



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**

*Legislative Branch of Tribal Government*

**RESOLUTION 20-03-23-23**

**A RESOLUTION ACCEPTING AND MEETING THE REQUIREMENTS FOR THE MILLE LACS BAND OF OJIBWE TO HAVE THE LAW ENFORCEMENT POWERS AND AUTHORITIES SPECIFIED IN MINN. STAT. SECTIONS 626.90 AND 626.93**

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) and 3(f), the Band Assembly is empowered to adopt resolutions to promote the general welfare of the people of the Band and to ratify agreements, contracts, cooperative and reciprocity agreements, and memoranda of understanding; and

WHEREAS, the improvement of the spiritual, physical, mental, social, and economic wellbeing of the people of the Band requires that the Band provide effective law enforcement to all people on all lands within the Band’s jurisdiction; and

WHEREAS, Minn. Stat. Section 626.90, subdivision 2, paragraph (a) provides that the Band has the powers of a law enforcement agency, as defined in Minn. Stat. Section 626.84, subdivision 1, paragraph (f), if all of the requirements of clauses (1) to (4) of Section 626.90, subdivision 2, paragraph (a) are met; and

WHEREAS, as recently amended, Minn. Stat. Section 626.90, subdivision 2(c), provides that if the requirements of Minn. Stat. Section 626.90, subdivision 2, paragraph (a) are met, the Band shall have concurrent jurisdictional authority with the Mille Lacs County Sheriff’s Department over all persons in the geographical boundaries of the Treaty of February 22, 1855, 10 Stat. 1165, in Mille Lacs County, Minnesota; and

WHEREAS, as recently amended, Minn. Stat. Section 626.93 provides that, outside of Mille Lacs County, if the Band satisfies the requirements of Minn. Stat. Section 626.93, subdivision 2, clauses (1) through (4), the Band shall have concurrent jurisdictional authority under Minn. Stat. Section 626.93 with the local county sheriff within the geographical boundaries of the Band’s reservation to enforce state criminal law; and

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WHEREAS, the requirements of Minn. Stat. Section 626.90, subdivision 2, paragraph (a), clauses (1) through (4) and the requirements of Minn. Stat. Section 626.93, subdivision 2, clauses (1) through (4) are identical; and

WHEREAS, the Band has long satisfied the requirements of Minn. Stat. Section 626.90, subdivision 2, paragraph (a), clauses (1) through (4) and the identical requirements of Minn. Stat. Section 626.93, subdivision 2, clauses (1) through (4), as documented in cooperative agreements with Mille Lacs and Pine Counties and the Mille Lacs and Pine County Sheriffs; and

WHEREAS, as recently amended, Minn. Stat. Section 626.90 and Minn. Stat. Section 626.93 no longer require the Band to enter into a cooperative agreement to have the law enforcement powers and authorities specified in those sections.

WHEREAS, the Band Assembly finds that, in addition to the law enforcement powers and authorities possessed by the Band and the Band's Police Department by virtue of the Band's inherent sovereign authority and the law enforcement powers and authorities delegated to the Band and/or its police officers by the Federal Government, it is in the best interests of the people of the Band for the Band to possess and exercise the law enforcement powers and authorities specified in Minn. Stat. Sections 626.90 and 626.93 regardless of the existence of a cooperative agreement with Mille Lacs, Pine or any other County or County Sheriff.

NOW THEREFORE BE IT RESOLVED that the Band Assembly hereby affirms that the Band meets all of the requirements of Minn. Stat. Section 626.90, subdivision 2(a), clauses (1) through (4) and all of the requirements of Minn. Stat. Section 626.93, subdivision 2, clauses (1) through (4), and, in particular:

1. The Band agrees to be subject to liability for its torts and those of its police officers, employees, and agents acting within the scope of their employment or duties arising out a law enforcement agency function conferred by Minn. Stat. Section 626.84, subdivision 1, paragraph (f), Minn. Stat. Section 626.90 or Minn. Stat. Section 626.93, to the same extent as a municipality under Minn. Stat. chapter 466, and the Band further agrees, notwithstanding Minn. Stat. Section 16C.06, subdivision 7, to waive its sovereign immunity for purposes of claims of this liability;
2. The Band has filed and will maintain on file with the Minnesota Board of Peace Officer Standards and Training a bond or certificate of insurance for liability coverage with the maximum single occurrence amounts set forth in Minn. Stat. Section 466.04 and an annual cap for all occurrences within a year of three times the single occurrence amount;

3. The Band has filed and will maintain on file with the Minnesota Board of Peace Officer Standards and Training a certificate of insurance for liability of its law enforcement officers, employees, and agents for lawsuits under the United States Constitution; and
4. The Band agrees to be subject to Minn. Stat. Section 13.82 and any other laws of the State relating to data practices of law enforcement agencies.

WE DO HEREBY CERTIFY that the foregoing resolution was duly concurred with and adopted at a special session of the Band Assembly, in Legislative Council assembled, a quorum of legislators being present, held on the 1<sup>st</sup> day of June, 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 the Assembly

**OFFICIAL SEAL OF THE BAND**



**Sponsor: District II Representative**