



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 20-03-04-23

A RESOLUTION SUPPORTING THE FORMAL REQUEST OF THE GAMING REGULATORY AUTHORITY FOR A FULL TIME ATTORNEY TO BE ASSIGNED BY THE OFFICE OF THE SOLICITOR GENERAL

- 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 § 16(a), the Band’s Solicitor General is [t]he Interior Legal Counsel of the Band[;]” and
- WHEREAS, the Office of the Solicitor General (“OSG”) has issued contradictory interpretations of law on whether it is obligated to provide legal advice to the Gaming Regulatory Authority (“GRA”) or whether the GRA may retain independent legal counsel; and
- WHEREAS, Opinion of the Solicitor General 28-04 stated that “[t]he Solicitor General finds that he does not have a duty to represent the [GRA]” because the GRA “is allowed to retain consultants” and “the Solicitor General has no affirmative responsibility to represent the [GRA][;]” and
- WHEREAS, Opinion of the Solicitor General 36-12 stated that, because “the OSG must ‘independently uphold the laws . . . of the Band’ and cannot presumptively surrender its statutory responsibility to do so,” then “[t]he OSG must fulfill its clearly designated role” of serving as legal counsel for the GRA, “an agency of the [Band]’[;]” and
- WHEREAS, Opinion of the Solicitor General 36-12 further stated that the drafters of the Gaming Regulatory Act “could have easily employed the term, ‘legal counsel,’” but chose not to do so because “[t]he [Gaming Regulatory] Act presumes that legal counsel already exists” in the form of OSG; 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, the GRA provided testimony to the Band Assembly on January 18, 2023, in which it requested a full-time, designated attorney be provided by OSG to address the extensive, time-intensive, specialized needs of GRA, including development of procedural updates, game classifications, dispute resolution, and numerous other examples; and

WHEREAS, Solicitor General Dogeagle stated during that same meeting that the OSG is fully prepared to ensure that all needs of the GRA are met; and

WHEREAS, the GRA was clear that the current OSG attorney assigned the GRA portfolio, in addition to his regular caseload, is “exemplary” and “nothing but excellent and helpful to the whole crew.”

NOW, THEREFORE, BE IT RESOLVED, that the will of the Band Assembly is that the Office of the Solicitor General assign a dedicated, experienced attorney full time to the Gaming Regulatory Authority’s needs for the foreseeable future.

BE IT FURTHER RESOLVED, that the opinion of the Band Assembly, due to the excellent working relationship between the GRA’s current attorney and both the Executive Director and the GRA Board, as well as the significant expertise required of any attorney assigned to the GRA, is that the OSG should modify the portfolio of the attorney currently assigned part time to the GRA to focus full time on the extensive legal needs of the GRA.

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 1st day of February, 2023, at Nayahshing, Minnesota by a vote of 3 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 to be affixed to this resolution.


Sheldon Boyd, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND



Sponsor: District II Representative