

THE MINNESOTA CHIPPEWA TRIBE

ORDINANCE NO. 14

WHEREAS, The Minnesota Chippewa Tribe is a federally recognized tribe and possesses the attributes of any sovereign immunity from suit in Federal, State, Local, Tribal or Band Courts, and

WHEREAS, The Minnesota Chippewa Tribe has created wholly owned and operated subdivisions and business entities, and

WHEREAS, it is in the interest of The Minnesota Chippewa Tribe not to waive or surrender its sovereign immunity for itself or its subdivisions or wholly owned business entities unless it does so by express contract or by the adoption of an ordinance to do so, and

WHEREAS, The Minnesota Chippewa Tribe has, by an express contract with the State of Minnesota, agreed to waive its sovereign immunity for The Minnesota Chippewa Tribal Housing Corporation to be sued in State Court, but it has not waived its sovereign immunity to the Tribal Housing Corporation being sued in any other court.

NOW THEREFORE, the following Ordinance is hereby adopted:

The Minnesota Chippewa Tribal Housing Corporation has the sovereign immunity possessed by The Minnesota Chippewa Tribe, as a wholly owned entity and subdivision of The Minnesota Chippewa Tribe; and The Minnesota Chippewa Tribal Housing Corporation may not be sued in Tribal, Band, State or Federal Court absent an express written waiver of sovereign immunity approved by the adoption of a resolution or ordinance by the Tribal Executive Committee of The Minnesota Chippewa Tribe.

This Ordinance shall have retroactive effect and shall supercede any Band ordinance or resolution inconsistent with it. Any Tribal or Band Court that currently has pending before it a case or motion where The Minnesota Chippewa Tribal Housing Corporation is defendant shall dismiss such case or motion on the grounds that said court lacks subject matter jurisdiction and that The Minnesota Chippewa Tribal Housing Corporation has sovereign immunity from action or motion. Any order or judgement granted by any Tribal or Band Court against The Minnesota Chippewa Tribal Housing Corporation shall be vacated and deemed a void order or judgement unless the Tribal Executive Committee has, by ordinance or resolution, expressly waived sovereign immunity and authorized suit in that case.

Adopted this 30th day of August, 1984, at a Special Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held at Cass Lake, Minnesota, by a vote of 9 For, 2 Against, 0 Silent.

Darrell Wadena, President
THE MINNESOTA CHIPPEWA TRIBE

Daniel Morrison, Sr., Secretary
THE MINNESOTA CHIPPEWA TRIBE