



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 20-01-17-22

A RESOLUTION APPROVING A WAIVER OF SOVEREIGN IMMUNITY FOR THE LIMITED AND SOLE PURPOSE FOR AANJIBIMAADIZING TO ENTER INTO A CARD SERVICES AGREEMENT WITH GLOBAL PAYMENTS DIRECT, INC.

- WHEREAS, the Mille Lacs Band Assembly (“Band Assembly”) is the duly elected legislative body of the Non-Removable Mille Lacs Band of Ojibwe (“Band”), a federally recognized Indian Tribe; and
- WHEREAS, pursuant to 3 MLBS § 3(d), the Band Assembly is empowered to adopt resolutions; and
- WHEREAS, according to 24 MLBS § 2(b), only the Band Assembly can waive the immunity of the Band by ratifying through resolution waivers of its sovereign immunity by its express written consent (2 MLBS § 5[a]); and
- WHEREAS, Aanjimbaadizing has submitted a Card Services Agreement with Global Payments Direct, Inc. (“Global Direct”) to the Band Assembly for review; and
- WHEREAS, Aanjibimaadizing is seeking to enter into the Card Services Agreement in order to improve the department’s ability to offer to the public, and accept for processing, debit and credit card transactions for the purchase of a license to access the Band’s Rosetta Stone Language Program; and
- WHEREAS, the Card Services Agreement contains a waiver of sovereign immunity in Section 17.1, which reads:

Any litigated action regarding, relating to or involving the validity, scope and/or enforceability of this Card Services Agreement, shall be brought in either the courts of the state of Georgia sitting in Muscogee County or the United States District Court for the Middle District of Georgia, and Merchant and Global Direct expressly agree to the exclusive jurisdiction of such courts. Merchant and Global Direct hereby agree and consent to the personal jurisdiction and venue of such courts, and expressly waive any objection that Merchant or Global Direct might otherwise have to personal jurisdiction or venue in such courts.

NOW, THEREFORE, BE IT RESOLVED, pursuant to the authority of Band statutes, the Band Assembly does hereby approve and consent to the limited waiver of sovereign immunity described above.

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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 30th day of March, 2022, at Nayahshing, 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.

OFFICIAL SEAL OF THE BAND




Sheldon Boyd, Speaker of Assembly