



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 20-01-16-22

A RESOLUTION APPROVING A WAIVER OF SOVEREIGN IMMUNITY FOR THE LIMITED AND SOLE PURPOSE FOR THE OFFICE OF THE SOLICITOR GENERAL TO BECOME A GOVERNMENT SUBSCRIBER TO THE MINNESOTA COURT INFORMATION SYSTEM (MNCIS)

- 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, the Minnesota Judicial Branch, through the State of Minnesota Office of Court Administration (“Court”), offers Minnesota Government Access (“MGA”) accounts to Minnesota government agencies to access appropriate electronic court records and documents stored in the Minnesota Court Information System (“MNCIS”) for cases in Minnesota district courts; and
- WHEREAS, MGA has been extended to eligible tribal government agencies and the Band is eligible to become a Government Subscriber; and
- WHEREAS, the Band desires to enter into the Master Subscriber Agreement attached hereto to assist the Office of the Solicitor General (“OSG”) in the efficient performance of its duties as required or authorized by Band law; and
- WHEREAS, the Court offers a Master Subscriber Agreement for tribal agencies that does not waive sovereign immunity except in the following limited capacity as set forth in paragraph 26 of the Agreement:

VENUE AND JURISDICTION. Each party hereby irrevocably submits to the exclusive jurisdiction of the state courts of Minnesota or federal court sitting in Minnesota in any action, suit or proceeding relating to the Agreement, and to the respective courts to which an appeal of the decisions of any such court may be taken.

DISTRICT I

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DISTRICT II

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DISTRICT III

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URBAN OFFICE

1404 E. Franklin Avenue • Minneapolis, MN 55404
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Each party agrees not to commence, or cooperate in or encourage the commencement of, any such action, suit, or proceeding, except in a Minnesota court. The parties acknowledge that the Government Subscriber is a federally-recognized Indian tribe and, as such, it possesses sovereign immunity from suit. Nothing in this Agreement is or shall be deemed to be a waiver of the Government Subscriber's sovereign immunity from suit, which immunity is expressly asserted, except that Government Subscriber agrees to waive its sovereign immunity for the limited and sole purpose of an action brought by the Court relative to resolving disputes between the parties arising under this Agreement and to the exclusive jurisdiction set forth in this Section 26. Except as provided in this section, nothing in this Agreement shall be construed or interpreted to affect a waiver of Government Subscriber's sovereign immunity. No waiver of Government Subscriber's sovereign immunity from suit may be implied from any action or document. The limited waiver hereby provided by the Government Subscriber is not, and may not be interpreted by the Court or any court of competent jurisdiction as a waiver of the Subscriber's immunity beyond the limited waiver herein described[;]

and

WHEREAS, access to Court data services by OSG is a valuable tool to assist in carrying out its duties and responsibilities and comes at no pecuniary cost to the Band.

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.

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