



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**  
*Legislative Branch of Tribal Government*

**SPECIAL REVENUE  
RESOLUTION 21-03-02-25**

**A SPECIAL REVENUE RESOLUTION AUTHORIZING THE  
COMMISSIONER OF FINANCE TO REPLACE BANK OF AMERICA  
N.A., AS TRUSTEE OF THE BAND'S 401(K) RETIREMENT PLAN WITH  
EMPOWER TRUST COMPANY, LLC**

- 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, according to 3 MLBS §§ 3(d) and 3(f), the Band Assembly is empowered to “adopt resolutions” and “ratify agreements, contracts, cooperative and reciprocity agreements and memoranda of understanding;” and
- WHEREAS, according to 3 MLBS § 1(m), a resolution is defined as “a formal expression of opinion, will, or intention voted on by the Band Assembly[;]” and
- WHEREAS, the Band has adopted and maintains the Mille Lacs Band of Ojibwe 401(k) Retirement Plan (the “Plan”); and
- WHEREAS, the Band Assembly previously determined that it was in the best interest of the Band to authorize the Commissioner of Finance to execute 401(k) plan-related documents, as evidenced in Special Revenue Resolution 120-02-05-22; and
- WHEREAS, Bank of America, N.A., commonly referred to as BANA has heretofore served as Trustee of the Plan; and
- WHEREAS, the Band’s 401(k) Defined Contribution Plan Committee has recommended to the Band that BANA be replaced with Empower Trust Company, LLC (“Empower”) effective as of the date on which the Commissioner of Finance deems such replacement necessary; and
- WHEREAS, pursuant to 22 MLBS § 102(a), any “direction to the Commissioner of Finance shall be promulgated” via a “Special Revenue Resolution” which “shall contain the signatures of the Speaker of the Assembly, two members of the Band Assembly and be concurred upon by the Chief Executive.”

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NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly does hereby direct the Commissioner of Finance to take any and all actions necessary to replace BANA as Trustee with Empower at such time and pursuant to such terms as may be determined by the Commissioner of Finance.

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 26th day of March, 2025, at Nayahshing, Minnesota, by a vote of 2 FOR, 0 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Band Assembly, hereby affix our signatures to this Special Revenue Resolution in accordance with 22 MLBS § 102.

  
Sheldon Boyd, Speaker of the Assembly

  
Carolyn Beaulieu, District I Representative

  
Wendy Merrill, District II Representative

  
Harry Davis, District III Representative

IN CONCURRENCE, with the action of the Band Assembly, I hereby set my hand to this Special Revenue Resolution in accordance with 22 MLBS § 102.

  
Virgil Wind, Chief Executive

**OFFICIAL SEAL OF THE BAND**



**Sponsor: District II Representative**