



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**

*Legislative Branch of Tribal Government*

**RESOLUTION 21-04-64-25**

**A RESOLUTION REQUESTING AN OPINION FROM THE SOLICITOR GENERAL ADDRESSING WHETHER THE COMMISSIONER OF ADMINISTRATION'S IMMEDIATE FAMILY MEMBER SERVING AS A BAND EXECUTIVE OFFICER VIOLATES BAND LAW OR POLICY**

WHEREAS, the Mille Lacs Band Assembly ("Band Assembly") is the duly elected legislative 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, under the authority of 4 MLBS § 18(d), the Band's Solicitor General is obligated to "interpret all laws and executive, legislative, secretarial and commissioner's orders and policies on behalf of the [Band]" and "[a]ll said interpretations shall be titled in the form of Opinion of the Solicitor General, be consecutively numbered, dated as to the date of issuance, and contain the official seal of the Band[;]" and

WHEREAS, as provided by 4 MLBS § 18(f), the Solicitor General is obligated to "advise and assist the Chief Executive, the Band Assembly or the Court of Central Jurisdiction in the achievement of a clear, faithful, and coherent expression of the laws and policies of the [Band] as prescribed by the standards of the office of Solicitor General in 4 MLBS § 19[;]" and

WHEREAS, the Band's Commissioner of Administration serves as the government's top appointed official, imbued by statute with considerable power and responsibility; and

WHEREAS, pursuant to 4 MLBS §§ 9-10, the Commissioner of Administration shall:

- act as the Chief of Staff within the Executive Branch of Band Government;
- act by and with the advice and consent of the Chief Executive;
- exercise all authority conferred pursuant to the provisions of any Band statute and any authority conferred by the Chief Executive;
- have the authority to act in the absence of any other commissioner;
- serve as chairperson of the Administration Policy Board; and

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WHEREAS, on September 25, 2025, Chief Executive Virgil Wind nominated Gilda Burr, administrator of the Band's Court of Central Jurisdiction, to serve as the Band's Commissioner of Administration; and

WHEREAS, Gilda Burr and Commissioner of Community Development Tracy Burr are immediate family members; and

WHEREAS, given the familial relationship, Gilda Burr's nomination raises questions about potential violations of the Band's Ethics Code, other Band laws, and Mille Lacs Band of Ojibwe Personnel Policy and Procedures; and

WHEREAS, pursuant to 6 MLBS § 1156, "[i]t is the duty of all Mille Lacs Band officials to pursue and protect the best interests, needs, and welfare of the Band. Their personal interests or interests of their friends, immediate family, or businesses shall be subordinated to the larger, best interests of the Band. Basic honesty, sound judgment and common sense are requisite for avoiding conflicts of interest and perceived conflicts of interest[;]" and

WHEREAS, pursuant to 6 MLBS § 1157, "[p]racticing or supporting unfair employment or business practices, such as but not limited to nepotism" is prohibited by law[;] and

WHEREAS, pursuant to Mille Lacs Band of Ojibwe Personnel Policy and Procedures, Band "[e]mployees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest or the appearance of a conflict[;]" and

WHEREAS, pursuant to Mille Lacs Band of Ojibwe Personnel Policy and Procedures, "family members of persons currently employed by the Mille Lacs Band may be hired only if [t]hey will not be working directly for or supervising a family member."

NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly hereby requests that the Solicitor General complete and submit an Opinion of the Solicitor General to the Clerk of the Band Assembly **no later than November 5, 2025, at 5 p.m.** providing thorough legal analysis of the following questions:

- (1) Whether the Commissioner of Administration's immediate family member serving as a Band executive officer constitutes an impermissible potential, perceived, or actual conflict of interest.
- (2) Whether the Commissioner of Administration's immediate family member serving as a Band executive officer gives rise to unfair employment or business practices pursuant to 6 MLBS § 1157.

- (3) Whether the Commissioner of Administration's immediate family member serving as a Band executive officer violates Band law or Mille Lacs Band of Ojibwe Personnel Policy and Procedures.
- (4) Given the Commissioner of Administration's complex responsibilities, role as chief of staff, and considerable authority to act on behalf of the Chief Executive, does it defy "sound judgment and common sense" to nominate and ratify a Commissioner of Administration whose immediate family member serves as a Band executive officer?
- (5) What formula, factors, or test should a Commissioner of Administration employ to determine whether a potential decision or action affecting their commissioner family member or the department the family member oversees, constitutes an impermissible potential, perceived, or actual conflict of interest; an unfair employment or business practice; or otherwise violate Band law or policy?

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, on the 29th day of October 2025, at Nayahshing, Minnesota, by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly, have hereunto set the signature of the Speaker of the Assembly to this resolution.

  
Sheldon Boyd, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND



**Sponsors: District I, District II, and District III Representatives**