



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 21-04-65-25

A RESOLUTION SUPPORTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE NATIVE AMERICAN UTILITY COMPANY AND THE MILLE LACS BAND OF OJIBWE, BY AND THROUGH THE BAND'S DEPARTMENT OF COMMUNITY DEVELOPMENT

- WHEREAS, the Mille Lacs Band Assembly ("Band Assembly") is the duly elected legislative body for 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 has the authority 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 3 MLBS § 3(f), the Band Assembly has the authority to ratify agreements, contracts, cooperative and reciprocity agreements, and memoranda of understanding; and
- WHEREAS, the Native American Utility Company ("NAUC") is a tribal utility and energy service provider that has developed a wholesale energy program (the "Program") for the tribe-to-tribe sale of electricity and natural gas to other tribes at the wholesale level; and
- WHEREAS, tribal sovereignty and federal regulation permit NAUC to provide for the sale and delivery of wholesale energy at discounted rates while using the same infrastructure that provides electricity to tribes; and
- WHEREAS, the Band's Department of Community Development requested approval of a Memorandum of Understanding ("MOU") with NAUC in order to explore a possible business relationship; and
- WHEREAS, the purpose of the MOU is to provide a structure under which NAUC can develop a Proposal for the Delivery of Energy Services ("Services Proposal") for the Band, allowing it to understand the economics and future energy purchases through the Program and the savings that can be achieved through it; and
- WHEREAS, in addition to the Services Proposal, NAUC will provide the Band with a draft Definitive Agreement between NAUC and the Band, governing the transaction, and a draft Customer Electric Services Agreement between Rainbow Energy

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Marketing Corp. and the Band, under which power will be purchased and delivered; and

WHEREAS, these documents, and discussions of them by the Band and NAUC, will provide the Band with a basis for determining whether to move forward with NAUC Program; and

WHEREAS, by entering the MOU, the Band agrees to enter into exclusive good-faith negotiations with NAUC for one year relative to the sale and purchase of electricity under the Program; and

WHEREAS, the MOU will remain in effect until it expires by its own terms or one year from the date of execution; and

WHEREAS, the Band Assembly has reviewed the MOU between the parties and found it satisfactory and in the best interests of the Band.

NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly hereby ratifies and expresses its support for the MOU.

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 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.

OFFICIAL SEAL OF THE BAND




Sheldon Boyd, Speaker of the Assembly

Sponsor: District III Representative