



# THE MILLE LACS BAND OF OJIBWE INDIANS

## *Legislative Branch of Tribal Government*

### **RESOLUTION 13-02-01-09**

#### **A RESOLUTION TO APPOINT INTERIM OFFICIALS TO SERVE UNTIL A SPECIAL ELECTION CAN BE HELD**

- WHEREAS, the Mille Lacs Band Assembly is the duly elected governing body for the Mille Lacs Band of Ojibwe, a federally-recognized Indian Tribe; and
- WHEREAS, 3 MLBSA § 1 authorizes the Band Assembly to act as the body referred to as the Reservation Business Committee (RBC) as described in the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and
- WHEREAS, 3 MLBSA § 2(d) empowers the Band Assembly to adopt resolutions; and
- WHEREAS, a notice of ethical violations and gaming law violations against Chief Executive Melanie Benjamin are stated causes for removal and a petition entitled "Petition in Support of Action to Remove MLBO Elected Official for Ethical Violations of Band Statute and the MCT Constitution and for Violation of Gaming Laws" along with supporting documents, supported by more than 20 percent of the resident eligible voters of the Mille Lacs Band of Ojibwe Reservation as required in Article X, Section 3 of the MCT Constitution, were officially presented to the Secretary-Treasurer on September 29, 2008; and
- WHEREAS, according to MCT Protocol, a committee was appointed by the Band Assembly to authenticate the signatures on the Petition to determine whether or not the petition is supported by the signatures of no less than 20 percent of the resident eligible voters of the Mille Lacs Band of Ojibwe Reservation as required in Article X, Section 3 of the MCT Constitution; and
- WHEREAS, the Secretary-Treasurer received the committee's report verifying that the signatures attached to Petition were resident eligible voters of the Mille Lacs Band of Ojibwe Reservation and of sufficient number to meet the requirement of Article X, Section 3 of the MCT Constitution; and
- WHEREAS, based on the sufficiency of the signatures supporting said Petition, the Chief Executive received official notice of a pending Joint Session action to give her the opportunity to address the charges to the Joint Session; and
- WHEREAS, on October 8, 2008, a Joint Session was held for the purposes of deciding whether or not the Chief Executive should be removed from office for malfeasance; and
- WHEREAS, the Chief Executive refused to respond to the charges as outlined in the Petition and walked out of the Joint Session Removal Hearing; and

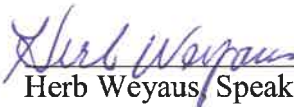
WHEREAS, according to Article X, Section 3 of the MCT Constitution, the remaining Joint Session members conferred and unanimously voted (4/5) to REMOVE the Chief Executive from office for her failure to respond to the charges as stated in the Petition; and

WHEREAS, as required by the MCT Constitution, the Band Assembly hereby appoints Interim Officials until a Special Election can be held within 141 days from this date.

NOW, THEREFORE, BE IT RESOLVED THAT, based on the Joint Session action removing Chief Executive Melanie Benjamin from office on this the 8<sup>th</sup> day of October, 2008, the Band Assembly hereby appoints **Herbert Weyaus, Sr.**, Secretary-Treasurer, to act as Interim Chief Executive and **Sandra Blake**, District I Representative, to act as Interim Secretary-Treasurer/Speaker of the Assembly until a Special Election can be held within 141 days from this date.

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 8<sup>th</sup> day of October, 2008 at Vineland, 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.

  
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Herb Weyaus, Speaker of Assembly