

TRIBAL EXECUTIVE COMMITTEE  
Regular Meeting  
January 24, 2018

The regular Tribal Executive Committee Meeting was called to order by President Dupuis at 9:01 a.m. in the Event Center at Grand Portage Lodge & Casino, Grand Portage, MN.

Invocation: David Aubid, Rep., Mille Lacs

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

Other: Kathy Goodwin, Rep., White Earth; Steve Clark, Rep., White Earth; Rob Hull, Rep., Grand Portage; Marie Spry, Rep., Grand Portage; Agatha Armstrong, Ex. Asst., Grand Portage; Ray Toutloff, Rep., Bois Forte; Barb Brodeen, Realty Manager, Bois Forte; Steve White, Rep., Leech Lake; LeRoy Staples, Rep., Leech Lake; Levi Wind, DNR, Leech Lake; Tammy LaRose, Enrollment Director, Leech Lake; Diane Osceola, Leech Lake; Laurie Harper, Director of Education, Leech Lake; Dawn Jackson, Interim Development Director, Leech Lake; Wally Storbakken, Leech Lake; Guy Greene, Legal, Leech Lake; David Aubid, Rep., Mille Lacs; Shena Matrious, Government Affairs Area Relations/Special Projects, Mille Lacs; Bridget Donahue, Director of Real Estate, Mille Lacs; Shannon Porter, Mille Lacs; Susan Klapel, Mille Lacs; Caryn Day, Legislative Communication Liaison, Mille Lacs; Vanessa Northrup, Rep., Fond du Lac; Bruce Savage, Rep., Fond du Lac; Roger Heger, OST, BIA-MN Agency; Dennis Olson, Executive Director, MIAC; Jane Halsted, Director, Office of Indian Education, MDE; MCT Staff and other interested parties.

President Dupuis called for any new business to be added to the agenda; MAST update is added to the agenda after New Business.

Motion by Chief Executive Benjamin to approve the agenda with additions. Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Chief Executive Benjamin requested the minutes of October 12, 2017, November 22, 2017 and December 14, 2017 be tabled. President Dupuis requested clarification for request. Chief Executive Benjamin stated that meetings are recorded and transcribed to ensure accuracy when compiling minutes; she would like additional time to review minutes to check names and dates.

President Dupuis asks what is in need of clarification; Chief Executive Benjamin explained that due to length of meetings, minutes are not verbatim. In compiling minutes, we summarize the TEC discussion into minute format and refer back to transcripts of recordings to ensure accuracy, and significant time is spent going through every page; mistakes have been caught, so need more time so TEC's time isn't consumed.

Motion by Chairwoman Chavers to table the minutes of October 12, 2017, November 22, 2017 and December 14, 2017. Seconded by Melanie Benjamin. 11 For, 0 Against, 0 Silent. Carried.

## **RESOLUTIONS**

Motion by Secretary-Treasurer Dennis Morrison to approve Resolution 31-18 regarding BIA Contract Amendment. Seconded by Secretary-Treasurer Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Beaulieu to approve Resolution 32-18 regarding BIA funding proposal. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Discussion on Resolution 33-18 transfer of MCT Trust Lands to the reservations on which they are located.

Secretary-Treasurer Mason and Secretary-Treasurer Beaulieu had not seen the resolution and would like to take back to their respective reservations for tribal members input. Attorney Brodeen informed the Committee if the resolution were to pass at this level it does not mean it would pass Congress. It is also a lengthy process to through Congress and won't happen overnight.

Chairwoman Chavers responded that the resolution was first presented for Bois Forte only and decided to include all the reservations. If this resolution doesn't pass, would recommend that the Bois Forte resolution be acted upon. This is a lengthy process and has been discussed for years; this would at least start the process. MCT members ask how the resolution will impact structure of MCT and whether TEC has authority to pass resolution; TEC members discuss historical record on the process and past discussions getting us to this point. President Deschampe explains history; this is not a new issue and Grand Portage has already voted to move ahead. Attorney Phil Brodeen explains legal issues of land transfer and leases.

Councilman LeRoy Fairbanks, Leech Lake, addresses TEC; discusses recent history of TEC tabling matters. Stating that he intends no disrespect to anyone in the room, he doesn't believe that any MCT members in the room are carrying proxy votes for the people back home but are speaking for themselves as individuals. States that TEC are the elected leaders in the room, put into position to act on behalf of the people they represent; he asks how many people the other

individuals in the room represent and expresses concerns about TEC meetings allowing drowning out of the message and inaction. President Deschampe voices states that he respects the people at the table elected to represent the people back home, but also respects the rights of the membership to bring things forward and that voicing disagreement on issues is healthy.

Motion by Chairman Jackson to approve Resolution 33-18 regarding transfer of MCT Trust Lands to reservations in which they reside. Seconded by Chairman Tibbetts.  
Request for roll call vote:

7 For (Secretary-Treasurer Dave Morrison, Chairwoman Chavers, Chairman Deschampe, Chief Executive Benjamin, Secretary-Treasurer LaRose, Chairman Jackson, Chairman Tibbetts), 3 Against (Secretary-Treasurer Dennis Morrison, Secretary-Treasurer Beaulieu, Secretary-Treasurer Mason), 1 Silent (Secretary-Treasurer Martineau), Carried.

Break 10:19 a.m., reconvene at 10:52 a.m.

Chairwoman Chavers requested the Resolution regarding Bois Forte Land transfer be pulled since Resolution 33-18 was passed which included all six reservations in the request to transfer MCT Trust Lands to the reservations in which they reside.

Motion by Secretary-Treasurer Mason to approve Resolution 34-18 to Rejection to HR 3115. Seconded by Secretary-Treasurer Martineau. Attorney Brodeen explains resolution asks that Congress not proceed with HR3115 or any other bill that would require the Superior National Forest to transfer lands to Poly Met Mining. Minor edits are requested from Secretary-Treasurer Martineau; word substitutions. Secretary-Treasurer Mason supports the resolution but is concerned with phrase, “separately recognized by the United States as an Indian Tribe”; Brodeen clarifies that Mason is suggesting a friendly amendment to the resolution. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Dennis Morrison to approve Resolution 35-18 regarding USDA RBDG Application. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Mason to approve Resolution 36-18 regarding DHHS Grant Application. Seconded by Chairman Jackson. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 37-18 regarding HRSA Grant Application. Seconded by Chairman Tibbetts. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 38-18 regarding enrollment: Bois Forte Eligibles (8). Seconded by Secretary-Treasurer Dave Morrison 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 39-18 regarding enrollment: Bois Forte Ineligibles (5). Seconded by Secretary-Treasurer Dave Morrison 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 40-18 regarding enrollment: Leech Lake Eligibles (60). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 41-18 regarding enrollment: Leech Lake Ineligibles (21). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 42-18 regarding enrollment: Leech Lake Transfer to Bois Forte (2). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 43-18 regarding enrollment: Leech Lake Relinquish to Gila River (1). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 44-18 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 45-18 regarding enrollment: Leech Lake Blood Degree Clerical Error. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Martineau to approve Resolution 46-18 regarding enrollment: Fond du Lac Eligibles (9). Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Martineau to approve Resolution 47-18 regarding enrollment: Fond du Lac Ineligibles (17). Seconded by Secretary-Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Martineau to approve Resolution 48-18 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 Tibbetts to approve Resolution 49-18 regarding enrollment: White Earth Transfer to Leech Lake (1). Seconded by Secretary-Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve Resolution 50-18 regarding enrollment: Grand Portage Ineligibles (3). Seconded by Secretary-Treasurer Dennis Morrison. 11 For, 0 Against, 0 Silent. Carried.

## **QUARTERLY REPORTS**

Administration: Joel Smith

Joel Smith presented the quarterly Administrative Report. President Dupuis asked about death reports. Joel explained the death reports are provided to the BIA and reservations in form of obituary, newspaper obituary, birth/death record index. ICWA required enrollment verification.

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

Finance: Rick Wuori

Rick Wuori presented the quarter Finance report. 5 closed loans; 3 were home purchases and 2 were emergency loans. 1 property was sold and 2 foreclosures, increasing corporate inventory to 29 properties. FY18 initiative budget approved by the Finance Board and submitted to Minnesota Housing Finance Agency.

Motion by Chief Executive Benjamin to approve the Finance report as presented. Seconded by Chairwoman Chavers. 11 For, 0 Against, 0 Silent. Carried.

Economic Development: Jeff Brunelle

Jeff Brunelle presented the quarterly Economic Development report. Received notification that CDFI recertification was approved. Allow continued designation as a Native CDFI. Submitted grant app to Otto Bremer Foundation.

Motion by Secretary-Treasurer Mason to approve the Economic Development report as presented. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.

Discussion: Chairman Jackson asked questions about business loans and type of loans that are provided along with the interest rate, which Brunelle states Leech Lake received 3 loans, 2 of

which were microloans. Brunelle responds to questions from TEC about microloans; under \$5000. Bigger loan program can go up to \$150,000; for real estate, building, land, etc.

Education: Billy Annette

Billy Annette presented the quarterly Education report. Submits report; update on JOM parent committee trainings; one coming up in International Falls in mid-February. TNEC met several times. Requests that Dennis Olson (MIAC) explain resolution on Indian student identification. Dennis Olson, Executive Director MIAC

Dennis discussed the new legislative requirement to further disaggregate student identification data for race and ethnicity. There is no benefit to disaggregation as the law is currently written. Minnesota Indian Affairs Councils position is this process further marginalized American Indian students, families and tribal nations. Current legislation disregards entire tribal nations, tribes and communities. MIAC passed two resolutions to improve American Indian student identification at both state and federal level. MIAC recommendations are: 1. Incorporate an American Indian citizenship question on Data Collection Form. 2. Option, collect data for all 567 federally recognized tribes in the nation. 3. Disaggregate data for the eleven separate sovereign tribal nations here in Minnesota.

Jane Harstad, Director of Indian Education, MDE

- Commissioner Cassellius will be hosting meetings with American Indian teachers sometime in April or May at MDE. She would like to discuss issues pertaining to longevity, support, and maximization of potential.
- Data Disaggregation (D2) efforts continue to refine the implications of what it will mean for American Indian students. In addition, the feedback from the Community meeting has been incorporated into the questions being asked regarding race and ethnicity on the school and family form.
  - MDE is restricted by the law, the federal designation is the issue but MN has to disaggregate the data somehow.
  - Legislatively speaking, if there are issues or concerns to be resolved, a letter should be submitted to MDE by Wednesday January 24<sup>th</sup>.
  - If anyone has further recommendations for the Legislature, letters need to be sent before February 1<sup>st</sup>, 2018.
  - MARSS Coordinator “Ethnic Code Conflict” between state and federal definitions; Guidance for MARSS coordinators, school protocols and procedures, parents.

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- Edfy; new data standard- common language across data collection, but only with a limited data set (not AI identification). More information in the coming weeks about this; I don't really understand it yet.
- Legislation- Four proposals still alive
  - Eagle feathers
  - Tribal school boards in MSBA
  - AIPACs report directly to school boards
  - Re-licensure (teachers and admin) require 16 clock hours of Indian education.
- Consultation- Varying degrees of success. Metro consultations going well, some schools not aware yet, OIE is reaching out to all of the remaining schools/districts.
- Curriculum
- Indian Education Aid
  - Final 20 or so plans will be worked on this week
  - Metered payments- talk with the business managers at the schools/districts

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

Human Services: Charles Lussier

Charles Lussier presented the quarterly Human Services report.

Discussion on the Tribal Opiate Summit and if there is information available on the summit. Request on providing further training on each of the reservations. Charles stated that the Director George Goggleye had showed an interest in providing further training.

Motion by Secretary-Treasurer Beaulieu to approve the quarterly Human Services report. Seconded by Chairwoman Chavers. 11 For, 0 Against, 0 Silent. Carried.

**EPA GAP:** Gary Frazer

Gary presented the quarterly EPA GAP report.

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

**SECRETARY’S REPORT:** Melanie Benjamin

Chief Executive Benjamin presented the year-end report which included minutes and business inventory of the Minnesota Chippewa Tribe. She informed the Committee that the minutes are located in the Minnesota Chippewa Tribal Headquarter and for review. Need to include the Twin Cities office on the inventory list. Chairman Jackson asked if the minutes would be available on disk. Executive Director Frazer stated if there is funding available.

**TREASURER’S REPORT:** Dave Morrison

Secretary-Treasurer Dave Morrison informed the Committee that the 2015 Audit had been completed with findings addressed. The 2016 Audit is in the process of being completed and the 2017 audit would be completed by June 2018.

Discussion: Question was asked in regard to the audits being behind. Gary informed the Committee that the accounting had been under staffed due to medical leave of absence. The office was now fully staffed.

**LEGAL:** Phil Brodeen

**Proposed Changes to Part 151 Regulations**

- 3 main points are made in the draft comments
  - o the proposed changes add a level of bureaucracy to an already cumbersome process
  - o the additional application items, for off-reservation acquisitions and gaming acquisitions are unlawful
  - o reinstating the 30 day waiting period is unnecessary
- consultation at Mystic Lake on January 18, 2018

**Cert Granted in Culverts case**

- Supreme Court granted cert in the case titled Washington v. U.S. on January 15, 2018
- Treaty rights case
- Whether “right of taking fish, at the usual and accustomed grounds and stations...in common with other citizens” guarantee “that the number of fish would always be sufficient to provide a moderate living to the Tribes”
- Court below required the State of Washington to replace hundreds of culverts to ensure that salmon could migrate upstream
- Supreme Court’s granting cert has the potential to impact treaty rights



### **NIGC Final Rule Re: Fees**

- NIGC is amending its fee regulations.
- rule amends the regulations that describe:
  - o when the Commission adopts annual fee rates,
  - o defines the fiscal year of the gaming operation that will be used for calculating the fee payments, and
  - o Includes additional revisions clarifying the fee calculation and submission process for gaming operations.

### **Reorganization of Department of Interior**

- Interior Secretary Ryan Zinke has announced his plans to make sweeping personnel changes at the Department of the Interior
- The plans are still in the preliminary stages but a proposed map shows that the State of Minnesota would be split into two regions; region 4 and Region 5
- Region 4 includes the Mississippi River Valley (would include Mille Lacs)
- Region 5 is titled North Central and would include the rest of the MCT
  - o No indication as to how this would impact the Bureau of Indian Affairs

### **Advocacy pieces for MCT Legislative Dinner**

- Send follow up email requesting advocacy topics for MCT Legislative dinner
  - o Opiates
  - o Education

### **NEW BUSINESS:**

White Earth: Secretary-Treasurer Mason

Secretary-Treasurer Mason presented a request to censure White Earth Chairman Terrance Tibbetts.

Chairman Tibbetts request 45 days in which to respond.

Executive Director Frazer informed the Committee that Chairman Tibbetts choice is 45 days, a Special meeting will be held in White Earth, he will notify Executive Director of date.

**WHITE EARTH:** Chairman Tibbetts

Chairman Tibbetts presented a request to censure White Earth Secretary-Treasurer Tara Mason.

Executive Director Frazer informed the Committee that Secretary-Treasurer Mason requested a hearing within 45 days to respond; she will contact him on date and location.

Phil Brodeen informed the Committee that Executive Director Frazer was dating and adding the number of pages received for the record. That way no additional information can be presented.

**LEECH LAKE:** Steve White

Steve White presented information on Secretary-Treasurer LaRose regarding his election certification for office.

President Dupuis stated that this was an Election issue and should be handled at the time of certification. It is not for the Tribal Executive Committee to decide.

**INFORMATION:**

MAST Impact week – Is there anything to prepare ahead of time.

NCAI Executive Session

Legislative Dinner – February 27, 2018

Phil suggested getting a talking points page together for discussion with legislators at the dinner, he would get some information together and out to Committee next week.

Motion by Chairman Deschampe to adjourn the meeting at 2:03 p.m. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.