



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 20-03-20-23

A RESOLUTION APPROVING A LIMITED WAIVER OF SOVEREIGN IMMUNITY FOR THE CONTRACT WITH MARCO TECHNOLOGIES, LLC, FOR PRODUCTS AND PROFESSIONAL SERVICES

- 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, 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, according to 24 MLBS § 2(b), the Band Assembly may waive the immunity of the Band by ratifying through resolution waivers of the Band’s sovereign immunity; and
- WHEREAS, the Band Health and Human Services Department desires to enter into a contract with Marco Technologies, LLC, (“Marco”) to lease (the “Agreement”) the printer/copier equipment and for purchase of related services as described on Schedules A-1 and A-2 of the Agreement; and
- WHEREAS, the Agreement contains a governing law, venue, jurisdiction provision at Section 12 that Marco has agreed to amend by Amendment attached and made a part of the Agreement; and
- WHEREAS, there are other terms within the Agreement that limit certain litigation rights and remedy provisions and other provisions that create limited waivers of sovereign immunity or are contrary to 7 MLBS §§ 19 and 29; and
- WHEREAS, this approval of a waiver of sovereign immunity is limited to only this particular contract for very specific products and services; and
- WHEREAS, the benefit to the Band is assessed to outweigh the risk of entering into this Agreement because Marco has a track record of providing satisfactory products and services to various Band departments.
- NOW, THEREFORE, BE IT RESOLVED, pursuant to the authority of Band statutes, the Band Assembly does hereby approve and consent to the limited waivers of sovereign immunity and the terms of the Marco contract.

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

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 5th day of April, 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.


Sheldon Boyd, Speaker of Assembly

OFFICIAL SEAL OF THE BAND



Sponsor: District I Representative