



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

JOINT RESOLUTION 11-04-110-05

**JOINT RESOLUTION TO REQUEST SECRETARIAL APPROVAL
OF THE DISTRIBUTION OF CASINO REVENUE**

WHEREAS, the Mille Lacs Band Assembly is the duly-elected governing body for the Mille Lacs Band of Ojibwe, a federally recognized Indian tribe; and

WHEREAS, the Chief Executive is the duly elected Executive Officer for the Mille Lacs Band of Ojibwe; and

WHEREAS, the Band Assembly is the body referred to in the Constitution as the Reservation Business Committee, as established by 3 MLBSA § 1; and

WHEREAS, together the Chief Executive and the Band Assembly form the Joint Session, as established by 3 MLBSA § 24; and


WHEREAS, a priority of the Mille Lacs Band Assembly and Chief Executive is to provide for the welfare of the eligible and enrolled members of the Mille Lacs Band of Ojibwe; and

WHEREAS, pursuant to 25 U.S.C. § 2710 *et seq.*, Secretarial approval is required for the distribution of casino revenues to Band members.

NOW THEREFORE, BE RESOLVED THAT, the Band Assembly hereby adopts the attached amended Revenue Allocation Plan and requests approval for distribution of casino revenues to all Mille Lacs Band of Ojibwe Band members.

WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in legislative council assembly, a quorum of legislators being present held on the 6th of September, 2005 at Vineland, Minnesota by a vote of 3 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 to be affixed to this resolution.


Herb Weyaus, Speaker of the Assembly

DISTRICT I

43408 Oodena Drive • Onamia, MN 56359

DISTRICT II

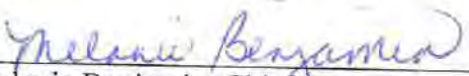
36666 State Hwy 65 • McGregor MN 55760

DISTRICT III

Route 2 • Box 233-N • Sandstone, MN 55072

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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

NET GAMING REVENUE ALLOCATION PLAN

SECTION I. PURPOSE AND RESOLUTION

This Revenue Allocation Plan ("Plan") was adopted pursuant to Resolution 11-04-110-05 and 15 MLBSA § 202(c) of the Mille Lacs Gaming Regulatory Act. This plan shall govern the allocation of available net revenue from the Mille Lacs Band owned gaming establishments, Grand Casino Mille Lacs and Grand Casino Hinckley, including per capita distributions to qualified members of the Mille Lacs Band of Ojibwe (the "Band").

SECTION II. POLICY

This plan shall comply with the Indian Gaming Regulatory Act ("IGRA") of 1988 [25 U.S.C. § 2701 et seq.] and all other applicable federal law. The Mille Lacs Band of Ojibwe shall use revenues generated by Mille Lacs Band gaming establishments to primarily strengthen the Band government, Mille Lacs Band self-sufficiency and to support Mille Lacs Band economic development. The Mille Lacs Band shall ensure that Band governmental operations, programs, and Band economic development shall receive the necessary financial support from net gaming revenues prior to distributing such revenues for other purposes.

The Mille Lacs Band is committed to providing for long term security for itself and its membership. Accordingly, the Mille Lacs Band shall ensure that net gaming revenues are allocated toward investments, programs and projects that impact not only present needs, but also anticipate future needs. In addition, the Mille Lacs Band shall ensure that investments, programs, and projects funded by net gaming revenues are aimed toward improving Band conditions and opportunities of Band members from generation to generation.

The Mille Lacs Band has and will retain the inherent sovereign authority to determine the best interests of minor Band members by providing for their future welfare by placing monies into trust for the benefit of those minors. The Mille Lacs Band shall provide for the future of minors while encouraging parents to fulfill their responsibility of providing for the immediate living needs of their children.

The Mille Lacs Band is committed to the education of our people. To that end, the Band seeks to increase the high school graduation rate of Band members and encourage them to pursue degrees in colleges, universities and vocational schools. Accordingly, the Band shall tailor the distribution of per capita payments to Band members so as to encourage minors to continue and complete their schooling. The Mille Lacs Band reserves the right to alter, amend or change any of the provisions contained in this Plan. However, any deviation from the revenue allocation percentages or amounts contained herein and which is inconsistent with this Revenue Allocation Plan shall be documented by a Band Resolution, a copy of which shall be provided to the Secretary of the Interior for approval, other than decreases to per capita distributions, which shall not be subject to Secretarial approval.

SECTION III. USE OF NET GAMING REVENUES: MILLE LACS BAND
GOVERNMENT OPERATIONS, PROGRAMS AND DONATIONS TO
CHARITABLE ORGANIZATIONS

- A. The Mille Lacs Band hereby allocates **25%** of net gaming revenue in order to provide supplemental funding for Band government operations, programs and donations to charitable organizations.
1. As it deems necessary, the Band will revise and increase the funding percentage of net gaming revenues allocated for Band government operations, programs and donations to charitable organizations. Any increase will be drawn from the percentage referred to in Sections IV, V or VI. The Band will not decrease the allocated percentage prescribed by this Section to provide for per capita payments authorized under Section VII.
 2. Any net gaming revenues allocated for funding Band governmental operations, programs and donations to charitable organizations that have not been expended as of the last date of a fiscal year may, at the Band's discretion, be allocated for any purposes set forth in Sections IV, V or VI, or be allocated to fund Band governmental operations, programs and donations to charitable organizations for a subsequent fiscal year.
- B. Band governmental operations, programs and donations to charitable organizations that will be funded on a supplemental basis from net gaming revenues under this Section shall include, but not be limited to, the following: administration, legislative, judicial, community development, education, natural resources, debt service, justice, housing, workforce and other governmental operations, programs and donations to charitable organizations being developed and hereafter developed and added to this provision by amendment.
- C. At least sixty days prior to the commencement of a fiscal year, the Band Assembly shall receive budget reports and requests from each Band governmental operation and program, including requested donations to charitable organizations listed in Section III B. The budget reports must, at a minimum: detail the previous fiscal year's revenues, projected revenues, and revenue sources, including the amount of net revenues derived from gaming enterprises, previous fiscal year expenditures and project expenditures, together with a detailed accounting of expenditures. The budget reports shall also include budget requests including requests for supplemental funding from net gaming revenues allocated for Band governmental operations, programs and donations to charitable organizations.

- D. The Band Assembly shall, after receiving all budget reports and requests under this Section, allocate those funds designated for Band governmental operations, programs and donations to charitable organizations. This allocation shall occur with the enactment of the FY 2006-2007 and subsequent budgets. The Band government shall be the decision making body as to any legislative actions taken on budget reports and requests and as to the allocation of funds designated for Band governmental operations, programs and donations to charitable organizations.
- E. The Band's administrative agents shall disburse those monies allocated for Band governmental operations, programs and donations to charitable organizations in accordance with the annual budget referenced in paragraph D above. Any disbursements made hereunder shall be made by the Band governmental operation or program receiving funds and handled in a manner consistent with the Band's generally accepted accounting methods.
- F. Prior to the enactment of an annual budget, the Band will review budget reports and requests for the prior fiscal year, and any other reports prepared in accordance with generally accepted accounting methods to determine the actual amount of monies expended on Band governmental operations, programs and donations to charitable organizations in the prior fiscal year.

SECTION IV. USE OF NET GAMING REVENUES: MILLE LACS BAND ECONOMIC DEVELOPMENT

- A. The Band hereby allocates 8% of the net gaming revenues in order to provide funding for Mille Lacs Band economic development.
 - 1. As it deems necessary, the Band will revise and increase the percentage of net gaming revenues allocated to fund Band economic development. Any increase in the allocation may be made from the percentage set forth in Section III. The Band shall not decrease the allocated percentage prescribed by this Section to provide for per capita payments authorized under Section VII.
 - 2. Any net gaming revenues allocated for economic development that have not been expended as of the last day of a fiscal year may, at the Band's discretion following review of performance, be allocated for funding Band economic development for the subsequent fiscal year.
- B. "Mille Lacs Band economic development" shall include investment of net gaming revenues. Investments of net gaming revenues allocated for Band economic development shall be made pursuant to a sound investment policy to be adopted by the Mille Lacs Band or an agent thereof. The Band, in its discretion, may allocate the return earned on investments made pursuant to this Section in accordance with the provisions of IGRA or any other applicable federal law.

- C. The Band will appropriate and authorize the expenditure of net gaming revenue allocated for economic development to fund proposed economic development projects. Band Economic development proposals shall be considered in accordance with then existing policy and procedures. The Band shall thereafter allocate net gaming revenues designated for Band economic development for the proposed economic development project as it deems necessary and feasible.
- D. The Band will appropriate and authorize the expenditure of net gaming revenue allocated for Band economic development to supplement funding for on-going Band economic development enterprises. Requests for supplemental funding for Mille Lacs Band on-going businesses and enterprises shall be considered in accordance with existing Band law and procedures. The Band will thereafter allocate those net gaming revenues designated for Band economic development to the on-going businesses or enterprises as it deems necessary and feasible.

SECTION V. USE OF NET GAMING REVENUES: GENERAL WELFARE OF THE MILLE LACS BAND AND ITS MEMBERS

- A. The Band hereby allocates 17% of net gaming revenues in order to provide supplemental funding for the general welfare of the Mille Lacs Band and its members. Such funding will include permanent initiatives and may be used to replace and/or supplement existing programs.
 - 1. As it deems necessary, the Band will revise and alter the percentage of net gaming revenues allocated for funding the general welfare of the Mille Lacs Band and its members. The percentage of increase may be drawn from the percentages prescribed in Sections III, IV, VI or VII. The percentage prescribed in this section may not be decreased to fund any per capita payment authorized under Section VII of this plan.
 - 2. Any net gaming revenues allocated to funding for the general welfare that has not been expended by the last date of a fiscal year may, at the Band's discretion and after review of performance, be allocated for the purposes prescribed in Sections III, IV or VI, or be allocated for funding the general welfare of a subsequent fiscal year.
- B. Band general welfare programs that will receive supplemental funding from net gaming revenues pursuant to this Section shall include, but not be limited to, the following: Circle of Health program, housing initiative construction projects, funding of the Minnesota Tribal Foundation, Elder supplemental income program funding, land acquisition, capital facilities construction and other general welfare programs being developed.

- C. At least sixty days before the commencement of a new fiscal year, the Band shall receive budget reports and requests from each Band governmental program listed in Section V.B. The budget reports shall, at a minimum detail: past fiscal year revenues, projected revenues, revenue sources, including the amount of net revenues derived from gaming enterprises, past fiscal year expenditures and project expenditures, together with a detailed accounting of expenditures. The budget reports shall also include budget requests including requests for supplemental funding from net gaming revenues allocated for funding Band general welfare programs.
- D. The Band shall, after receiving all budget reports and requests for general welfare programs as described in sub-section B of this Section, allocate those funds designated for Band general welfare programs. The allocation shall occur with the enactment of the annual budget. The Band shall be the decision making body as to any action taken on budget reports and requests and as to the allocation of funds designated for Band general welfare programs.
- E. The Band, through its proper administrative agents, shall disburse those monies allocated to Band general welfare programs in accordance with the annual budget referenced in paragraph D above. Any disbursements made hereunder shall be received by the appropriate Band general welfare programs and handled in a manner consistent with the Band's generally accepted accounting methods.
- F. Prior to the enactment of an annual budget, the Band shall review the budget reports and requests required in paragraph C above for the prior fiscal year, and any other reports prepared in accordance with generally accepted accounting methods, to determine the actual amount of monies expended on Band general welfare programs in the prior fiscal year.

SECTION VI. USE OF NET GAMING REVENUES: GOVERNMENT LONG-TERM SAVINGS

- A. The Band hereby allocates **25%** of net gaming revenues in order to accumulate long-term savings for the Mille Lacs Band of Ojibwe Government.
 - 1. As it deems appropriate, the Band will revise and change the percentage of net gaming revenue allocated to accumulate long-term savings for the Mille Lacs Band of Ojibwe Government. Any increase in the allocation percentage in this section may be drawn from funds allocated in Sections IV, V or VII. The Band will not decrease the allocated percentage prescribed by this Section to provide for per capita payments authorized under Section VII.
 - 2. Any net gaming revenues allocated to accumulate long-term savings for the Mille Lacs Band of Ojibwe Government, that have not been expended as of the last date of a fiscal year may, at the Band's discretion, be allocated to accumulate long-term savings for the Mille Lacs Band of Ojibwe Government, in the subsequent fiscal year.

SECTION VII. USE OF NET GAMING REVENUES: PER CAPITA PAYMENTS TO BAND MEMBERS

- A. The Band hereby allocates a maximum not to exceed **25%** of the current budget of the net gaming revenues in order to provide funding for per capita payments to Band members.
1. In accordance with 25 C.F.R. § 290.2 (2000), "per capita payment" means "the distribution of money or other thing of value to all members of the tribe, or to identified groups of members, which is paid directly from the net revenues of any tribal gaming activity. This definition does not apply to payments which have been set aside by the tribe for special purposes or programs, such as payments made for social welfare, medical assistance, education, housing or other similar or specifically identified needs."
 2. Per capita payments to qualified Band members shall be distributed three (3) times per year: April, August and December. The Band reserves the right to amend this provision to provide for an alternative distribution schedule for per capita payments, if the BIA approves per capita payments.
 3. On a monthly basis, 25% of the available net revenue shall be placed into an interest bearing account designated for per capita payments. The distribution for the months of July through October shall be paid to qualified Band members in December. The distribution for the months of November through February shall be paid in April. The distribution for the months of March through June shall be paid in August. Any interest earned on this fund shall be used to pay per capita administrative expenses, per capita payments arising from new enrollees or other uses as the Band shall determine to be essential for the well being of Band members.
 4. Any person may refuse to accept distribution(s) from the Band; however such refusal shall result in a permanent forfeiture of any right to receive the refused sum.
 5. Refused distributions shall be placed in the general welfare fund as described in Section V and be used for expenditures in accordance with the provisions contained therein.
- B. "Qualified Band member" for purposes of this Plan, shall mean those individuals then living and duly enrolled as a Mille Lacs Band of Ojibwe member pursuant to the Revised Constitution of the Minnesota Chippewa Tribe on a pre-designated date. Per capita payments to minor qualified Band members shall be made in accordance with the provisions of Section VII. C. 3 below.

1. All persons not previously enrolled by the first Friday of the month immediately preceding the month in which the distribution is to occur but who have properly submitted a signed enrollment application and notarized relinquishment form, when applicable, for enrollment to the Mille Lacs Band Enrollment Office by 5:00 p.m. on those respective dates shall be eligible for that payment and all subsequent payments upon the enrollment of that person when subsequently approved by a Band Resolution.
 2. All per capita payments made to "minor qualified Band members" shall be paid to a Minors' Trust Fund upon completion of the enrollment process. All provisions of subsection C hereunder shall apply.
 3. Incompetents. The Band shall place into trust in a low-risk interest bearing account in a federally insured financial institution it finds satisfactory, the per capita payments, or any portion or percentage thereof, of any individual who is declared incompetent by a court of competent jurisdiction. The Band or its appointed agent shall make disbursements necessary for the health, education and welfare of any individual declared legally incompetent from the proceeds of any per capita payment placed into trust upon the petition of the legal guardian of the individual declared legally incompetent. The Band or its appointed agent may also require that the petitioning guardian submit receipts of expenditures made from funds disbursed hereunder before any future disbursements are made. The establishment of regular periodic allowances for any individual declared legally incompetent from the proceeds of any per capita payment placed into trust under this section shall remain at the discretion of the Band or its designated agent.
 4. Any funds segregated in accordance with the Plan for per capita payments, including the Minors' Trust Fund, shall remain subject to claims of the Band's general creditors under applicable law in the event of insolvency until such funds are actually distributed to the qualified Band members entitled to them.
- C. To promote the well-being and improvement of the Band's youth, the Band hereby directs that per capita payments allocated to "minor qualified Band members" as defined below be deposited into one or more interest bearing or investment accounts, collectively referred to as the "Minors' Trust Fund," which shall be held, managed, and distributed as set forth below:
1. A "minor qualified Band member" means a "qualified Band member" who, as of the pre-designated date for determining eligibility for a per capita payment as described in Section VII.B: (i) has not yet reached the age of eighteen (18) years; or (ii) has not graduated from high school (or received the equivalent diploma) and has not reached the age of twenty (20) years.

2. Payments into the Minors' Trust Fund for particular beneficiaries may be consolidated for management and investment purposes into one or more accounts which may include funds held for multiple beneficiaries. The Band's Commissioner of Finance shall maintain a bookkeeping system by which amounts held for the benefit of individual beneficiaries, including earnings, can be readily determined. Account balance statements for such individuals shall be made available on request only to a parent or legal guardian of the beneficiary and to responsible officials of the Band.
3. Unless otherwise disqualified under this Plan, each minor qualified Band member shall receive payment of all monies accumulated in the Minors' Trust Fund for such minor, including earnings, by the close of the first fiscal quarter in which he or she: (i) is eighteen (18) years old and a high school graduate (or has received an equivalent diploma); or (ii) is twenty (20) years old.
4. Notwithstanding the foregoing, amounts held in trust for a minor qualified Band member may be distributed to such person's parent or legal guardian in such amounts as the Band Assembly determines is necessary due to special hardship, or for the health, education, or welfare of the beneficiary. Such early distributions will only be made following submission by the parent or guardian of a written request that includes a full explanation of circumstances justifying early disbursement, with supporting documentation. Each request for early disbursement must be made separately, and approval of one disbursement shall not be deemed approval of future disbursements. The Band Assembly may, at its discretion, approve, condition or disapprove the request, in whole or in part, based on its determination of whether such early disbursement is in the best interest of the beneficiary, taking into account the needs, age, health, educational requirements and any other circumstances of the beneficiary, including other sources of financial assistance. The Band Assembly may also request additional information from the parent or guardian. A parent or guardian disputing the Band Assembly's decision may obtain review solely by petition to the Mille Lacs Band Court of Central Jurisdiction, which shall review the decision for abuse of discretion. The decision of such Court shall be final. Any parent or legal guardian receiving a disbursement from the Minors' Trust Fund must fully account for all expenditures by submitting back-up in the form of receipts or other forms of documentation to the Band Assembly within one (1) month of the special circumstance disbursement.
5. Notwithstanding any provision to the contrary, no disbursement shall be made from the Minors' Trust Fund to or for the benefit of any person unless such person is, at the time of such disbursement, a qualified Band member. Upon determination by the Band Assembly that a person for whom funds have been deposited in the Minors' Trust Fund is not or is no longer a qualified Band member, such funds shall revert to the general fund of the Band.

6. No title or interest in or to any portion of the Minors' Trust Fund shall vest in any person prior to the actual receipt by such person of disbursed funds. Likewise, no beneficiary shall have any power to sell, assign, transfer, encumber, anticipate, or otherwise dispose of any share or interest in the Minors' Trust Fund.
 7. The Band may at any time demand that any trustee or custodian of any portion of the Minors' Trust Fund transfer to the Band any asset held by such trustee or custodian in exchange for an asset or assets of equivalent value. This right may be exercised by the Band in a non-fiduciary capacity without the consent of any other person.
- D. Any person enrolling in the Mille Lacs Band except as otherwise specified herein (see Section VII. B(1) above) shall not be entitled to any back payments of per capita distributions. The first per capita payment to a new Band member shall be on the first date of a regularly scheduled payment after his or her qualified status is confirmed in accordance with Section VII. B.
 - E. The Band or its appointed agent shall ensure that notification of the application of federal tax laws to per capita payments authorized by this Plan be made when payments are made. The Band or its appointed agent shall also implement a procedure by which qualified Band members who receive per capita payments shall have applicable taxes automatically deducted from per capita payments.
 - F. The Mille Lacs Band shall determine according to Band law the amount of the per capita distribution that may be withheld from payments for amounts due the Band. The Mille Lacs Band Court of Central Jurisdiction shall have authority to hear such matters as prescribed by law. Such withholdings may be done by voluntary consent of the debtor or pursuant to the Band's administrative process, which may be appealed to the Court of Central Jurisdiction. In any event, all funds withheld shall be reported to the appropriate taxing authority as income for purposes of federal taxation.
 - G. Creditors' judgments against minor qualified Band members. The Minors' Trust Fund shall not distribute funds to creditors other than the Mille Lacs Band of Ojibwe in accordance with Section VII. F.
 - H. Judgments for amounts owed to creditors other than the Band may only be withheld in full accordance with applicable Band law.
 - I. In the event of the death of a minor qualified Band member, the minor trust funds or per capita payments shall be distributed in accordance with the Band's applicable probate laws and procedures.
 - J. The Mille Lacs Band Court of Central Jurisdiction shall be the exclusive forum for disputes regarding a particular individual's eligibility to receive a share of a declared per capita distribution. The Court shall have no jurisdiction over any claim that the overall amount of a declared distribution is incorrect or untimely.

SECTION VIII. SEVERABILITY

If any section, or any part of this Plan or the application thereof to any party, person, or entity, in any circumstances, shall be held invalid for any reason whatsoever by a court of competent jurisdiction, or by the Department of the Interior, the remainder of the section or part of this Plan shall not be affected thereby and shall remain in full force and effect as though no section, or part thereof, had been declared to be invalid.

SECTION IX. NO WAIVER OF SOVEREIGN IMMUNITY

Nothing in this Plan shall provide or be interpreted to provide a waiver of the Mille Lacs Band or any of its governmental officers and/or agents' sovereign immunity from suit.

SECTION X. AMENDMENT OR REPEAL OF PLAN

This Plan, 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 statutes. The amount of per capita distributions shall not be increased without the written approval of the Secretary of Interior; however, such amount may be decreased without such approval.

SECTION XI. AUTOMATIC READOPTION IF NO PLAN FOR SUBSEQUENT FISCAL YEAR

If no Revenue Allocation Plan is prepared for the subsequent fiscal year(s), the terms of this Plan shall automatically be adopted, without any further Band action, to govern the allocation of net gaming revenues for the subsequent fiscal year.

SECTION XII. EFFECTIVE DATE

This Plan governs the distribution of any and all net gaming revenues beginning on October 1, 2005 and shall remain in effect until otherwise amended. This Plan becomes effective upon adoption by the Band pursuant to resolution and approval by the Area Director of the Bureau of Indian Affairs in accordance with the United States Department of Interior's "Guidelines to Govern the Review and Approval of Per Capita Payments," Dated December 21, 1998, IGRA, and all other applicable federal law. Following the receipt of all necessary approvals, this plan shall have a retroactive date of July 1, 2005.