



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**

*Legislative Branch of Tribal Government*

**JOINT RESOLUTION 15-04-17-14**

**A JOINT RESOLUTION APPROVING THE LIMITED WAIVER OF SOVEREIGN IMMUNITY WITHIN THE “MERRILL LYNCH CONSULTS CLIENT AGREEMENT” FOR THE SPECIFIC PURPOSE OF ADDING A MANAGED INVESTMENT ACCOUNT FOR NEEDS BASED ELDER SUPPLEMENTAL INCOME PROGRAM**

- 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 “Merrill Lynch Consults Client Agreement” to operate a securities account for the investment of funds for the Needs Based Elder Supplemental Income Program contains an agreement to enter into arbitration; 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 Agreement entitled “Merrill Lynch Consults Client Agreement” to operate a securities account for the Needs Based Elder Supplemental Income Program by agreeing to enter into arbitration to settle any disputes or claims that may arise.

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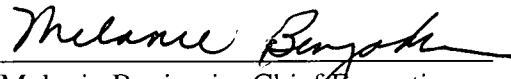
NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs Band of Ojibwe hereby approves of the limited waiver of sovereign immunity contained within the Merrill Lynch Agreement entitled “Merrill Lynch Consults Client Agreement” to operate a securities account for the Needs Based Elder Supplemental Income program 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 10<sup>th</sup> day of December, 2013 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