



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

**RESOLUTION 16-04-96-15**

**A RESOLUTION GRANTING LICENSED ATTORNEYS WITHIN  
THE OFFICE OF THE SOLICITOR GENERAL ENHANCED  
RATES FOR ACCUMULATING ANNUAL LEAVE**

WHEREAS, the Solicitor General serves as Interior Legal Counsel for the Mille Lacs Band of Ojibwe (“MLB” or “Band”), 4 MLBSA § 16, and occupies the role of the “Band’s lead attorney . . . responsible to all [MLB] elected officials,” 24 MLBSA § 1054(b), and;

WHEREAS, an attorney-client relationship exists between the Solicitor General and the Chief Executive and each Band Assembly member, 4 MLBSA § 19(a), and;

WHEREAS, such relationship logically extends to each attorney within the Office of the Solicitor General (“OSG”), *see* 52 M.S.A., R. of Prof’l Conduct, Scope(18), and;

WHEREAS, the MLB Band Assembly exercises tribal legislative political authority, including the power to adopt resolutions, 3 MLBSA §§ 1, 2(d), and;

WHEREAS, the MLB Personnel Policy & Procedures Manual (ed. Mar. 5, 2014) (“Personnel Manual”) possesses the force of law, although temporal in nature due to an annual statutory requirement to amend, 6 MLBSA § 1(a), and;

WHEREAS, the Personnel Manual is intended to apply generally “to all employees,” excepting certain broad statutory classes, 6 MLBSA §§ 1(a), 2(a), yet incapable of “anticipat[ing] every circumstance or question about policy,” PERS. MANUAL, § 1 at 5, and;

WHEREAS, the Band Assembly appropriately pronounces a particularized revision in policy application to non-appointed licensed attorneys within the OSG, presently consisting of five (5) Deputy Solicitors General, through resolution as opposed to legislation, and;

WHEREAS, such Deputy Solicitors General are exempt, professional employees possessing advanced doctoral-level degrees, PERS. MANUAL at 14, and;

WHEREAS, two (2) Deputy Solicitors General have attained Senior status, which requires elevation to such position by the Solicitor General, provided that the attorney has a minimum of five (5) years experience in Indian law, Sr. Deputy Solicitor Gen. job description (ed. June 1, 2001), and;

**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

WHEREAS, four (4) Deputy Solicitors General have resigned from employment in slightly over three (3) years due, in significant part, to level of pay and associated fringe benefits, and;

WHEREAS, the Personnel Manual acknowledges that “[b]enefits eligibility is dependent upon a variety of factors,” PERS. MANUAL at 38.

NOW THEREFORE BE IT RESOLVED that the Band Assembly hereby erects a modest incentive to attract uniquely qualified and competent attorneys to the OSG and an inducement to retain such attorneys in the employ of the Band by enhancing rates for accumulating annual leave, and;

BE IT FURTHER RESOLVED that the Band Assembly directs the Office of Management and Budget to calculate annual leave for Senior Deputy Solicitors General by using a rate of .1 per hour worked, and calculate annual leave for Deputy Solicitors General by using a rate of .075 per hour worked, and;

BE IT ADDITIONALLY RESOLVED that the Band Assembly grants retroactive application of the foregoing revised calculation to the beginning of the current fiscal year on October 1, 2014, and;

BE IT FINALLY RESOLVED that while the affected OSG attorneys can carry over a maximum of eighty (80) hours of unused accrued annual leave hours to the next fiscal year, any payout of a remainder of unused annual leave hours is limited to the amount, if any, that would have existed on the basis of a years of service accrual method.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly adopted at a regular session of the Band Assembly, possessing a quorum of legislators, held on the 18<sup>th</sup> day of August, 2015, at Minisinaakwaang, Minnesota, by a vote of 0 FOR, 3 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.



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Carolyn Beaulieu, Speaker of the Assembly

**OFFICIAL SEAL OF THE BAND**