



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

JOINT RESOLUTION 16-04-15-16

**A JOINT RESOLUTION APPROVING A LIMITED WAIVER
OF SOVEREIGN IMMUNITY IN COURT DATA SERVICES
SUBSCRIBER AMENDMENT TO THE CJDN SUBSCRIBER
AGREEMENT**

WHEREAS, the Mille Lacs Band Assembly ("Band Assembly") is the duly-elected governing body of the Mille Lacs Band of Ojibwe ("Band"), a federally-recognized Indian Tribe; and

WHEREAS, pursuant to 3 MLBSA § 2 (d), the Band Assembly has the power to adopt resolutions to promote the general welfare of the people of the Band; and

WHEREAS, pursuant to 4 MLBSA § 2, the Chief Executive of the Band is empowered to exercise the Executive Branch powers of the Band; and

WHEREAS, pursuant to 24 MLBSA § 2(b), the Court of Central Jurisdiction shall have exclusive original jurisdiction over all civil matters involving the Band or its entities to the Court of Central Jurisdiction unless by written contract, the Band consents to the jurisdiction of any other court or courts of competent jurisdiction and waives its sovereign immunity only to this extent, and the Band Assembly adopts a resolution ratifying the contract; and

WHEREAS, the Band, through the Band Tribal Police Department, is currently in an agreement with the State of Minnesota Department of Public Safety, Bureau of Criminal Apprehension ("BCA") for use of the BCA systems and tools ("CJDN Subscriber Agreement"); and

WHEREAS, the Band desires to use one or more BCA systems and tools to access and/or submit Court Records to assist the Band in the efficient performance of its duties as required or authorized by law or court rule and the MN State Court Administrator's Office ("Court") desires to permit such access and/or submission; and

WHEREAS, certain BCA systems and tools that include access to and/or submission of Court Records may only be utilized by the Band if the Band completes a Court Date Services Subscriber Amendment to the CJDN Subscriber Agreement ("Court Data Services Subscriber Amendment" or "Amendment"); and

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WHEREAS, the Amendment is intended to add Court as a party to the CJDN Subscriber Agreement and to create obligations by the Band to the Court that can be enforced by the Court; and

WHEREAS, all Mille Lacs Band of Ojibwe elected officials have acknowledged that governing law and venue and jurisdiction provisions granting a limited waiver of sovereign immunity are contained within Amendment; and

WHEREAS, the Band Assembly and Chief Executive hereby approve of the limited waiver of sovereign immunity contained in the Court Data Services Subscriber Amendment.


NOW THEREFORE BE IT RESOLVED, that the Band Assembly and Chief Executive approve the limited waiver of sovereign immunity contained in the Court Data Services Subscriber Amendment for services as described above.

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 24th day of November, 2015 at St. Paul, Minnesota by a vote of 2 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.


Carolyn Beaulieu, Speaker of the Assembly

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


Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND