



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

SECRETARIAL ORDER 53-20

A SECRETARIAL ORDER RECOGNIZING MINORS UNDER THE AGE OF 16 AS INCAPABLE OF AUTHORIZING WITHDRAWALS FROM THE MINORS' TRUST FUND

- WHEREAS, pursuant to 3 MLBSA § 7, the Secretary-Treasurer shall superintend and manage all fiscal operations, planning and budgeting of the Non-Removable Mille Lacs Band of Chippewa Indians as authorized by the Band Assembly; and
- WHEREAS, also pursuant to 3 MLBSA § 7, the Secretary-Treasurer shall have powers of investigations of financial irregularity and to require the production of such books, accounts, documents and property under any lawful financial inquiry in all things that will aid him/her in the performance of his/her duties; and
- WHEREAS, pursuant to 3 MLBSA § 7(g), the Secretary-Treasurer may issue Secretarial Orders to implement decisions concerning matters of the fiscal affairs of the Band consistent with the powers under § 7; and
- WHEREAS, pursuant to 25 U.S.C. § 2710 and 25 C.F.R. pt. 290, the Band may use net revenue from Class II and Class III gaming activities to distribute per capita payments to Band members only if it has adopted a revenue allocation plan that has been approved by the Secretary of Interior or his or her delegate; and
- WHEREAS, the Band adopted, and the Secretary of Interior approved, the "Net Gaming Revenue Allocation Plan" in 2010; and
- WHEREAS, the Band distributes per capita payments to all eligible Band members, including making direct per capita distributions to adult Band members and depositing per capita distributions into interest-bearing accounts collectively referred to as the "Minors' Trust Fund" on behalf of minor and legally incompetent Band members; and
- WHEREAS, 25 C.F.R. pt. 290.12 requires the Band to "make per capita payments for eligible minors or incompetents to the parents or legal guardians of these minors or incompetents at times and in such amounts as necessary for the health, education, or welfare of the minor or incompetent"; and

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WHEREAS, 25 C.F.R. pt. 290.12 further requires the Band to establish “criteria for withdrawal of the funds, acceptable proof and/or receipts for accountability of the expenditure of the funds and the circumstances for denial of the withdrawal of the minors’ and legal incompetents’ per capita payments by the parent or legal guardian”; and

WHEREAS, 25 U.S.C. § 2710(b)(3)(C) requires the Band to protect and preserve the interests of minors and other incompetent persons entitled to receive per capita payments; and

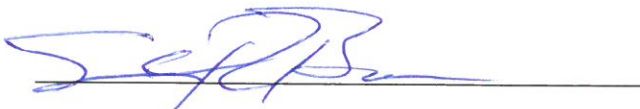
WHEREAS, a preliminary review of the application process for withdrawals from the Minors’ Trust Fund revealed that minor beneficiaries enter into legally-binding agreements with the Band Assembly when applying for withdrawals from their per capita distributions by signing such applications; and

WHEREAS, under 24 MLBSA § 106, “[a]ll persons are capable of contracting except minors under the age of sixteen”.

THEREFORE, pursuant to authority under 3 MLBSA § 7, the Secretary-Treasurer directs that:

1. Minor beneficiaries under the age of 16 are incapable of authorizing withdrawals from the Minors’ Trust Fund; and
2. Parents and legal guardians of minor beneficiaries under the age of 16 are required to authorize withdrawals from the Minors’ Trust Fund pursuant to the requirements of 25 C.F.R. pt. 290.12 and the Net Gaming Revenue Allocation Plan”; and
3. This Secretarial Order shall expire at the end of this current Secretary-Treasurer’s term of office.

Executed on May 19, 2020:



Secretary-Treasurer Sheldon R. Boyd

OFFICIAL SEAL OF THE BAND