



THE MILLE LACS BAND OF OJIBWE INDIANS

Legislative Branch of Tribal Government

JOINT SESSION OF THE BAND ASSEMBLY RESOLUTION 20-02-28-22

A RESOLUTION APPROVING AMENDMENTS TO PARAGRAPH 4 OF SUBSECTION C OF SECTION VII OF THE NET GAMING REVENUE ALLOCATION PLAN

- WHEREAS, the Joint Session of the Band Assembly of the Non-Removable Mille Lacs Band of Ojibwe (“Band”) is the Band governing body as referred to in the Minnesota Chippewa Tribe Election Ordinance; and
- WHEREAS, the Joint Session of the Band Assembly is comprised of the Secretary-Treasurer/Speaker of the Assembly, the Chief Executive, the District I Representative, the District II Representative, and the District III Representative in accordance with 3 MLBS § 27(b); and
- WHEREAS, the Band previously adopted its Net Gaming Revenue Allocation Plan (“the RAP”) via Joint Resolution, an instrument no longer used to conduct government business; and
- WHEREAS, the most recently approved RAP was adopted in 2010; and
- WHEREAS, the Band believes that amendments to Section VII of the RAP are necessary in order to address the current needs of its constituents; and
- WHEREAS, pursuant to Section X of the RAP, the RAP “or any section or part thereof, may be amended or repealed by the Band only and in accordance with the provisions of the Mille Lacs Band [S]tatutes.”
- NOW, THEREFORE, BE IT RESOLVED, that the Joint Session hereby approves the following amendments to paragraph 4 of subsection C of Section VII of the Net Gaming Revenue Allocation Plan:

4. Advance Distributions.

- a. Generally. Notwithstanding the foregoing, amounts held in trust for a minor qualified Band member may be distributed to such person’s parent or legal guardian or, upon reaching the age of majority, the minor qualified Band member in such amounts as the Band Assembly determines is necessary for the health, education, or welfare of the minor qualified Band member when such needs are not being met from other Band funds or programs or other state or federal public entitlement programs, subject to the following criteria:

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

- i. the parent or legal guardian or, upon reaching the age of majority, the minor qualified Band member must submit a written application to the Band Assembly detailing the purpose and needs for such funds, including the efforts made to secure funding from other sources;
 - ii. the parent or legal guardian or, upon reaching the age of majority, the minor qualified Band member shall maintain a detailed written accounting of all purchases made using any advance distribution to demonstrate that the funds disbursed were expended for the lawful purposes identified in the application, which must be returned to the Band Assembly within the time frame established by written policy adopted by the Band Assembly;
 - iii. such amount must be limited to an amount sufficient to meet the needs identified in the application, plus the projected taxes on the withdrawal, and in no case may the amount of the advance distribution exceed \$10,000.00; and
 - iv. any such request for an advance distribution must otherwise comply with written policies adopted by the Band Assembly. ~~due to an “unforeseen emergency” involving the beneficiary, not the parent or legal guardian of the beneficiary, or the family as a whole. The beneficiary may apply to the Band Assembly for a withdrawal of amounts against his or her share of the Minor’s Trust Fund before such amounts would otherwise become distributable in accordance with the distribution provisions in this agreement. The application must be made on a form approved for this purpose by the Band Assembly and must satisfy any other rules adopted by the Band Assembly for such distributions.~~
- b. **Payment.** If such application for withdrawal is approved by the Band Assembly, the withdrawal shall be effective as of the later of: (1) the date specified in the application or (2) the date of approval by the Band Assembly. Any such withdrawal shall be payable in a single payment within thirty (30) calendar days after the effective date.
- c. **Limitation.** The Band Assembly’s determination of need will be made at its sole discretion and may not be appealed to any court or other body.

~~Any such withdrawal shall be payable in a single payment within 30 days after the effective date.~~

~~The term “unforeseeable emergency” means severe financial hardship to the beneficiary resulting from a sudden and unexpected illness or accident of the beneficiary or a dependant (as defined in Internal Revenue Code Section 152(a)) of the beneficiary, loss of the beneficiary’s property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the beneficiary. The circumstances that constitute an unforeseeable emergency will depend on the facts of each situation, but in any event payment may not be made to the extent that the hardship is, or may be relieved through reimbursement or compensation by insurance or otherwise.~~

~~In the event of an unforeseeable emergency, the amount of withdrawal shall be limited to the amount sufficient to meet the emergency plus the resulting taxes on the withdrawal, and in no event shall such amount exceed \$10,000. Notwithstanding any other provision of this agreement, if a beneficiary makes a withdrawal hereunder, the amount of his or her share of the Minors' Trust Fund benefits shall be appropriately reduced to reflect the withdrawal.~~

~~Band Assembly's determination of need will be made at their sole discretion and may not be appealed to any court or other body.~~

WE DO HEREBY CERTIFY that the foregoing resolution was duly concurred with and adopted at a Joint Session of the Band Assembly, a quorum of elected officials being present, held on the 25th day of October, 2022, at Nayahshing, Minnesota, by a vote of 4 FOR, 1 AGAINST, 0 SILENT.

IN WITNESS WHEREOF, we, the Joint Session of the Band Assembly, hereunto cause to have set the signature of the Speaker of the Assembly.


Sheldon Boyd, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND

