

## **Bois Forte Per Capita Garnishment Procedures**

Under Section 6 of the Bois Forte Per Capita Policy, Band Members may have their per capita payments garnished by the Bois Forte Tribal Government if they owe money to the Tribal Government. Under Resolution No. 86-2025, the Reservation Tribal Council (“RTC”) has the RTC has adopted the additional procedures below for per capita garnishments for years 2025 and beyond, which are intended to supplement the Band’s Per Capita Policy and Per Capita Offset Policy. In the event of any conflicts between these Procedures and the Band’s Per Capita Policy and Per Capita Offset Policy, these Procedures shall govern.

Any Band member with outstanding debt to the Band may be subject to per capita garnishment. Outstanding debt to the Band includes debt to Tribal Government programs or departments, or to any enterprises of the Band. Garnishments of per capita payments may occur for any debt to the Band that is 90 days or more in arrears.

The following procedures and timelines shall govern the per capita garnishment process.. If a date outlined below falls on a holiday or a weekend, the deadline shall be moved to the next full business day.

1. No later than April 15 of each calendar year, Tribal Government programs/departments and Band enterprises shall compile and send reports to the Tribal Government Accounting Department of Band member debt that is 90 or more in arrears and therefore subject to per capita garnishment.
2. The Accounting Department will compile a master report of Band member debt subject to per capita garnishment based on information provided by Tribal Government programs/departments and Band enterprises. The Accounting Department will present such report to the RTC for approval no later than April 30 of each calendar year. At the time of presentation to the RTC, all names on the report shall be redacted.
3. For all per capita garnishments approved by the RTC, the Accounting Department will provide advance notice of such garnishment to the Band member via letter as required under Chapter 1, Section 4, of the Per Capita Offset Policy. The advance notice letter must (a) be mailed to all Band members no later than May 30, (b) include the required information as outlined in the Per Capita Offset Policy, (c) allow the Band member to contact the appropriate program/department/enterprise no later than July 15, to dispute the debt owed, (d) advise the Band member that they may attempt to negotiate a payback agreement with the relevant program/department/enterprise and that any prior payback agreement entered into with the Band is null and void.

4. Tribal Government programs/departments and Band enterprises are authorized to enter into payback agreements with Band members. All payback agreements must be negotiated and executed no later than July 25. Tribal Government programs/departments and Band enterprises must negotiate with Band members in good faith. However, programs/departments shall not enter into a payback agreement with a Band member for a debt owed when the member has defaulted on a prior agreement covering the same debt.
5. No later than July 25, Tribal Government programs/departments and Band enterprises must advise the Accounting Department if any debts originally reported to the Accounting Department (a) have been revised in response to a Band member dispute or other legitimate reason or (b) are not subject to garnishment because of a negotiated and executed payback agreement. The program/department/enterprise shall also forward a copy of all payback agreements to the Accounting Department where they will be stored for recordkeeping purposes
6. Once per capita amounts are issued by the State of Minnesota, the Accounting Department will credit appropriate Band member accounts with garnished per capita payments, consistent with the Per Capita Policy and Per Capita Offset Policy. Amounts collected will be applied proportionately to the Band member's debt, except for debts that total \$100 or less which shall be paid off in total before any proportionate reductions.
7. Unless otherwise provided in a court order, the maximum amount that can be garnished for each Band member under these procedures is 75% of the member's annual per capita payment.