



THE MILLE LACS BAND OF OJIBWE INDIANS

Legislative Branch of Tribal Government

JOINT RESOLUTION 11-02-90-04

A RESOLUTION DELEGATING AUTHORITY TO VERIFY ITS MEMBERSHIP FOR PURPOSES OF IMPLEMENTING THE INDIAN CHILD WELFARE ACT.

WHEREAS, the Mille Lacs Band Assembly is the duty-elected governing body of the Mille Lacs Band of Ojibwe, a Federally- recognized Indian Tribe; and

WHEREAS, since the earliest days of our existence, and prior to the time of Federal recognition, the Mille Lacs Band of Ojibwe determined its own membership; and

WHEREAS, as an attribute of it's inherent sovereign authority the Mille Lacs Band of Ojibwe continues to regulate its internal and social relationships, including determining which persons are considered members of the Mille Lacs Band of Ojibwe; and

WHEREAS, the Mille Lacs Band of Ojibwe is a signatory to the Tribal/State Agreement of 1998 with the State of Minnesota, said Agreement includes the policies and procedures encompassed in the comprehensive working relationship which is utilized when children of any of the eleven (11) Tribes in Minnesota are involved in State Court proceedings involving the Indian Child Welfare Act; said Agreement provides that "A decision by the Indian Child's Tribe that states the child is a member of Tribe is conclusive"; and

WHEREAS, the Mille Lacs Band has delegated authority to verify membership for purposes of implementing the Indian Child Welfare Act to the Mille Lacs Band Director of Tribal Operations; and

WHEREAS, the Mille Lacs Band of Ojibwe's membership determinations have uniformly been recognized as an exercise of the fundamental attribute of Tribal Sovereignty to determine its own membership and the Band's determinations have never been challenged in the past.

NOW THEREFORE, BE IT RESOLVED, that the Mille Lacs Band does hereby officially delegate authority to the Mille Lacs Band of Ojibwe's Director of Tribal Operations to verify its membership of the parents of the children in the Mille Lacs Band of Ojibwe for purposes of the Indian Child Welfare Act, and

BE IT FURTHER RESOLVED, that all children who have one or more biological parents who are enrolled or eligible for enrollment on the Mille Lacs Reservation, shall, for purposes of the Indian Child Welfare Act, be considered members of the Mille Lacs Band of Ojibwe.


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 3rd day of September, 2004 at Hinckley, 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 to be affixed to this resolution and forwarded to the Chief Executive for concurrence.



Herb Weyaus, Speaker of the Assembly

IN CONCURRENCE, with the action of the Speaker of the Assembly, I, hereunto set my hand to this resolution.



Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND