



THE MILLE LACS BAND OF
OJIBWE INDIANS
Legislative Branch of Tribal Government

RESOLUTION 20-02-34-22

**A RESOLUTION REQUESTING AN OPINION OF THE SOLICITOR
GENERAL REGARDING VACANCIES IN THE NAY-AH-SHING
SCHOOL BOARD**

- 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 MLBS § 3(d), the Band Assembly has the power to adopt resolutions; and
- WHEREAS, pursuant to 3 MLBS § 1(m), a “resolution” is defined as “a formal expression of the opinion, will, or intention” of the Band Assembly; and
- WHEREAS, pursuant to 4 MLBS § 18(d), the Band’s Solicitor General is obligated to “interpret all laws and executive, legislative, secretarial and commissioner’s orders and policies on behalf of the [Band]” and “[a]ll 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[;]” and
- WHEREAS, pursuant to 4 MLBS § 18(f), the Solicitor General is obligated to “advise and assist the Chief Executive, the Band Assembly or the Court of Central Jurisdiction in the achievement of a clear, faithful, and coherent expression of the laws and policies of the [Band] as prescribed by the standards of the office of Solicitor General in 4 MLBS § 19[;]” and
- WHEREAS, pursuant to 9 MLBS § 7(a), “[i]n the event that a Board Member resigns, is removed as a Board Member, or is otherwise unable to complete his or her term as a Board Member or there is otherwise a vacancy, the vacancy shall be filled by appointment[;]” and
- WHEREAS, pursuant to 9 MLBS § 7(b), “[t]he District Representative from the District where the vacancy occurs shall provide the Chief Executive with the names of two (2) eligible persons from which the Chief Executive shall nominate one (1) person to fill the vacancy that is subject to ratification of the Band Assembly[;]” and
- WHEREAS, during the regular election in July of 2022, no candidate filed to run for the Nay-Ah-Shing School Board (“the School Board”) in District III; 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 Chiminising 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

1404 E. Franklin Avenue • Minneapolis, MN 55404
(612) 872-1424 • Fax (612) 872-1257

WHEREAS, on or about 10 August 2022, District Representative Harry Davis submitted a letter to the Chief Executive nominating two individuals to serve on the School Board, and the Chief Executive nominated one of the two, which is now under consideration for ratification by the Band Assembly; and

WHEREAS, it is unclear whether this seat on the School Board constitutes a “vacancy” when no candidate filed to run for office.

NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly hereby requests that the Solicitor General complete and submit an Opinion of the Solicitor General to the Clerk of the Band Assembly **no later than 5:00 PM on Sunday, 18 September 2022** providing thorough legal analysis of the following question:

- (1) Under the Constitution of the Minnesota Chippewa Tribe, the Minnesota Chippewa Tribe election ordinance, and Band law, does the Band need to call a special election in order to fill the vacancy on the School Board?

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 on the 7th day of September, 2022, at Nayahshing, Minnesota by a vote of 2 FOR, 0 AGAINST, 1 SILENT.

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


Sheldon Boyd, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND



Sponsor: District II Representative