



THE MILLE LACS BAND OF
OJIBWE INDIANS
Legislative Branch of Tribal Government

SECRETARIAL ORDER 97-22

A SECRETARIAL ORDER DESIGNATING MORGAN STANLEY SMITH BARNEY LLC AS A DEPOSITORY FOR THE MILLE LACS BAND OF OJIBWE

WHEREAS, pursuant to 3 MLBS § 8(a), the Secretary-Treasurer shall “superintend and manage all fiscal operations, planning and budgeting of the [Band] as authorized by the Band Assembly[;]” and



WHEREAS, pursuant to 3 MLBS § 8(c), the Secretary-Treasurer is authorized to “receive and receipt for all monies paid into the Band treasury and safely keep the same until lawfully disbursed by formal appropriation[;]” and

WHEREAS, pursuant to 3 MLBS § 8(g), the Secretary-Treasurer may issue Secretarial Orders to implement decisions concerning matters of the fiscal affairs of the Band consistent with statutorily defined authorities; and

WHEREAS, pursuant to 22 MLBS § 102, the Band’s Commissioner of Finance owes duties of responsibility to “all branches of Band government in the area of budget and finance” and “shall report and fulfill the duties of his [or her] office upon direction from the Band Assembly[;]” and

WHEREAS, the Secretary-Treasurer and Commissioner of Finance shall collectively be referred to as the “**Signature Authorities**” throughout this Secretarial Order; and

WHEREAS, the Signature Authorities have provided the following signature and facsimile signature specimens:

<u>Name and Title</u>	<u>Signature</u>	<u>Facsimile Signature</u> (if used)
Sheldon Boyd, Secretary-Treasurer		
Mel Towle, Commissioner of Finance		

DISTRICT I
 43408 Oodena Drive • Onamia, MN 56359
 (320) 532-4181 • Fax (320) 532-4209

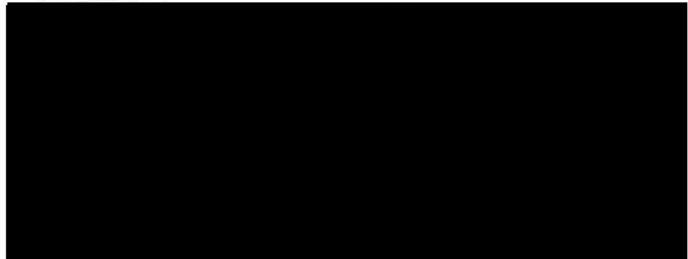
DISTRICT II
 36666 State Highway 65 • McGregor, MN 55760
 (218) 768-3311 • Fax (218) 768-3903

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

WHEREAS, the Band Assembly has approved the following accounts of specifically appropriated funds to Morgan Stanley Smith Barney LLC ("Morgan Stanley"):

<u>Account #</u>	<u>Account Name</u>
	

NOW, THEREFORE, BE IT ORDERED, that Joint Resolution 19-01-66-20 is repealed and replaced with this Secretarial Order 97-22.

BE IT FURTHER ORDERED, that Morgan Stanley is designated as a depository for the Band.

BE IT FURTHER ORDERED, that the Secretary-Treasurer and Commissioner of Finance are authorized to sign approved contracts, agreements, stipulations, and orders which may be deemed advisable for the effective exercise of the powers indicated below from time to time with Morgan Stanley concerning funds deposited therein or any other business transacted by and between the Band and Morgan Stanley, subject to any restrictions stated herein.

BE IT FURTHER ORDERED, that the Band agrees to the terms and conditions of any account agreement, properly opened by the Signature Authorities, and authorizes Morgan Stanley, at any time, to charge the Band for all checks, drafts, or other orders for the payment of monies that are drawn on this financial institution, regardless of by whom or by what means the facsimile signature(s) may have been affixed, provided that (a) the facsimile signatures represent the signature specimens above and (b) both signatures from the Signature Authorities are provided.

BE IT FURTHER ORDERED, that the Commissioner of Finance may perform any of the following acts with Morgan Stanley upon obtaining both of the above-described signatures from the Signature Authorities:

- (1) Open any deposit or checking account(s) in the name of the Band;
- (2) Transfer, convert, endorse, buy, sell, assign, set over, and deliver any and all shares of bonds, debentures, notes, or other securities now or hereafter standing in the name of, or owned by, the Band, or to make, execute, and deliver, under the seal of the Band, any and all written instruments of assignment and transfer paperwork necessary or proper to effectuate the powers hereby conferred;
- (3) Orders for the payment of money (wire transfers) and withdrawal of funds on deposit; and

(4) Endorse checks on deposit.

BE IT FURTHER ORDERED, that the investment accounts shall be a Cash Accounts for the purpose of purchasing, selling, transferring, exchanging and generally dealing in any and all forms of securities and financial instruments of every kind or nature whatsoever. All orders and instructions, written or oral, relating to the Securities Accounts shall be given to Morgan Stanley by individuals designated under the heading "Authorized Individuals," and the individuals are hereby authorized and directed to purchase, sell, or deal in any and all securities and financial instruments for the Band, including the power to deliver, accept delivery of, endorse, and direct the transfer of record title of any account assets beneficially owned by the Band, without obligation to inquire into the reasons for said orders or instructions.

BE IT FURTHER ORDERED, that both Signature Authorities may deal with Morgan Stanley on behalf of the Band, either directly or indirectly, as to any inquiries or information requested by Morgan Stanley.

BE IT FURTHER ORDERED, that the Commissioner of Finance is hereby authorized and empowered to certify, under the seal of the Band, to Morgan Stanley: (a) a true copy of this Secretarial Order; (b) specimen signatures of Signature Authorities empowered by this Order; and (c) a certificate which, if required by Morgan Stanley shall be supported by an opinion of legal counsel of the Band, or other counsel satisfactory to Morgan Stanley, that the Band is duly organized and existing, that the Band's statutes empower it to transact the business by this Order, and that no limitation has been imposed upon such powers by the laws of the Band or otherwise.

BE IT FURTHER ORDERED, that Morgan Stanley may rely upon the certified copy of this Secretarial Order, specimen signatures, and certificates as continuing to be fully effective unless and until Morgan Stanley shall receive written notice of change or rescission, and the dispatch or receipt of any other form of notice shall not constitute a waiver of this provision, nor shall the fact that any person hereby empowered ceases to be an officer of the Band, or becomes an officer under some other title, in any way affect the powers hereby conferred, but the failure to supply a specimen signature shall not invalidate any transaction where the party authorizing the same has been actually empowered thereto, by or in conformity with this Order.

BE IT FURTHER ORDERED, that, in the event of any change in the office or powers of persons hereby empowered, the Secretary-Treasurer shall certify such changes to the Institution in writing in the manner herein above provided, which notification, when received, shall be adequate both to terminate the powers of the persons theretofore authorized, and to empower the persons thereby substituted.


BE IT FURTHER ORDERED, that, in the event the transaction is a transfer directive transferring funds to or from one of the above listed accounts from or to another above-listed account, the Commissioner of Finance is authorized to execute such transfers.

BE IT FURTHER ORDERED, that the Secretary-Treasurer and Commissioner of Finance of the Band be, and hereby are, authorized and empowered to countersign items as aforesaid.


BE IT FURTHER AND FINALLY ORDERED, that this Secretarial Order and the certificates actually furnished to Morgan Stanley by the Commissioner of Finance thereto, be and hereby are made irrevocable until written notice of the revocation thereof shall have been received by Morgan Stanley, except that this Order shall not survive beyond its expiration date.

DATED, at Nay Ah Shing, Minnesota, from within the sovereign territory of the Non-Removable Mille Lacs Band of Ojibwe, this 3rd day of August, 2022.

Effective Date: August 3, 2022
Expiration Date: August 3, 2026


Sheldon R. Boyd, Secretary-Treasurer

CERTIFIED AS TO FORM AND NUMBERING:


Hanna Valento, Revisor of Statutes

OFFICIAL SEAL OF THE BAND

