



MILLE LACS BAND OF OJIBWE

Executive Branch of Tribal Government

EXECUTIVE ORDER NO. 169-14

AN EXECUTIVE ORDER PERMITTING THE ACQUISITION OF BAND DESIGNATED BUSINESS VEHICLES FOR FAIR MARKET VALUE UPON AN ELECTED OFFICIAL'S DEPARTURE FROM OFFICE, PROVIDED THAT SUCH DEPARTURE OCCURS AT THE CONCLUSION OF AN ELECTED OFFICIAL'S CONSTITUTIONAL AND STATUTORY TERM OF OFFICE.

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

WHEREAS, the Chief Executive may object to a Band appropriation bill, inclusive of the legislative budget, which then shall require the convening of a compromise hearing, 3 MLBSA § 16(f); and

WHEREAS, the Chief Executive maintains clear statutory authority to serve as custodian of all Band property, 4 MLBSA § 6(f); and

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

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

WHEREAS, the Chief Executive recognizes the existence of a standing executive order regarding the disposition of tribal property when such property no longer fulfills a governmental need or constitutes surplusage, MLB EXEC. ORDER 125-99; and

WHEREAS, the present executive order neither rescinds nor supersedes Executive Order 125-99, which specifically identified property under the jurisdiction of an Executive Officer, but rather erects a parallel policy pertinent in limited circumstances; and

WHEREAS, such limited circumstances involve the statutorily identified conclusion of an elected official's term of office, 3 MLBSA § 5; 4 MLBSA § 5, thereby excluding instances involving removal or resignation; and

WHEREAS, subsequent implementation of the present executive order shall not result in the improper conferral of a gift, 6 MLBSA § 1157(k).

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

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

NOW THEREFORE, IT IS ORDERED that the Chief Executive, as custodian of Band property, shall permit an elected official to acquire his or her Band designated vehicle in conjunction with the ordinary conclusion of a term of office, provided that said official pay fair market value of the vehicle as indicated within either Kelley Blue Book or the National Automobile Dealers Association Guide. The Commissioner of Administration, or his or her designee, shall render this price determination after visual inspection of the vehicle and collect full payment of the amount in the form of cash, certified or cashier's check, or money order, which shall then be transmitted to the Office of Management & Budget. The elected official bears sole responsibility for verifying the appropriate valuation of the vehicle, and cannot seek reimbursement of any monies after providing payment to the Commissioner of Administration or his or her designee. This executive order shall have no retroactive effect or impact.

Expiration Date: None

Dated this 1 day of July 2014.



Melanie A. Benjamin
Chief Executive

OFFICIAL SEAL