



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

Commissioner's Order No. 11 -12

**A COMMISSIONER'S ORDER REGARDING VOLUNTARY ASSIGNMENTS OF
BAND MEMBER PER CAPITA PAYMENTS**

WHEREAS, pursuant to 22 MLBSA § 104 (a) the Commissioner of Finance (Commissioner) of the Mille Lacs Band of Ojibwe (Band) serves as the chief administrative officer of the Band's Office of Management and Budget (OMB) pursuant to the directives of the Band Assembly; and

WHEREAS, pursuant to 22 MLBSA § 104(m) the Commissioner has the power to promulgate rules and regulations through Commissioner's Orders for the administration and enforcement of the provisions of Title 22; and

WHEREAS, OMB is responsible for processing per capita payments to eligible Band Members in accordance with the Band's federally approved Revenue Allocation Plan (RAP); and

WHEREAS, from time to time Band members have made voluntary assignments of future per capita payments (or portions thereof) and have requested that OMB distribute such payments in accordance with those assignments; and

WHEREAS, there is a need to adopt an order or policy to guide OMB in responding to such requests; and

WHEREAS, the adoption of a Commissioner's Order regarding such requests is necessary to: (1) provide for uniform treatment of all Band Members making such requests; (2) aid in the efficiency and accuracy of processing per capita payments; (3) ensure that OMB's response is consistent with Band policy and law, including that reflected in 24 MLBSA §§ 3351-3361, recently amended by Band Ordinance 38-12, which limits the circumstances in which a judgment creditor can obtain a tribal court order directing OMB to withhold a portion of a Band Member's per capita payments for the benefit of a judgment creditor; and (4) to prevent abuse;

NOW, THEREFORE, pursuant to the authority vested in me as the Commissioner of Finance, I hereby issue this Order regarding voluntary assignments of per capita payments:

1. Effective on the date of this Order, the Office of Management and Budget (OMB) will accept (and agree to distribute per capita payments or any portion thereof on the basis of) a Band Member's voluntary assignment of his/her per capita payments or any portion thereof only if: (a) the assignment is in writing and signed by the Band Member; *and* (b) the assignment is for a debt owed to the Band, a political subdivision or other entity of the Band, including Woodlands National Bank, or an outside vendor that provides heating fuel or electricity to the Band Member for his/her residence and is approved by OMB. No exceptions to the above referenced policy regarding voluntary assignments of per capita payments shall hereafter be accepted or processed by OMB.
2. As a condition of accepting and processing a voluntary assignment of a Band Member's future per capita payments in accordance with paragraph 1, OMB may deduct a processing fee from such payments.
3. It is not the intention of this Order to affect or change existing assignments of per capita distributions and such existing assignments will be paid in accordance with its specific terms upon approval by OMB.

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DATED this 1st day of December, 2011.



John Gerdener, CPA, MBA
Commissioner of Finance

APPROVED AS TO FORM, EXECUTION
AND NUMBERING



Elaine Smith
Legislative Counsel

OFFICIAL SEAL OF THE BAND