



MILLE LACS BAND OF OJIBWE

Executive Branch of Tribal Government

COMMISSIONER'S ORDER 005-15

A COMMISSIONER'S ORDER TO REPLACE BOARD MEMBERS OF THE AKEY REAL ESTATE CORPORATION

WHEREAS, the Band is a constituent member of the Minnesota Chippewa Tribe ("MCT"), a federally recognized Indian Tribe, 80 Fed. Reg. 1942-02, 1944 (Jan. 14, 2015), and;

WHEREAS, the former MLB Reservation Business Committee ("RBC") maintained authority "to negotiate . . . and conclude agreements . . . with . . . private persons or organizations on all matters," including "manag[ing], leas[ing], permit[ting] or otherwise deal[ing] with tribal lands [or] interests in lands," REVISED CONST. & BYLAWS OF THE MCT, art. VI, § 1(c); *see also* MCT LAND ORDINANCE #3, § 102, and;

WHEREAS, the MLB Band Assembly ("Band Assembly") is the direct successor to the RBC, which formerly constituted the governing body of the Band, REVISED CONST. & BYLAWS OF THE MCT, art. III; 3 MLBSA § 1, and;

WHEREAS, the Band Assembly conferred upon the Commissioner of Natural Resources ("Commissioner") the power "to acquire through gift, lease, purchase, in the name of the Band, lands or any interest in lands deemed suitable for the future interests of the Band," 11 MLBSA § 2002(f); *see also* 12 MLBSA § 13(c) (requiring lease of any such land containing a dwelling to the Housing Department), and;

WHEREAS, the Commissioner established AKEY Real Estate Corporation ("AKEY Corporation") on May 25, 1995, as a nonprofit corporate body politic in order to facilitate the above-referenced acquisitions, and identified an initial three-member board of directors, including the Commissioner who retained authority to devise "a procedure for replacing board members upon expiration of term or resignation" by commissioner's order, AKEY Corp. Charter, art. V, § 2 (Attach. 1); NAT. RES. COMM'R ORDER 203-95 (Attach. 2); *see also generally* 16 MLBSA §§ 2001-11, and;

WHEREAS, AKEY Corporation acquired a fifty-three (53) acre parcel of land in or around October 1995, with a physical address of 6162 Garrison Dr., Garrison, MN 56450, Warranty Deed (Attach. 2), and;

WHEREAS, AKEY Corporation has perpetual existence, but now lacks two (2) of three (3) directors due to the conclusion of appointed terms, AKEY Corp. Charter, arts. IV, V, § 2; 16 MLBSA § 2103(c)(2), and;

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 Chimimissing 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 55072
(612) 872-1424 • Fax (612) 872-1257

WHEREAS, the Commissioner may issue a commissioner's order regarding any matter under her statutory purview, 4 MLBSA § 7(h).

NOW THEREFORE BE IT RESOLVED that the Commissioner appoints the following individuals as AKEY Corporation directors for terms of office of one (1) and two (2) years respectively, subject to the below condition:

Commissioner of Community Development, Percy W. Benjamin (one-year term),
and


Director of Natural Resource Administration, Rachel L. Shaugobay (two-year term)

NOW THEREFORE BE IT ORDERED that AKEY Corporation shall undertake the necessary actions to dissolve within a reasonable period of time after transferring title of the above-described property by quit claim deed to the Mille Lacs Band of Ojibwe. *See* 16 MLBSA § 2103(c)(2, (d)(10) (identifying statutory provisions that are amenable to modification through adoption of bylaws).

DATED, at Vineland, Minnesota this 7 day of October in the year two thousand and fifteen.

Effective Date: Oct. 7, 2015

Expiration Date: Oct. 7, 2016



Susan M. Klapel, Comm'r of Natural Res.