



THE MILLE LACS BAND OF
OJIBWE INDIANS

Legislative Branch of Tribal Government

JOINT RESOLUTION 16-01-97-14

**A JOINT RESOLUTION AMENDING THE BAND'S NET REVENUE
ALLOCATION PLAN (RAP) TO INCORPORATE AN
ANTI-ALIENATION/SPENDTHRIFT PROVISION**

- WHEREAS, the Mille Lacs Band Assembly is the duly elected governing body of the Mille Lacs Band of Ojibwe, a federally-recognized Indian Tribe; and
- WHEREAS, the Band Assembly acting pursuant to 3 MLBSA § 2 has the authority to enact laws which promote the general welfare of the Mille Lacs Band of Ojibwe (MLBO); and
- WHEREAS, the Chief Executive is empowered to exercise all Executive Branch authority for the Mille Lacs Band of Ojibwe; and
- WHEREAS, it is the sovereign obligation of the Mille Lacs Band Assembly and the Chief Executive, as the duly elected governing body of the Mille Lacs Band of Ojibwe, to exercise the responsibilities of self-government and management over the Band's affairs; and
- WHEREAS, on July 7, 2010, the Band Assembly and Chief Executive adopted a Net Revenue Allocation Plan pursuant to Joint Resolution 14-01-134-10; and
- WHEREAS, the Band Assembly and Chief Executive have reviewed the decision of the United States Bankruptcy Court *In re Cecil Ray Barth et al.*, No. 11-03233 (D. Minn. Feb. 11, 2013) have been advised concerning the legal effect of anti-alienation/spendthrift provisions and their adoption by certain other recognized tribes, and have determined that the interests of the Mille Lacs Band of Ojibwe and its members would be best served through the amendment of the Band's Net Revenue Allocation Plan (RAP) to include such an anti-alienation/spendthrift provision.
- NOW THEREFORE BE IT RESOLVED, that the Mille Lacs Band Assembly hereby amends the Mille Lacs Band of Ojibwe 2010 Net Revenue Allocation Plan (RAP) to include the following provision:

Section VII. Use of Net Gaming Revenues: Per Capita Payments to Band Members.

Sub-Section K: Anti-Alienation/Spendthrift Provision.

The per capita payments made under this net revenue allocation plan are a personal benefit provided pursuant to a Band program established under Band and federal law to eligible members of the Mille Lacs Band of Ojibwe for the governmental purpose of supporting and enhancing their general welfare. The per capita payments, are subject to

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

1433 E. Franklin Avenue, Ste. 7c • Minneapolis, MN 55404
(612) 872-1424 • Fax (612) 872-1257

modification by the Band government, constitute Band assets until actually distributed, are not fixed periodic payments, and do not represent an entitlement or a property right. The right to receive per capita payments under this Plan does not accrue or vest until the Mille Lacs Band of Ojibwe actually makes a payment to an eligible Band member, and such payment cannot be legally compelled by a Band member or any other person. Additionally, no benefit, right or interest of any Band member under this Plan shall be subject to anticipation, alienation, sale, voluntary or involuntary transfer, assignment, pledge, encumbrance, seizure, attachment or other legal, equitable, or other process. However, this restriction on transfer does not affect the ability of the Band to exercise its right of setoff for loans made to Band members, the payment of debts owed by Band members to the Band, or the enforcement of child support obligations or federal tax levies.

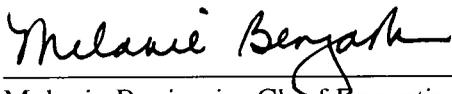
WE DO HEREBY CERTIFY, that the foregoing resolution was duly concurred with and adopted at a regular session of the Band Assembly in Legislative Council assembled, a quorum of legislators being present held on the 8th day of April, 2014 at Aazhoomog, Minnesota by a vote of 3 FOR; 0 AGAINST, 0 SILENT.

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



Curt Kalk, Speaker of the Assembly

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