



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

RESOLUTION 16-01-116-14

**A RESOLUTION AUTHORIZING A CHARTER SCHOOL LEASE TO
MINISINAAKWAANG LEADERSHIP ACADEMY**

- 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, persons and organizations other than the Band must obtain a tribal lease to use tribal lands of the Mille Lacs Indian Reservation, including tribal trust lands; and,
- WHEREAS, leases of tribal trust lands must be approved by the Secretary of the Interior pursuant to 25 U.S.C. § 415 and 25 C.F.R. Part 162; and
- WHEREAS, the Minisinaakwaang Leadership Academy, a non-profit organization organized and in good standing under the laws of the Band and the State of Minnesota, has requested a lease of tribal trust lands for the purpose of operating a Kindergarten through 12th Grade Charter School under the laws of the State of Minnesota, which would be open to members of the Band; and
- WHEREAS, the Minisinaakwaang Leadership Academy requests a lease for a period of 5 years with an option to renew the lease for an additional 5 years subject to the provisions of the lease; and
- WHEREAS, the Minisinaakwaang Leadership Academy seeks to lease the portion of the Band's District II Community Center that is identified on the attached map, and seeks non-exclusive use of the interior common areas identified on the map and of the grounds surrounding the District II Community Center for the purposes of parking and outdoor educational activities; and
- WHEREAS, the Band's District II Community Center is located on a part of Tract # 410 T 1031, which is legally described as the South ½ of the Northwest ¼ of Section 20, Township 47 North Range 23 West, 4th principal meridian, Aitkin County, Minnesota; and
- WHEREAS, the establishment of a Kindergarten through 12th Grade Charter School in the Band's District II Community Center that will serve Band members is a cooperative effort between the Band and the Minisinaakwaang Leadership Academy that will provide important educational benefits to the Band ; and
- WHEREAS, in consideration of the foregoing, the Mille Lacs Band Assembly hereby makes the following statements:

DISTRICT I

43408 Oodena 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 Chiminising 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

1404 E. Franklin Avenue • Minneapolis, MN 55404
(612) 872-1424 • Fax (612) 872-1257

1. Pursuant to 25 CFR § 162.420, the Band Assembly states that it: has negotiated compensation satisfactory to the Band (specifically, the educational benefits described above); waives valuation of the leasehold; and has determined that accepting such negotiated compensation and waiving valuation is in the best interest of the Band;
2. Pursuant to 25 CFR § 162.426 (b), the Band Assembly states that it has determined that the in-kind consideration for the lease (specifically, the educational benefits described above) is an alternative form of compensation under 25 C.F.R. § 162.426(a) and is in the best interest of the Band;
3. Pursuant to 25 CFR § 162.428, the Band Assembly states that it has determined that not having compensation reviews and/or adjustments is the best interest of the Band; and
4. Pursuant to 25 CFR § 162.434 (g) the Band Assembly states that it has determined that a waiver of a performance bond or alternative form of security is in best interest of the Band.

NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs Band Assembly hereby authorizes the issuance of a Charter School lease for the space in the Band's District II Community Center that is identified on the attached map, including non-exclusive use of the Common areas, to Minisinaakwaang Leadership Academy for the purpose of operating a Kindergarten through 12th Grade Charter School, for a period of five years and with an option to renew for an additional five years, subject to the provisions of the lease, which lease shall be effective upon date of approval of the lease by the Secretary of the Interior or her authorized representative; and

BE IT FURTHER RESOLVED, that the Mille Lacs Band Assembly hereby waives its right to valuation as provided in 25 CFR § 162.420(a), receipt of monetary consideration as provided in 25 CFR § 162.426(b), periodic review of the adequacy of compensation as provided in 25 CFR § 162.428, and a performance bond or alternative form of security as provided in 25 CFR § 162.434(g) for the foregoing Charter School lease; and

BE IT FURTHER RESOLVED, that unless the lessee complies with all terms and conditions of the lease, the land will revert to the Mille Lacs Band of Ojibwe; and

BE IT FURTHER AND FINALLY RESOLVED, that the lease shall be null and void should the lessee abandon or vacate the above-described property for more than thirty (30) consecutive days after the first year anniversary of the effective date of the lease without the prior approval of the Band Assembly.

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 17th of July, 2014 at Isle, 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.

Carolyn Shaw - Beaulieu
Carolyn Shaw-Beaulieu, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND