



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

**JOINT RESOLUTION 15-02-174-12**

**A JOINT RESOLUTION APPROVING THE LIMITED WAIVER OF SOVEREIGN IMMUNITY WITHIN THE MERRILL LYNCH APPLICATION ENTITLED "BIA FINANCIAL SERVICE and WCMA FINANCIAL SERVICE ACCOUNT AGREEMENT."**

- WHEREAS, the Mille Lacs Band Assembly is the duly-elected governing body of the Mille Lacs Band of Ojibwe, a federally-recognized Indian Tribe; and
- WHEREAS, according to 3 MLBSA § 2(d), the Band Assembly is empowered to adopt resolutions to promote the general welfare of the people of the Band; and
- WHEREAS, the Chief Executive is empowered to exercise the Executive Branch powers of the Band; and
- WHEREAS, the Band Assembly acknowledges that the Merrill Lynch Account Application entitled "BIA and WCMA Account Application" to operate a securities account contains an agreement to enter into arbitration according to arbitration provisions in section 17, page 17 of the Agreement; and
- WHEREAS, the Band Assembly also acknowledges that their agreement to enter into arbitration to settle disputes is an unequivocal waiver of sovereign immunity. *See C & L Enters., Inc. v. Citizen Band Potawatomi Indian Tribe*, 532 U.S. 411, 418 (2001) and *Sokaogon Gaming Enterprise Corp. v. Tushie-Montgomery Associates, Inc.*, 86 F.3d 656, 661 (7<sup>th</sup> Cir. 1996); and
- WHEREAS, according to 24 MLBSA § 2(b), the Court of Central Jurisdiction shall have exclusive original jurisdiction over all civil matters unless the Band specifically agrees to the jurisdiction of another court of competent jurisdiction, and the Band Assembly adopts a resolution to that effect; and
- WHEREAS, the Band Assembly and Chief Executive have exercised their right to seek legal counsel prior to entering into the agreement with Merrill Lynch, Pierce, Fenner & Smith Inc. (Merrill Lynch); and
- WHEREAS, the Band Assembly and Chief Executive now approve of the limited waiver of sovereign immunity contained within the Merrill Lynch Application entitled "BIA and WCMA Account Application" to operate a securities account by agreeing to enter into arbitration to settle any disputes or claims that may arise.

**DISTRICT I**

43408 Odena Drive • Onamia, MN 56359  
(320) 532-4181 • Fax (320) 532-4209

**DISTRICT II**

36666 State Highway 65 • McGregor, MN 55760  
(218) 768-3311 • Fax (218) 768-3903

**DISTRICT IIA**

2605 Chimmising Drive • Isle, MN 56342  
(320) 676-1102 • Fax (320) 676-3432

**DISTRICT III**

45749 Grace Lake Road • Sandstone, MN 55072  
(320) 384-6240 • Fax (320) 384-6190

**URBAN OFFICE**

1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55404  
(612) 872-1424 • Fax (612) 872-1257

NOW, THEREFORE, BE IT RESOLVED, that the Mille Laes Band of Ojibwe hereby approves of the limited waiver of sovereign immunity contained within the Merrill Lynch Application entitled "BIA and WCMA Account Application" to operate a securities account by agreeing to enter into arbitration to settle any disputes or claims that may arise.

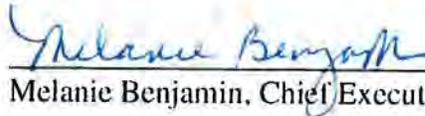
WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a special session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 27th day of November, 2012 at Vineland, Minnesota by a vote of 3 FOR, 0 AGAINST, 0 SILENT.

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



Curt Kalk, Speaker of the Assembly

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



Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**