



THE MILLE LACS BAND OF
OJIBWE INDIANS
Legislative Branch of Tribal Government

LEGISLATIVE ORDER 31-21

A LEGISLATIVE ORDER ESTABLISHING PROCEDURE FOR WHEN THE BAND ASSEMBLY RECEIVES A CRITICAL NOMINATION FROM THE CHIEF EXECUTIVE

WHEREAS, pursuant to 3 MLBS § 2(a), the Non-Removable Mille Lacs Band of Ojibwe Band Assembly possesses the power to “enact laws which promote the general welfare of the people[;]” and

WHEREAS, pursuant to 3 MLBS § 2(g), the Band Assembly possesses the power to “perform all other legislative functions conferred by the provisions of Article VI of the Constitution of the Minnesota Chippewa Tribe[;]” and

WHEREAS, pursuant to 4 MLBS § 27, the Band Assembly “may issue Legislative Orders on any subject matter within the Legislative Branch of government pursuant to authority conferred by this Title and the Constitution of the Minnesota Chippewa Tribe[;]” and

WHEREAS, pursuant to 4 MLBS § 6(b), the Chief Executive has the authority “[t]o appoint wherever authorized by Band Statute, executive officers, judges, heads of commissions, boards or authorities, legal and financial counsel and to make appointments to fill any vacancy in any office as authorized by Band Statute and subject to confirmation by the Band Assembly[;]” and

WHEREAS, pursuant to 4 MLBS § 17(a) “[t]he Chief Executive shall nominate and forward to the Band Assembly for confirmation the name of a competent and duly qualified individual of high honor and integrity to serve as the Solicitor General of the Non-Removable Mille Lacs Bands of Chippewa Indians[;]” and

WHEREAS, pursuant to 5 MLBS § 5(b), “[t]he Justices shall be nominated by the Chief Executive, who shall submit the nomination to Band Assembly. Band Assembly shall upon receipt of the nomination confirm or reject the nomination within thirty (30) days. There shall be one justice from each of the three respective districts of the Mille Lacs Band[;]” and

WHEREAS, pursuant to 5 MLBS § 7(a), the “District Court Judge and the Associate Judges shall be nominated by the Chief Executive who shall submit the nomination to Band Assembly. Band Assembly shall upon receipt of the nominations confirm or reject the nominations within 30 day[;]” and

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DISTRICT IIA

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DISTRICT III

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URBAN OFFICE

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WHEREAS, pursuant to 16 MLBS § 103, all five Corporate Board Members “shall be nominated by the Chief Executive and ratified by the Band Assembly[;]” and

WHEREAS, for the purposes of this legislative order, “Critical Nomination” shall be defined as any nomination by the Chief Executive for any Commissioner, Judge, Justice, Corporate Board Member, or the Solicitor General;

NOW, THEREFORE, BE IT ORDERED, that the Band Assembly will only consider a Critical Nomination upon receipt of (1) a nomination letter signed by the Chief Executive (“Critical Nomination Letter”); (2) a copy of the nominee’s resume; and (3) the nominee’s contact information.

BE IT FURTHER ORDERED, that, upon receipt of the Critical Nomination Letter, resume, and nominee contact information from the Chief Executive, the Parliamentarian shall, on behalf of the Band Assembly, request that the Solicitor General’s office perform a criminal background check on the nominee pursuant to 24 MLBS § 1054(j).

BE IT FURTHER ORDERED, that the Solicitor General’s office shall provide the Parliamentarian with the results of the criminal background check within fourteen (14) calendar days after the request and shall bear the costs of performing the background check.

BE IT FURTHER ORDERED, that, for any nominee other than a Judge or Justice, the nomination shall be considered fully received when the Parliamentarian receives the results of the criminal background check from the Solicitor General’s office, at which time the Parliamentarian shall place the nomination on the Band Assembly agenda.

BE IT FURTHER AND FINALLY ORDERED, that, for the nomination of any Judge or Justice, the Parliamentarian shall, immediately upon receipt from the Chief Executive, place the nomination on the Band Assembly agenda and the criminal background check performed by the Solicitor General’s office shall run concurrently.


WE DO HEREBY CERTIFY that the foregoing legislative order was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present, held on January 20, 2021, at Nayahshing, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.


DATED, at Vineland, Minnesota, from within the sovereign territory of the Non-Removable Mille Lacs Band of Ojibwe, this 20th day of January, 2021.

Effective Date: January 20, 2021

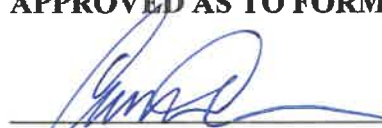

Sheldon Boyd, Speaker of the Assembly


Virgil Wind, District 1 Representative


Marvin Bruneau, District 2 Representative


Wallace St. John, District 3 Representative

APPROVED AS TO FORM, EXECUTION, AND NUMBERING:


Caleb Dogeagle
MLB Solicitor General

OFFICIAL SEAL OF THE BAND

