

CALL MEETING TO ORDER

Board Chair Peterson called the meeting to order at 1:00 p.m. with the following commissioners present: Whitcomb, Oslin, Peterson, Tellinghuisen, and Reynolds.

PLEDGE OF ALLEGIANCE

APPROVE THE AGENDA (ADDITIONS AND DELETIONS)

A motion was made by Commissioner Whitcomb, seconded by Commissioner Oslin, and unanimously carried to approve the agenda.

REGULAR AGENDA

ADMINISTRATIVE SERVICES OFFICE

CONSIDER RESOLUTION 01-31-23-01: RESPONSE TO ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGEMENT IN COURT FILE NO. 17-CV-5155

A motion was made by Commissioner Tellinghuisen, seconded by Commissioner Oslin, with Commissioners Reynolds, Tellinghuisen, Oslin and Peterson voting in favor, and Commissioner Whitcomb voting against, to close the meeting at 1:04 p.m. pursuant to Minnesota Statutes Section 13D.05 Subdivision 3 (b) to discuss ongoing litigation with the Mille Lacs Band of Ojibwe as permitted by attorney-client privilege. A motion was made by Commissioner Whitcomb, seconded by Commissioner Oslin, and unanimously carried to come out of closed session at 2:02 p.m.

Administrator Hayes reviewed the Resolution. A motion was made by Commissioner Oslin, seconded by Commissioner Tellinghuisen, to adopt Resolution 01-31-23-01. The motion carried on a roll call vote with Commissioners Oslin, Tellinghuisen, Reynolds and Peterson voting in favor, and Commissioner Whitcomb voting against.

***Board of County Commissioners
Mille Lacs County, Minnesota***

Resolution No.: 01-31-23-01

***RESPONSE TO ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGEMENT IN COURT
FILE NO. 17-CV-5155***

WHEREAS, Mille Lacs County, County Attorney Joe Walsh and County Sheriff Don Lorge are named defendants in a federal lawsuit brought by the Mille Lacs Band of Ojibwe, James West, and Derrick Naumann in the United States District Court for the District of Minnesota, Court File No. 17-cv-5155 (“Lawsuit”); and

WHEREAS, on December 7, 2017, the Mille Lacs County Board of Commissioners executed a Retainer Agreement with Nolan, Thompson, Leighton & Tataryn PLC, to represent the County in the Lawsuit, and any appeals thereof; and

WHEREAS, on January 10, 2023, United States District Court Judge Susan Richard Nelson issued an Order on Cross-Motions for Summary Judgement; and

WHEREAS, pursuant to Minnesota Statutes § 375.18, each county board may have the care of the county property, and management of the county funds and business, except in cases otherwise provided for, and make orders concerning them as it deems expedient; and

WHEREAS, pursuant to Minnesota Statutes § 373.01, counties may make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers; and

WHEREAS, pursuant to Minnesota Statutes § 373.02, the powers of the county as a body politic and corporate shall only be exercised by the county board or in pursuance of a resolution adopted by the county board.

NOW, THEREFORE, BE IT RESOLVED, by the Mille Lacs County Board of Commissioners that Nolan, Thompson, Leighton & Tataryn PLC is hereby authorized to initiate an appeal on the County's behalf in response to the aforementioned judgement entered in the Lawsuit.

CONSIDER RESOLUTION 01-31-23-02: DEFENSE AND INDEMNIFICATION OF THE COUNTY SHERIFF AND COUNTY ATTORNEY RELATED TO COURT FILE NO. 17-CV-5155

Administrator Hayes reviewed the Resolution. A motion was made by Commissioner Oslin, seconded by Commissioner Tellinghuisen, to adopt Resolution 01-31-23-02. The motion carried on a roll call vote with Commissioners Oslin, Tellinghuisen, Reynolds and Peterson voting in favor, and Commissioner Whitcomb voting against.

***Board of County Commissioners
Mille Lacs County, Minnesota***

Resolution No.: 01-31-23-02

DEFENSE AND INDEMNIFICATION OF THE COUNTY SHERIFF AND COUNTY ATTORNEY RELATED TO COURT FILE NO. 17-CV-5155

WHEREAS, Mille Lacs County, County Attorney Joe Walsh and County Sheriff Don Lorge are named defendants in a federal lawsuit brought by the Mille Lacs Band of Ojibwe, James West, and Derrick Naumann in the United States District Court for the District of Minnesota, Court File No. 17-cv-5155 ("Lawsuit"); and

WHEREAS, on December 12, 2017 the Mille Lacs County Board of Commissioners adopted Resolutions 12-12-17-01 and 12-12-17-02, agreeing to pay the fees and expenses associated with defending and indemnifying then County Sheriff Brent Lindgren and County Attorney Joe Walsh, respectively; and

WHEREAS, on December 20, 2022 the Mille Lacs County Board of Commissioners adopted Resolution 12-20-22-03, agreeing to pay the fees and expenses associated with defending and indemnifying then County Sheriff-elect Kyle Burton, provided that he would be added as a party to the Lawsuit after assuming the duties of County Sheriff; and

WHEREAS, on January 10, 2023, United States District Court Judge Susan Richard Nelson issued an Order on Cross-Motions for Summary Judgement; and

WHEREAS, County Sheriff Kyle Burton and County Attorney Joe Walsh have directed their counsel to appeal; and

WHEREAS, pursuant to Minnesota Statutes § 375.18, each county board may have the care of the county property, and management of the county funds and business, except in cases otherwise provided for, and make orders concerning them as it deems expedient; and

WHEREAS, pursuant to Minnesota Statutes § 373.01, counties may make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers; and

WHEREAS, pursuant to Minnesota Statutes § 373.02, the powers of the county as a body politic and corporate shall only be exercised by the county board or in pursuance of a resolution adopted by the county board; and

NOW, THEREFORE, BE IT RESOLVED, by the Mille Lacs County Board of Commissioners that Mille Lacs County will continue to defend and indemnify the County Sheriff and County Attorney on appeals related to the Lawsuit.

ADJOURN

A motion was made by Commissioner Whitcomb, seconded by Commissioner Oslin and unanimously carried to adjourn the meeting at 2:18 p.m.

ATTEST:

Dillon Hayes
County Administrator

Phil Peterson
County Board Chairperson