOW THEREFORE, THE CHIEF EXECUTIVE ISSUES THE FOLLOWING ORDERS:

1) I hereby appoint Attorneys Heidi A. Drobnick and Phyllis O. Tousey as presiding officers for the hearing of inquiry in this removal proceeding;

2) Attorneys Drobnick and Tousey must conduct the removal proceeding in conformity with the procedures for conduct of hearings of inquiry, 4 MLBSA § 13;

3) Attorneys Drobnick and Tousey may exercise subpoena power to compel the attendance of witnesses and submission of evidence, 4 MLBSA § 12(c);

4) At the conclusion of the hearing of inquiry, Attorneys Drobnick and Tousey must direct a final written decision to the Office of the Chief Executive, which contains the required statutory components, 4 MLBSA § 14, including a declaration of whether just cause exists to remove Commissioner Klapel, 4 MLBSA § 15(f)-(g); and

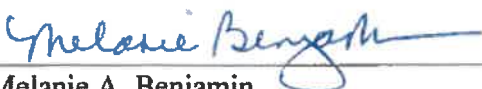
5) Attorneys Drobnick and Tousey must attend a subsequently scheduled Joint Session of the Band Assembly for purposes of presenting final comments upon the record, 4 MLBSA § 15(d).

Expiration Date: December 31, 2016



OFFICIAL SEAL

Dated this 20 day of June 2016.



Melanie A. Benjamin
Chief Executive