



THE MILLE LACS BAND OF *OJIBWE INDIANS*

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Office of the Solicitor General

Opinion of the Solicitor General

No. 42-20

November 14, 2019

Title 4 MLBSA § 18 reads the Solicitor General shall have the following responsibilities, obligations and authority on behalf of the Non-Removable Mille Lacs Bands of Chippewa Indians: (d) To interpret all laws and executive, legislative, secretarial and commissioner's orders and policies on behalf of the Non-Removable Mille Lacs Bands of Chippewa Indians. (1) All said interpretations shall be titled in the form of Opinion of the Solicitor General, be consecutively numbered, dated as to the date of issuance, and contain the official seal of the Band. (2) All said opinions of the Solicitor General shall have the force of law and shall be binding until annulled by the Court of Central Jurisdiction or amended pursuant to legislative order of the Band Assembly. This opinion is issued pursuant to the authority conferred upon the Solicitor General in 4 MLBSA § 18 (d) and shall have the force of law subject to the conditions stated in § 18 (d) (2).

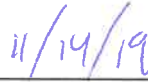
Title 3 MLBSA § 29 states should there be any doubt as to the proper interpretation of any part of this title, or of 2 MLBSA Chapter 1, the Speaker of the Assembly or the Band Assembly as an entity may submit such question to the Solicitor General, who shall give his or her written Opinion thereon, and such Opinion shall be binding unless annulled in whole or in part, by the Court of Central Jurisdiction, or amended by the Band Assembly pursuant to the enactment of the law. The Exterior Legal Counsel of the Band shall, on request, assist the Solicitor General in the proper interpretation of this or any other Band statute upon official request of the Band Assembly. On October 24, 2019, the District I Representative, Sandra L. Blake requested a Solicitor Opinion as to the use and authorization of the new District I Community Center.

Title 3 MLBSA § 8 (a) (6) states the District Representatives shall have the following individual authority in the exercise of legislative powers of Band government: to authorize the use of district community centers according to written standards that are fair and reasonable. Title 4 MLBSA § 6 (f) states the Chief Executive shall have the following authority in exercising the executive powers of Band government: to act as the custodian of all Band property. According to Black's law dictionary, a custodian cares for, keeps, and controls property. The District I Community Center is undoubtedly Band

property and therefore under the custodial authority of the Chief Executive. Title 4 MLBSA grants the Chief Executive the authority to care for, keep, and control the District I Community Center. However, that custodial authority is subject to the authority granted to the District Representative to authorize the use of the District Community Center according to written standards that are fair and reasonable. It is my opinion the Chief Executive has the authority to care for, keep, and control the Band property in question here subject to District I representative's fair and reasonable written standards for the use of said property.



Caleb Dogeagle
Solicitor General



Date of Issuance

