



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 21-01-07-24

**A RESOLUTION DENOUNCING THE IMPROPER SUSPENSION
OF AN APPOINTED OFFICIAL BY THE CHIEF EXECUTIVE**

- WHEREAS, the Mille Lacs Band Assembly (“Band Assembly”) is the duly elected legislative body for the Non-Removable Mille Lacs Band of Ojibwe (“Band”), a federally-recognized Indian Tribe; and
- WHEREAS, pursuant to 3 MLBS § 3 (d), the Band Assembly has the authority to adopt resolutions; and
- WHEREAS, Maria Costello is the Assistant Commissioner of Administration for the Mille Lacs Band of Ojibwe; and
- WHEREAS, Commissioner Costello recently played a critical role in ending alleged harassment of Band employees; and
- WHEREAS, Chief Executive Melanie Benjamin suspended Commissioner Costello for three days without pay as a result of the Commissioner’s efforts; and
- WHEREAS, 4 MLBS § 15 grants the Joint Session of the Band Assembly the power to suspend an appointed official during the process of a recall of an appointed official; and
- WHEREAS, 6 MLBS § 1162 grants the Joint Session of the Band Assembly the exclusive power to suspend Band officials for ethics violations without with or without pay; and
- WHEREAS, Resolution 42-38 of the Mille Lacs Band grants the Joint Session of the Band Assembly the exclusive power to impeach an appoint official; and
- WHEREAS, 4 MLBS § 6 articulates the “Powers and Duties of the Chief Executive” but does not grant the Chief Executive express authority to suspend an executive officer without pay; and
- WHEREAS, the Joint Session of the Band Assembly, therefore, has exclusive authority to suspend and impeach appointed officials; and
- WHEREAS, the Joint Session of the Band Assembly was not convened to consider disciplinary action against Commissioner Costello;

NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly of the Mille Lacs Band of Ojibwe hereby determines and holds that Commissioner Costello’s suspension

DISTRICT I was improper;

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BE IT FURTHER RESOLVED, that only the Joint Session of the Band Assembly has the authority to determine disciplinary actions against appointed officials;

BE IT FURTHER AND FINALLY RESOLVED, that the Band Assembly does hereby call upon the Chief Executive to correct in any way practicable the harm caused to Commissioner Costello by the suspension without pay;

WE DO HEREBY CERTIFY, that the foregoing resolution 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 the 21st day of February, 2024, at Nayahshing, Minnesota, by a vote of 2 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly hereunto cause to have set the signature of the Speaker of the Assembly.

OFFICIAL SEAL OF THE BAND



Sheldon Boyd, Speaker of the Assembly

Sponsor: District I Representative