



Per Capita Policy

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CHAPTER ONE: GENERAL INFORMATION

SECTION 1: PURPOSE

This policy governs the disbursement of yearly per capita payments made to eligible enrolled Band Members of the Bois Forte Band of Chippewa. The purpose of this policy is to guide the Accounting and Human Resources Departments through the yearly per capita disbursement process.

This policy also standardizes various procedures that accompany yearly per capita disbursement in an attempt to eliminate confusion and establish longstanding, efficient per capita related procedures.

SECTION 2: BACKGROUND INFORMATION

Per capita proceeds are derived from the Memorandum of Agreement with the State of Minnesota by which the State makes payments to the Bois Forte Band of Chippewa in exchange for forbearance of complete exercise of certain rights reserved to the Band pursuant to the Treaty of September 30, 1854.

Per capita payments are made yearly to the Bois Forte Band of Chippewa by the State of Minnesota. The State calculates the total amount of per capita monies based on their yearly fishing and hunting license sales.

The Bois Forte Band of Chippewa determines the total number of eligible enrolled Band Members and divides the per capita total by that number. The number is rounded up to the nearest dollar and then disbursed to eligible Band Members. The disbursement usually occurs in August of each year.

SECTION 3: APPLICABILITY

The Per Capita Policy applies to all eligible enrolled Band Members of the Bois Forte Band of Chippewa.

SECTION 4: PER CAPITA POLICY VIOLATIONS

Failure to comply with the policy and procedures by any member of the Bois Forte Tribal Government may be grounds for disciplinary action.

SECTION 5: FEDERAL AND STATE REGULATIONS

Nothing in this policy shall be deemed to in any way conflict with, alter or amend any federal or state law or regulation applicable to the Bois Forte Tribal Government.

SECTION 6: GARNISHMENTS

All Per Capita payments are subject to garnishment if any money is owed to the Bois Forte Tribal Government (court fines, water & sanitation, housing, etc.).

CHAPTER TWO: PER CAPITA PROCEDURES

SECTION 1: ANNUAL ENROLLMENT DETERMINATION

- A. Per capita payments are issued to all eligible Band Members enrolled as of March 31st of that year. New enrollees after March 31st will not be eligible for that year's payment. They will begin accruing or receiving per capita payments the following year.
- B. Furthermore, to receive per capita payments, eligible Band Members must be living as of August 1st. If the Band Member passes before August 1st, their estate will not be able to receive their per capita payments. However, if they become deceased after August 1st, their per capita payment will be disbursed to their estate accordingly.
- C. The Bois Forte Band of Chippewa's Enrollment Coordinator receives quarterly enrollment summaries from the Minnesota Chippewa Tribe (MCT). A copy of the summary is forwarded to the Accounting Department for purposes of creating trust accounts for minors and documenting new adult enrollees. The information is double checked in the enrollment database. The information that is documented in the enrollment database is as follows:
1. Full name/Past name(s)
 2. Address
 3. Vital Statistics
 4. Landbase (on or off the reservation)
 5. Social Security Number (If one is/was provided)
 6. Enrollment Date
 7. Enrollment Number
 8. Parent(s) Name(s)
 9. Blood Quantum
- D. In preparation for yearly per capita disbursement, the Enrollment Coordinator will run a report from the enrollment database, which highlights that year's eligible per capita recipients. That list is then cross-referenced with the Accounting Department's database. Any corrections to the lists are investigated and corrected.
- E. During this time, the State of Minnesota sends notification of the total per capita disbursement amount to the Accounting Department.

SECTION 2: ADDRESS AND NAME CHANGES

A. Over the course of the year, the Enrollment Coordinator maintains the enrollment database for the Bois Forte Band Members in accordance with MCT. Although MCT handles enrollment issues, including address and name changes, the Bois Forte Band requires different methods of notification for such changes. The Bois Forte Band of Chippewa requires address/name changes to be in writing. Therefore, it is essential for Band Members to properly complete and mail address/name changes to the tribal office. Without proper written notification, address and name changes will not be updated in the enrollment and accounting databases and the individual's per capita payment may be delayed.

B. Address Changes

1. To notify the Band of an address change, Band Members must fill out the Address Update Form (attachment #1), which can be picked up at the tribal offices or found online at www.boisforte.com and downloaded from the Enrollment page.
2. Address changes will not be accepted via fax, email or telephone.
3. Address changes must be sent by US Mail or can be hand delivered.
4. Address changes are required to be in writing. The following must be included if Band Members are not using the prescribed form, full name including maiden name, date of birth, current address, signature and date.
5. If the Band Member is incarcerated at the time of per capita disbursement, the Band Member will need to include the OID (Offender Identification Number) on the address change. If the OID number is not on the address update, proper delivery of the per capita payment is not guaranteed and may result in the payment being sent back to the tribal office.
6. Change of Address Forms are to be mailed to:
Bois Forte Tribal Government
Attn: Enrollment
5344 Lakeshore Drive
Nett Lake, MN 55772
7. Band Members who are legal guardians of enrolled children should also include the children's names and dates of birth on the change of address.
8. All address changes must be sent to the Bois Forte Band of Chippewa. A change of address through MCT alone will not suffice.

C. Name Changes

1. Band Members must submit documentation of the name change to the Enrollment Coordinator.
2. Acceptable documentation of name changes include marriage certificate, divorce decree, court order demonstrating the change, social security card or an updated state issued driver's license or identification card.
3. Name changes will not be accepted via fax, email or telephone.
4. Name changes must be submitted through the US Mail by the Band Member wishing to change his/her name or can be hand delivered.
5. For minor Band Members, the parent or legal guardian must provide court documents recording the name change.

D. Address change forms and name change documents sent to the Enrollment Coordinator will be date stamped and the information provided will be scanned and entered into the enrollment database. Address change forms and proper documentation of name changes will be forwarded to the Accounting Department. The Accounting Department will then enter the information into their database and date stamp the day they processed the change. The form and/or documents will be sent back to the Enrollment Coordinator who will then file the documents in the Band Member's enrollment file.

E. Address and name changes must be received well in advance of per capita disbursement. A full weeks' time before per capita disbursement is required to make proper changes to eligible Band Member's information. Change requests that are received more than a week before the per capita disbursement will be documented and the changes will be properly made on the per capita check. Address and name changes that are not made in a timely manner may not be properly corrected on the per capita check. This may result in the check being sent back to the tribal office and may result in undue burden to the recipient. It is essential that address and name changes are received well in advance of per capita disbursement.

SECTION 4: INFORMATION REQUESTS/ADDRESS VERIFICATIONS

- A. Information requests by any 3rd party pertaining to enrollment information or per capita disbursement will be denied by the Enrollment Coordinator unless accompanied by a Release of Information that is signed and dated by the Band Member.
- B. The Enrollment Coordinator may choose to send address verifications cards/letters to further ensure proper delivery of per capita payments. If the

address verification cards/letters are returned to the tribal office with a return to sender notice on the envelope, the Enrollment Coordinator will delete the Band Member's address and forward the cards/letters to the Accounting Department as they will also delete the Band Member's address.

SECTION 5: TRUST FUND RELEASES

- A. Pursuant to the Bois Forte Irrevocable Trust Agreement, date March 9, 1995, the Bois Forte Band of Chippewa will set up individual trust fund accounts for all enrolled Band Members under the age of 18. The Band will make yearly per capita payments into the trust fund. The trust matures when the Band Member has their 18th birthday.
- B. Band Members who reach the age of 18 and wish to terminate their trust relationship with the Bois Forte Band of Chippewa must submit a completed Trust Fund Release Form (attachment #2). The form must be completed, notarized and sent via US Mail or hand delivered to the Bois Forte Tribal Government. After the Trust Fund Release Form has been received, the Enrollment Coordinator will start the process of disbursing the trust fund account total, including any interest that has accrued, with the financial institution of choice and begin processing yearly per capita payment accordingly.
- C. Band Members who reach the age of 18 and are under the care of a guardian due to a disability, the guardian can terminate the trust relationship with the Bois Forte Band of Chippewa and must submit a completed Trust Fund Release Form for an Appointed Guardian or Conservator (attachment #3) along with the Court Order of Guardianship.

CHAPTER THREE: DISBURSMENT PROCEDURES

SECTION 1: ACCOUNTING PROCEDURES

- A. As mentioned above, the Accounting Department and the Enrollment Coordinator will compare their databases and investigate and correct any discrepancies. Specifically, the Accounting Department and the Enrollment Coordinator must have the same number of enrollees in their databases.
- B. For the purposes of per capita payments, eligible Band Members are assigned a unique number. Per capita disbursements are maintained as separate transactions in a recurring transaction file.
- C. To check for any problems, the Accounting Department will run a per capita query, a double-check query and once again verify the total number of enrollees.
- D. The transactions are grouped into 4 batches. The checks are then printed. Checks will be printed with the address on file for each eligible Band Member. Each batch is checked for the proper format and the correct check amount.
- E. There is no early disbursal and all check with addresses shall be mailed. **No Exceptions.**
- F. If there is not a current address on file, the per capita check will be held by the Enrollment Coordinator or the Accounting Department. These checks are available for pickup starting the first business day after per capita disbursement.
- G. The Wednesday following disbursal, payments will be made into the minor Band Members trust account. The Accounting Department will check balances of trust accounts and cross-reference the amount balances with individual quarterly bank statements. The account balances, interest and disbursement totals must be documented for future audits.

SECTION 2: CHECK DELIVERY

- A. Addressed checks will be brought to the post office on the Thursday before per capita disbursement.
- B. Once the checks are sent out, the Accounting Department and the Enrollment Coordinator must correct errors and fix any problems associated with per capita disbursal.
- C. In certain cases, post offices may not deliver the check unless the eligible Band Member's name is on the mailbox. Checks may also arrive to the same location at different times due to US mail intricacies. These are post office policies and functions and are not within our control.

- D. If the eligible Band Members per capita payment is returned to the Bois Forte Tribal Government as “undeliverable”, the eligible Band Member’s address will be deleted and that Band Member will need to send in a new change of address.
- E. If the eligible Band Members per capita payment is returned, he/she can retrieve their check in person at the Tribal Government Building. The eligible Band Member will be required to show identification in order to receive their check.
- F. If the eligible Band Member’s per capita payment is returned, the Band Member may choose to have someone else retrieve their check, the individual retrieving the check must have identification and a notarized written statement signed by the eligible Band Member.
- G. No checks will be released without the notarized written statement and/or identification.
- H. The Accounting Department will once again verify account balances and run a total check balance.

SECTION 3: DISBURSAL ERRORS

- A. All disbursement errors will be investigated and fixed, if possible, by the Accounting Department and Enrollment Coordinator.
- B. Eligible Band Members must wait a ***minimum*** of 30 days before any stop payments can be requested and checks be reissued.
- C. If a stop payment is needed and it is found that the Band was at fault, the Band will be responsible for stop payment fees.
- D. If a stop payment is needed and the eligible Band Member is at fault (i.e. not providing proper address), the stop payment fee will be deducted from the eligible Band Members per capita payment when it is reissued.
- E. Per capita payments can be collected within one year of the per capita payment date. After that period, the per capita payment becomes the property of the Bois Forte Band of Chippewa. Eligible Band Members cannot collect past per capita payments if the one-year time period has elapsed.