



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

RESOLUTION 16-03-69-15

A RESOLUTION PERMANENTLY EXCLUDING NON-BAND MEMBER, DUANE STEVEN LEITH, FROM THE RESERVATION OF THE MILLE LACS BAND OF OJIBWE, INCLUDING EXTERNAL TRUST LANDS AND SUBSEQUENTLY ACQUIRED FEE LANDS IDENTIFIABLE AS DEPENDENT INDIAN COMMUNITIES

- WHEREAS, the Mille Lacs Band Assembly (“Band Assembly”) is the duly elected governing body for the Mille Lacs Band of Ojibwe (“Band”), a federally recognized Indian Tribe and a member of the Minnesota Chippewa Tribe; and
- WHEREAS, the Band Assembly exercises tribal legislative political authority, including the power to adopt resolutions on matters implicating the above-referenced constitutional authority conferred by Article VI, 3 MLBSA §§ 1, 2(d, g), and;
- WHEREAS, the MLB Court of Central Jurisdiction may permissibly exercise subject matter jurisdiction over any equitable cause of action in which a petitioner seeks declaratory or injunctive relief against a Band official, 5 MLBSA § 111(d)(2); 24 MLBSA § 2(b), and;
- WHEREAS, a petitioner may file such an action within a period of three (3) years from the issuance of a resolution ordering exclusion, 24 MLBSA § 2013(b), and;
- WHEREAS, the Court of Central Jurisdiction may incorporate federal or state statutory law by reference under particular circumstances, 24 MLBSA § 2007(a), and;
- WHEREAS, exploitation of a vulnerable elder occurs when an individual improperly uses an elder’s resources for personal benefit or deprives the elder of rightful access to such resources, 42 U.S.C. § 14041(a)(1) (incorporating 42 U.S.C. § 1397(j)(8)), and;
- WHEREAS, Band member, Gregory D. Davis, son of Band member elder, Barbara M. Goodman, and acting as attorney-in-fact for Ms. Goodman, has excluded Mr. Leith from Ms. Goodman’s residence, a MLB Housing Department elder rental unit, on or about March 13, 2015, and has provided a sworn affidavit attached hereto attesting to the events at Ms. Goodman’s residence;
- WHEREAS, Ms. Goodman’s brother and retired law enforcement officer of the Band, Mr. Sidney R. Lucas, has also provided a sworn affidavit attached hereto.

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NOW THEREFORE BE IT RESOLVED that the Band Assembly hereby permanently excludes non-Band member, Duane Steven Leith, DOB [REDACTED] from the MLB Reservation, including external trust lands and subsequently acquired fee lands identifiable as dependent Indian communities. *See* 25 U.S.C. § 1151 (defining Indian Country).

WE DO HEREBY CERTIFY that the foregoing resolution was duly adopted at a special session of the Band Assembly, possessing a quorum of legislators, held on the 4th day of June, 2015, at Vineland, Minnesota, by a vote of 3 FOR, 0 AGAINST, and 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 M. Beaulieu, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND