



THE MILLE LACS BAND OF OJIBWE INDIANS

Legislative Branch of Tribal Government

JOINT RESOLUTION 18-01-80-18

A JOINT RESOLUTION DESIGNATING THE MILLE LACS BAND HUMAN RESOURCES DEPARTMENT AS THE ENTITY RESPONSIBLE FOR CONDUCTING THE CRIMINAL BACKGROUND INVESTIGATIONS OF CANDIDATES FOR THE 2018 MINNESOTA CHIPPEWA TRIBE ELECTION ON THE MILLE LACS RESERVATION

WHEREAS, the Mille Lacs Band Assembly ("Band Assembly") is the duly-elected governing body of the Mille Lacs Band of Ojibwe ("Band"), a federally-recognized Indian Tribe; and

WHEREAS, pursuant to 3 MLBSA § 2 (d), the Band Assembly has the power to adopt resolutions to promote the general welfare of the people of the Band; and

WHEREAS, pursuant to 4 MLBSA § 2, the Chief Executive of the Band is empowered to exercise the Executive Branch powers of the Band; and

WHEREAS, the Band is one (1) of the six (6) Ojibwe Bands forming the Minnesota Chippewa Tribe ("MCT"); and

WHEREAS, Article IV of the Minnesota Chippewa Tribe Revised Constitution mandates that all tribal elections on the six (6) reservations shall be in accordance with a uniform election ordinance adopted by the Tribal Executive Committee ("TEC"), the entity recognized as the MCT governing body; and

WHEREAS, the Secretary-Treasurer and the Chief Executive are voting members of the TEC; and

WHEREAS, the MCT Election Ordinance (Revised 12/14/17) has been adopted by the TEC as the official Election Ordinance for the 2018 MCT Election to be held on the Mille Lacs Reservation; and

WHEREAS, Chapter 1, Section 1.3(D)(5). of the MCT Election Ordinance (Revised 12/14/17), entitled Conducting Criminal History Check authorizes each Band governing body to designate the entity responsible for conducting the required criminal background investigations; and

WHEREAS, Chapter 1, Section 1.3(C)(4) of the MCT Election Ordinance (Revised 12/14/17), requires that each Band governing body "...shall make its certification decision based on all information available at the time..." and that such certification decisions "must adhere" to the requirements of the MCT Constitution and the MCT Election Ordinance; and

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WHEREAS, pursuant to 24 MLBSA § 1054(j), the Solicitor General is authorized to perform background investigations for employment and election purposes, however the Band governing body designates the Mille Lacs Band Human Resources Department ("HR") as the entity responsible for conducting the required criminal background investigations used to establish the eligibility of candidacy for the 2018 MCT Regular Election; and

WHEREAS, HR has the authority to use a third party to conduct the background investigations; and

WHEREAS, the results of the criminal background investigations are confidential and shall be sealed by HR upon completion and remain sealed until personally delivered to the Joint Session on the date established for certification of the candidates when the envelope(s) will be opened by the elected officials; and

WHEREAS, the Director of Human Resources shall also ensure that any HR employee who may handle the confidential results of the criminal background investigations of the candidates be required to maintain the confidential nature of these findings and shall ensure that no communications to third parties be made.

NOW THEREFORE BE IT RESOLVED, that the Band Assembly and Chief Executive hereby designate the Mille Lacs Band Human Resources Department as the entity responsible for conducting the criminal background investigations for candidacy for the 2018 MCT Election and require that the Director of Human Resources maintain the confidentiality of these findings in a sealed envelope until delivered to the Joint Session on the date set for the certification of the candidates; and

THEREFORE BE IT FINALLY RESOLVED, that the Human Resources Department is authorized to use a third party to conduct the background investigations.

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 18th day of January, 2018 at Hinckley, Minnesota by a vote of 2 FOR, 0 AGAINST, and 1 SILENT.

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

Carolyn Beaulieu
Carolyn Beaulieu, Speaker of the Assembly

IN CONCURRENCE, with the action of the Speaker of the Assembly, I, hereunto set my hand to
this resolution.

Melanie Benjamin
Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND