



MILLE LACS BAND OF CHIPPEWA INDIANS

Legislative Branch of Tribal Government

RESOLUTION 04-02-05-91

A RESOLUTION FROM THE MILLE LACS BAND OF CHIPPEWA INDIANS TO REQUEST AN OPINION BY THE ASSOCIATE SOLICITOR-INDIAN AFFAIRS, OF THE U.S. DEPARTMENT OF THE INTERIOR, ON MATTERS CONCERNING THE NEGOTIATION AND ADMINISTRATION OF SELF-GOVERNANCE COMPACT ANNUAL AGREEMENTS.

- WHEREAS, the Mille Lacs Band Assembly is the duly recognized governing body of the Mille Lacs Reservation and of all enrolled members of the Mille Lacs Band of Chippewa Indians; and,
- WHEREAS, the Mille Lacs Band of Chippewa Indians is a sovereign Indian government with the authority to regulate the affairs of its members and conclude agreements concerning its members and its Reservation; and,
- WHEREAS, on June 19, 1990, the Associate Solicitor-Indian Affairs, of the U. S. Department of the Interior, issued an opinion concerning the Mille Lacs Band and its Self-Governance project; and,
- WHEREAS, the June 19, 1990 opinion expressed uncertainty about whether the Mille Lacs Band of Chippewa Indians is a "tribe" under Public Law 93-638, as amended, which uncertainty has severely restricted the Mille Lacs Band's ability to negotiate a fair and equitable funding base for its Fiscal Year 1991 and future Self-Governance Compacts; and,
- WHEREAS, clarification that the Mille Lacs Band of Chippewa Indians meets the federal statutory definition of a "tribe" for all purposes under Public Law 93-638, as amended, would permit the Mille Lacs Band to negotiate more fair and equitable Self-Governance Compact Annual Agreements and to give and rescind authorization for multi-tribal contracts as intended by Congress; and,
- WHEREAS, the June 19, 1990 opinion implied that the Tribal Executive Committee (TEC) of the Minnesota Chippewa Tribe has authority over funds exclusively obtained and expended for the benefit of the Mille Lacs Band of Chippewa Indians and its Reservation, which implication has severely restricted the Mille Lacs Band's ability to negotiate a fair and equitable funding base for its Fiscal Year 1991 and future Self-Governance Compacts; and,
- WHEREAS, the Mille Lacs Band has sought approval from the TEC only of the annual Indian Priority System (IPS) allocation budget, and has never sought approval from the TEC for the Band's budget related to non-IPS federal or Band funds.
- NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly of the Mille Lacs Band of Chippewa Indians does hereby request that the Associate Solicitor-Indian Affairs, of the U.S. Department of the Interior, issue an opinion clarifying, first, that the Mille Lacs Band of Chippewa Indians is a "tribe" for all purposes under Public Law 93-638, as amended, which clarification would enable the Mille Lacs Band to negotiate more fair and equitable Self-Governance Compact Annual Agreements and to give and rescind authorization for multi-tribal contracts as intended by Congress, and second, that the Mille Lacs Band of Chippewa Indians has exclusive authority over funds expended for the benefit of the Mille Lacs Band of Chippewa Indians and its Reservation.

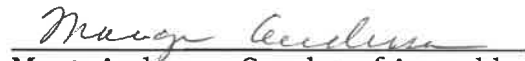
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IN WITNESS WHEREOF, we, the Administrative Policy Board hereunto cause to have set the signature of the Chief Executive to be affixed to this resolution and forwarded to the Band Assembly for concurrence.


Arthur Gahbow, Chief Executive

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 9th day of October, 1990 at Vineland, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

In concurrence with the action of the Chief Executive we, the Band Assembly hereunto cause to have set the hand of the Speaker of Assembly to this resolution.


Marge Anderson, Speaker of Assembly

OFFICIAL SEAL OF THE BAND