

THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE
Regular Meeting
April 27, 2018

A Regular Tribal Executive Committee meeting was called to order at 8:45 a.m. by President Kevin Dupuis at Grand Casino-Hinckley in Hinckley, Minnesota.

Roll Call: Kevin Dupuis, Chairman, Fond du Lac; Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Melanie Benjamin, Chief Executive, Mille Lacs; Carolyn Beaulieu, Secretary/Treasurer; Faron Jackson, Chairman, Leech Lake; Arthur LaRose, Secretary/Treasurer, Leech Lake; Norman Deschampe, Chairman, Grand Portage; Dennis Morrison, Secretary/Treasurer, Grand Portage; Dave Morrison, Secretary Treasurer, Bois Forte; Terrance Tibbetts, Chairman, White Earth; Tara Mason, Secretary/Treasurer, White Earth.

Quorum present.

Invocation: Lee 'Obiizan' Staples

Cathy Chavers, Chairwoman, Bois Forte; arrived at 8:54 a.m.

Others: Gary Frazer, Executive Director, MCT, Joel Smith, Director of Administration, MCT; Phil Brodeen, Legal, MCT; Caryn Day, Legislative Communication Liaison, Mille Lacs; David Aubid, Rep., Mille Lacs; Brandon Brenner, Rep., Bois Forte; Travis Morrison, Rep., Bois Forte; Barb Brodeen, Bois Forte; Kathy Goodwin, Rep., White Earth; Jessie Fain, IT, White Earth; Shannon Heisler, Enrollment Coordinator, White Earth; Alana Drift, Bois Forte; Miranda Lilya, Human Resources Director, Bois Forte; Bruce Savage, Rep., Fond du Lac; Leslie Harper, Government Relations Specialist, Leech Lake; Tammy LaRose, Enrollment Director, Leech Lake; Rob Hull, Rep., Grand Portage; Agatha Armstrong, Executive Assistant, Grand Portage; Marie Spry, Rep., Grand Portage; Corey Strong, Executive Director, Bois Forte; Leroy Fairbanks, Rep., Leech Lake; Shena Matrious, Mille Lacs; Diane Osceola, Executive Assistant, Leech Lake; Frank Bibeau, Legal, White Earth; Steve White, Rep., Leech Lake; Roger Heger, OST, BIA-MN Agency; Susan Klapel, Deputy Assistant, Mille Lacs; Dale Greene, Legal, Leech Lake; Shelly Day, Legislative Office Manager, Mille Lacs; Amos LaDuke, Assistant, Leech Lake; Darcie Big Bear, Mille Lacs; MCT staff and other interested parties.

President Dupuis called for approval of the agenda and asked if there were any add-ons, deletions or new business.

Secretary/Treasurer Beaulieu requested adding MLB Resolution 18-01-139-18.

Secretary-Treasurer Mason requested adding Jesse Fain, White Earth IT Coordinator regarding White Earth's new enrollment software development discussed at Legislative subcommittee.

Secretary-Treasurer Mason requested discussion on Constitution Convention (next steps, funding, educational piece and plans to move forward).

President Dupuis announced the Tribal Courts: Irene Benjamin agenda item on page 2 be moved to the next regular TEC meeting.

Phil Brodeen requested adding the draft MCT Land Transfer letter presented and discussed at the Natural Resources/Environmental subcommittee. Also clarified that the “Tribal Leaders Sovereignty Act” should read “Tribal Labor Sovereignty Act” under Legal.

Motion by Secretary-Treasurer Beaulieu to approve the agenda with additions and correction. Seconded by Chairwoman Chavers. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve the minutes of October 12, 2017, regular meeting; December 14, 2017, special meeting; January 24, 2018, regular meeting and March 8, 2018, special meeting with the following change: October 12, 2017 minutes – comment on page nine (9) of eleven (11) on the very bottom of the page – the proper spelling is Bill Crowell (not Kroll). Discussion on the November 22, 2017 minutes – excluded from this motion as transcripts are needed. Chief Executive Benjamin would send the transcripts from that meeting to be added for approval at the next regular meeting. Seconded by Secretary/Treasurer Mason with. 11 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS

Motion by Chairman Jackson to approve Resolution 51-18 supporting Great Lakes Inter-tribal application for Tribal Public Health Capacity Building and Quality Improvement Umbrella Cooperative Agreement CD-RFA-QT18-1803. Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 52-18 regarding Opioid Epidemic. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Chief Executive Benjamin informed the Committee that an Opioid Hearing is scheduled for May 2nd & 3rd in Hinckley.

Secretary-Treasurer Mason asked if the Minnesota Chippewa Tribe is going to declare a State of Emergency. Red Lake and White Earth have, in 2012 White Earth declared a State of Emergency. How do we assist other reservations like Red Lake? President Dupuis stated we probably won't get funding for additional Opioid Summits. We do need this funding, need to unite for one cause.

George Goggeye referred to the Opioid Summit held in White Earth, all you need to do is reach out, and the resources are there. Have your staff contact me and we will provide assistance. Chief Executive Benjamin stated that this is the Mille Lacs Bands' highest priority, the question is how to address these issues. Getting back to a spiritual way of life for people on our reservations. Secretary-Treasurer Mason stated that it is two separate issues. President Dupuis stated we need to maintain unity. Mystic Lake is hosting an Opioid Summit, May 21st. Chairman Jackson stated MCT helped fund the White Earth Summit. Chairwoman Chavers stated that Bois Forte is running into houses being tested at \$800 each. The results are some homes test positive for chemicals used in manufacturing drugs. Some homeowners are unaware that other family members may be using without their knowledge inside the home. The houses need to be cleaned and renovated; there are no HUD dollars for this. Children are being exposed to chemicals, a potential ICWA issues with people using in the homes. This creates many different issues, how do/can we address this?

Secretary-Treasurer Mason stated the safety of housing staff that walk into these units is also compromised. Elders are getting sick. Have Michael Northbird look into having the household hazardous waste training modified to possibly include addressing meth lab awareness.

Motion by Chief Executive Benjamin to approve Resolution 53-18 regarding Blandin Foundation Grant application. Seconded by Chairwoman Chavers. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve Resolution 54-18 regarding DNA Laboratory Service Agreement. Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Discussion:

President Dupuis asked if the DNA results are owned by the Minnesota Chippewa Tribe. Joel responded yes, in accordance with the agreement, data would not be released to anyone. Question is asked on how is the information getting distributed, our people need this type of information protected safely. Are people are getting educated on the process. Joel stated this is a no cost agreement to the Minnesota Chippewa Tribe. Testing is used solely for the purposes of determining paternity for enrollment. Secretary-Treasurer Mason asked if we are accepting DNA now. Joel responded yes, we are from accredited testing companies. The LabCorp agreement provides testing services at a very reasonable cost to the individual. Other companies have been charging anywhere from \$300 - \$600 per test. LabCorp charges less than \$50 per test. Chairman Jackson asked the DNA testing, what are the statistics? Joel responded that our Enrollment Ordinance states 97.99% as the threshold for paternity. For other types of DNA tests (grand parentage, siblingship testing, etc.), we would need to determine and establish the threshold percentage we would accept. We would need to amend current language of the Enrollment Ordinance such as removing affidavit of paternity as an option. Language would be

drafted for the next meeting. Secretary-Treasurer Mason asked the validity of the testing? Joel stated LabCorp Identity Testing claims 99.9999% accuracy with their process.

Monroe Skinaway requested to speak to the Tribal Executive Committee. What is the validity of a reservation? Where do I go? I have documentation that Sandy Lake members should be recognized as Mille Lacs Band members. Mr. Skinaway presented handouts to President Dupuis, who stated we would address this at a Special Tribal Executive Committee meeting.

President Dupuis called for a 10 minute recess at 10:15 a.m.
Reconvened at 10:39 a.m.

Motion by Chairman Tibbetts to approve Resolution 55-18 regarding enrollment: White Earth Eligibles (51). Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 56-18 regarding enrollment: White Earth Ineligibles (33). Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 57-18 regarding enrollment: White Earth Transfer to Leech Lake (4). Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 58-18 regarding enrollment: White Earth Relinquish to Red Lake (2). Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 59-18 regarding enrollment: White Earth Relinquish to Sisseton Wahpeton Oyate (2). Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 60-18 regarding enrollment: White Earth Blood Degree Change I. Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 61-18 regarding enrollment: White Earth Blood Degree Change II. Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 62-18 regarding enrollment: White Earth No Parent Enrolled (4). Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 63-18 regarding enrollment: White Earth Disenrollment. Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 64-18 regarding enrollment: Bois Forte Eligibles (9). Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 65-18 regarding enrollment: Bois Forte Ineligibles (8). Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 66-18 regarding enrollment: Bois Forte Relinquish to Three Affiliated Tribes. Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve Resolution 67-18 regarding enrollment: Grand Portage Eligibles (1). Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve Resolution 68-18 regarding enrollment: Grand Portage Ineligibles (2). Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Martineau to approve Resolution 69-18 regarding enrollment: Fond du Lac Eligibles (8). Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Martineau to approve Resolution 70-18 regarding enrollment: Fond du Lac Ineligibles (15). Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Martineau to approve Resolution 71-18 regarding enrollment: Fond du Lac No Parent Enrolled (1). Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 72-18 regarding enrollment: Leech Lake Eligibles (48). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 73-18 regarding enrollment: Leech Lake Ineligibles (16). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 74-18 regarding enrollment: Leech Lake Relinquish from Red Lake (1). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 75-18 regarding enrollment: Leech Lake Blood Degree Change. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 76-18 regarding enrollment: Leech Lake No Parent Enrolled (1). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Chief Executive Benjamin to approve Resolution 77-18 regarding enrollment: Mille Lacs Eligibles (32). Seconded by Secretary-Treasurer Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

Chief Executive Benjamin to approve Resolution 78-18 regarding enrollment: Mille Lacs Ineligibles (21). Seconded by Secretary-Treasurer Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

Chief Executive Benjamin to approve Resolution 79-18 regarding enrollment: Mille Lacs No Parent Enrolled (3). Seconded by Secretary-Treasurer Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

LIQUOR LICENSE

Motion by Chairman Deschampe to approve the Liquor License for Strawberry Lake Store. Seconded by Chairwoman Chavers. 11 For, 0 Against, 0 Silent. Carried.

QUARTERLY REPORTS

Administration: Joel Smith

Joel Smith presented the quarterly administrative report.

Motion by Secretary-Treasurer LaRose to approve the administrative report as presented. Seconded by Chairwoman Chavers. 11 For, 0 Against, 0 Silent. Carried.

Finance Corporation: Jeff Brunelle

Jeff Brunelle presented the quarterly Finance Corporation report.

Motion by Chief Executive Benjamin to approve Finance Corporation report as presented. Seconded by Chairman Jackson. 11 For, 0 Against, 0 Silent. Carried.

Economic Development: Jeff Brunelle

Jeff Brunelle presented the quarterly Economic Development report.

Motion by Chief Executive Benjamin to approve Economic Development report as presented. Seconded by Chairman Jackson. 11 For, 0 Against, 0 Silent. Carried.

Education: Billie Annette

Billie Annette presented the quarterly Education report. Dr. Jane Halstad – Have to start a Charter School. Will assist.

Motion by Chairman Deschampe to approve the quarterly report as presented. Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

EPA GAP: Michael Northbird

Michael Northbird presented the quarterly EPA GAP report.

Motion by Chairman Deschampe to approve the EPA GAP report as presented. Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

INTRODUCTION: Bied Finstad, USDA and staff were introduced. They would meet with Tribal Leaders over lunch today.

SECRETARY’S REPORT: Chief Executive Benjamin

Tabled

TREASURER’S REPORT: Secretary-Treasurer Dave Morrison

Motion by Chairman Deschampe to approve the Treasurer’s report as presented. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Mason to approve the indirect cost proposal. Seconded by Chairman Deschampe. 11 For, 0 Against, 0 Silent. Carried.

BIA MN AGENCY: Roger Heger, OST

Mr. Heger discussed old judgement accounts set up for ineligible individuals and provided a list of the accounts to each Band. The funds in these accounts would revert back to the Bands. The ineligible individuals are either Whereabouts Unknown or possibly deceased. Mr. Heger requested help from the Bands to verify this information to transfer the funds.

President Dupuis calls for lunch break at 12:06 p.m.
Reconvened at 1:09 p.m.

PRESIDENT DUPUIS: Resolution 91-14

What purpose does resolution 91-14 serve? This language is acting outside of the MCT Constitution. The petition process – the actual petition sheets have individual's personal information on it (address and phone numbers). Why would we require a person's phone number? That sets them up for harassment as it becomes public information. We don't require that type of personal information in any of the other ordinances or Articles in the Constitution.

Comments and discussion: This was passed in 2014 as a response to clarifying the censorship process and development of the ordinance. Secretary/Treasurer Mason is concerned with the timeframe and confusion created in Section 9. She voted silent on this as she was sworn in as Secretary/Treasurer on the same date and didn't have enough background information on it. Secretary/Treasurer Dennis Morrison stated that he voted against it as he didn't believe that personal information should be required. Chairman Deschampe responded that he agree with Dennis, there isn't any need for age, address or phone number. Question audience member, why don't you (TEC) rescind the Resolution?

Karlene Chosa stated that to sign a petition you have to live on the reservation. For Band members living off reservation, this is an issue.

President Dupuis stated the State, County and Federal government has jurisdiction in regard felonies and how they go about expunging a felony conviction or lowering it to a misdemeanor. What about the Tribal Courts? Why don't we have the sovereign right to determine this? Why should the State, County or Feds solely have that authority? We need exercise our sovereign rights! The felony issue is that– young people who have been convicted of a felony for doing something stupid when they were young, did their restitution and turned their lives around. Shouldn't they have the ability to look back and say, yes I did this but look what I've done to pay my dues. They cannot serve their people as we do not give them that right. Opposing – felony. Structure – to move forward (censure). Why was there a change to the old ordinance? Chairman Deschampe stated that back then we had a lot of politics going on with two TEC members that had felonies that prevented them for running for office at the time. We're not giving them a

second chance. Chairman Deschampe responded let's take this issue back our reservations and look at this. The last petition on Grand Portage – we were asked what did you see? Grand Portage members wanted information posted. Chief Executive Benjamin stated that she agreed with President Dupuis.

Chairman Jackson stated this should have done by referendum, let the people have a say. Secretary/Treasurer Dave Morrison read from the May 7, 2014 TEC meeting notes. Dave made the motion, Erma seconded, and motion was carried.

Election Comments: Karlene Chosa

Karlene informed the Committee that there were three appeals of the primary election on Bois Forte. A number of absentee ballots did not get sent out in time for individuals to meet the April 3rd deadline. The decision by the Election Contest Judge may change the outcome of the primary election. Also, there is a conflict of interest as the Election Board was handpicked by Bois Forte Tribal Council.) The Election Judge is Bois Forte Band member put us at a disadvantage. It costs money to do this over again. The Election Ordinance needs to be re-done.

Audience member – question on the felonies. Two different versions of people if they did something wrong in their youth, did their time and became an upstanding citizen with no further issues. These individuals deserve a second chance. Sometimes it's how they are raised.

President Dupuis – those with felonies would be bonded to be in office. Isn't there blanket protection through TEC?

Executive Director Frazer – each reservation covers their own bonding.

Chairwoman Chavers commented that it belongs to the membership to make that decision. The Election censorship process needs to be looked at and updated.

Audience member suggests putting in the tribal papers, give tribal members input. It's up to the membership to decide. The felony issue needs to be more specific, put safe guards in place.

President Dupuis stated we have an issue with the BIA regarding records. We want an investigation into how our records are being treated and what documents are being sent to archives? Why aren't the Bands getting copies of their records from BIA? President Dupuis stated he would talk to the Superintendent to set up meeting to discuss the records.

President Dupuis calls for break at 2:44 p.m.
Reconvened at 3:07 p.m.

GLITEC

Dean Seneca MPH, MCURP. Director, Great Lakes Intertribal Epidemiology Center introduced himself, discussed his organization and had a prepared slide show presentation: “Improving the health of American Indians and Alaska Natives”. Mr. Seneca gave a brief summary of the slide show due to time constraints.

TRIBAL INFORMATION EXCHANGE (ICWA):

Jackie Crow Shoe, Policy Associate II, University of Southern Maine. Provided a summary of her work with the Capacity Building Center for Tribes and a discussion on the ICWA Guide for Tribal Governments and Leaders.

LEGAL: Phil Brodeen

Phil Brodeen, MCT Legal Counsel, provided updates to Tribal Executive Committee on the Culverts Case along with HF 3280/SF 2983, legislation introduced earlier this year regarding removing existing water quality standards related to sulfates in wild rice waters and the March 20, 2018 letter to Governor Dayton from President Dupuis opposing both pending bills. Phil also discussed Tribal Labor Sovereignty Act introduced in Congress which represents a legislative fix to add Tribes to the list of governmental entities exempt from the National Labor Relations Act.

MCT Land Transfer – Phil presented a draft letter for President Dupuis’ signature to BIA stating that certain provisions in ILCA apply to the MCT’s ability to transfer MCT lands to individual Bands. A motion requested by Phil to accept the letter as written for President Dupuis signature. Discussion: Secretary/Treasurer Mason stated she needed to validate the number of MCT trust acres.

Motion by Chairman Jackson to accept the letter as written for President Dupuis signature. Seconded by Secretary-Treasurer LaRose. 9 For, 0 Against, 2 Silent (Tara Mason, Carolyn Beaulieu). Carried.

NEW BUSINESS

Secretary/Treasurer Beaulieu presented MLB Resolution 18-01-139-18. She provided written documentation to Tribal Executive Committee members requesting the Censure of Chief Executive Benjamin. Secretary/Treasurer Beaulieu read the charges. President Dupuis called for motion.

Motion made by Secretary/Treasurer Beaulieu to Censure Chief Executive Benjamin. Seconded by Secretary/Treasurer Mason.

Chief Executive Benjamin exercised her rights and requested 45 days from today (April 27, 2018) to prepare a response. The Censure Hearing is scheduled for June 11, 2018 at Grand Casino Mille Lacs at 9:00 a.m.

CONSTITUTION CONVENTION

Discussion on next steps for Constitution Convention. President Dupuis suggested a special meeting for this and that delegates will be chosen from each reservation. Secretary/Treasurer Mason stated the Committee needed to be provided with the transcripts from the White Earth Informational meeting and the other Constitutional Convention Informational meetings. Joel responded that he would email electronic copies to all Tribal Executive Committee members on Monday April 30th.

The Special Tribal Executive Committee meeting date to discuss Constitution Convention was set and confirmed for May 31, 2018 at Northern Lights Casino, Walker, MN at 8:30 a.m. President Dupuis added Monroe Skinaway presentation/discussion to the agenda.

ENROLLMENT SOFTWARE

Secretary/Treasurer Mason brought IT issue to the Tribal Executive Committee and introduced Jesse Fain, White Earth IT department. Jesse provided a brief summary of the new software being developed enterprise wide at White Earth. This includes an enrollment module that is Microsoft based. She discussed the comparison to current enrollment software being used by Minnesota Chippewa Tribe and the six Bands (Progeny Version 9) and the new Version 10 that was demonstrated to ERC members. The potential is there to use White Earth's solution (software) for Minnesota Chippewa Tribe and all six enrollment departments in the future rather than Progeny.

Executive Director Frazer reminded the Committee that the next regular Tribal Executive Committee meeting is scheduled for July 9, 2018 at Fortune Bay Casino, Vermilion, MN.

Motion by Chairman Tibbetts to adjourn the meeting at 4:49 p.m. Seconded by Secretary/Treasurer Beaulieu. 11 For, 0 Against, 0 Silent. Carried.