

THE MINNESOTA CHIPPEWA TRIBE  
TRIBAL EXECUTIVE COMMITTEE

Regular Meeting  
July 9, 2018

A Regular Tribal Executive Committee meeting was called to order at 2:24 p.m. by President Kevin Dupuis at Fortune Bay Resort Casino, Vermilion, Minnesota.

Invocation: Gene Goodsky

The following new TEC Members were issued the oath of office, administered by the respective Chairpersons of each Band:

Ferdinand Martineau, Secretary/Treasurer, Fond du Lac, sworn into office by Chairman Kevin Dupuis, Fond du Lac

April McCormick, Secretary-Treasurer, Grand Portage sworn into office by Chairman Norman Deschampe, Fond du Lac;

Sheldon Boyd, Secretary-Treasurer, Mille Lacs, sworn into office by Melanie Benjamin, Chairwoman/Chief Executive, Mille Lacs;

Arthur LaRose, Secretary/Treasurer, Leech Lake, sworn into office by Chairman Terrance Tibbetts, Chairman, White Earth;

Roll Call: Kevin Dupuis, Chairman, Fond du Lac; Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Melanie Benjamin, Chairperson/Chief Executive, Mille Lacs; Sheldon Boyd, Secretary/Treasurer/Speaker of the Assembly, Mille Lacs; Cathy Chavers, Chairwoman, Bois Forte; David Morrison, Secretary/Treasurer, Bois Forte; Faron Jackson, Chairman, Leech Lake; Arthur LaRose, Secretary/Treasurer, Leech Lake; Norman Deschampe, Chairman, Grand Portage; April McCormick, Secretary/Treasurer, Grand Portage; Terrance Tibbetts, Chairman, White Earth; Alan Roy, Secretary/Treasurer, White Earth.

Others: Phil Brodeen, Legal, MCT; Gary Frazer, Executive Director, MCT; Joel Smith, Director of Administration; LeRoy Fairbanks, Rep., Leech Lake; Steve White, Rep., Leech Lake; Diane Osceola, Executive Assistant, Leech Lake; Leslie Harper, Leech Lake; Laurie Harper, Director of Education, Leech Lake; Amos LaDuke, Executive Assistant, Leech Lake; Dale Green, Legal, Leech Lake; Brad Harrington, Commissioner DNR, Mille Lacs; Syngen Kanassatega, Legal and Policy Counsel, Mille Lacs; Emily Johnson, Strategic Initiatives; Shannon Porter, Executive Administrative Assistant, Mille Lacs; Bridget Donahue, Dir. Real Estate, Mille Lacs; Shelly Day, Legislative Office Manager, Mille Lacs; ; Caryn Day, Legislative Communication Liaison, Mille Lacs; Shelly Diaz, Commissioner of Administration/Urban Rep., Mille Lacs; John Morrin, Rep., Grand

Portage; Marie Spry, Rep., Grand Portage; Barb Brodeen, Realty Manager, Bois Forte; Bruce Savage, Rep., Fond du Lac; Tadd Johnson, Professor, UMD; Dennis Olson, Executive Director, MIAC; MCT staff and other interested parties.

President Dupuis asked if there were any additions to the agenda and requested a motion to approve the agenda.

Motion by Chairwoman Benjamin to approve the agenda. Seconded by Chairman Tibbetts. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve the minutes of November 22, 2017 and April 27, 2018. Seconded by Secretary-Treasurer Martineau. 10 For, 0 Against, 1 Silent (Secretary-Treasurer Roy). Carried.

Secretary-Treasurer Roy asked when the minutes are provided to the Committee members for review and for the public. Executive Director Frazer stated the minutes are sent one week prior to the meeting for the Committee to review and provided to the public after Tribal Executive Committee approval.

## **RESOLUTIONS**

Motion by Secretary-Treasurer McCormick to approve Resolution 83-18 regarding TNEC multi-year, multi partner curriculum and resource development project. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Martineau to approve Resolution 84-18 regarding enrollment: Fond du Lac Eligibles (7). Seconded by Secretary-Treasurer Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Martineau to approve Resolution 85-18 regarding enrollment: Fond du Lac Ineligibles. Seconded by Secretary-Treasurer Morrison. (9) 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Martineau to approve Resolution 86-18 regarding enrollment: Fond du Lac No Parent Enrolled (2). Seconded by Secretary-Treasurer Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 87-18 regarding enrollment: Bois Forte Eligibles (19). Seconded by Secretary-Treasurer Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 88-18 regarding enrollment: Bois Forte Ineligibles (3). Seconded by Secretary-Treasurer Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 89-18 regarding enrollment: Leech Lake Eligibles (58). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 90-18 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 91-18 regarding enrollment: Leech Lake Relinquish from Red Lake. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson 92-18 regarding enrollment: Leech Lake Blood Degree Change I. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 93-18 regarding enrollment: Leech Lake Blood Degree Change II. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 94-18 regarding enrollment: Leech Lake Blood Degree Change III. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 95-18 regarding enrollment: Leech Lake No Parent Enrolled (2). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 96-18 regarding enrollment: White Earth Eligibles (30). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 97-18 regarding enrollment: White Earth Ineligibles (34). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 98-18 regarding enrollment: White Earth Transfer to Bois Forte (1). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 99-18 regarding enrollment: White Earth Transfer to Leech Lake (1). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts 100-18 regarding enrollment: White Earth No Parent Enrolled (5). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve Resolution 101-18 regarding enrollment: Grand Portage Ineligibles (3). Seconded by Secretary-Treasurer McCormick. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 102-18 regarding enrollment: Mille Lacs Eligibles (26). Seconded by Secretary-Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 103-18 regarding enrollment: Mille Lacs Ineligibles (4). Seconded by Secretary-Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Discussion on Resolution 104-18 regarding ICWA. Phil Brodeen explained that the individual bands exercise ICWA jurisdiction. Chairman Jackson stated that this is specifically for ICWA purposes. Secretary-Treasurer Roy responded that we are specific RBC's and independently recognized. President Dupuis stated that we are consolidated – Minnesota Chippewa Tribe is recognized and each individual band. He brought up the wording "Component"

Secretary-Treasurer LaRose requested that Rebecca brief the Committee on the reason for this resolution. Rebecca stated that court is being held on July 17<sup>th</sup>, each band makes its own ICWA determinations. Secretary-Treasurer Roy asked if there was a line item for this specific purpose.

Executive Director Frazer stated that if the resolution would have been received ahead of time, it would have been shared with the Committee for input.

Motion by Secretary-Treasurer Roy to approve Resolution 104-18 Resolution regarding determining tribal membership for purposes of application of the ICWA with corrections. Seconded by Chairwoman Chavers 11 For, 0 Against, 0 Silent. Carried.

## **QUARTERLY REPORTS**

Joel Smith presented the Administration quarterly report.

Motion by Chairwoman Chaver to approve the Administrative report as presented. Seconded by Chief Executive Benjamin. 10 For, 0 Against, 1 Silent (Secretary-Treasurer Roy). Carried.

Rick Wuori presented the Finance Corporation quarterly report. President Dupuis asked whether one or three appraisals are submitted for homes; Rick responded that only one appraisal is done, he explained that it's hard to get appraisals on trust lands. Multiple appraisals also create additional costs for our tribal members applying for home loans. President Dupuis asked how we know that we are doing the best if we are only getting one appraisal. Discussion about safety procedures and issues - are we are getting the best deal. Rick responded that he would look into this further and noted the cost of appraisals are increasing.

President Dupuis asked about the Meth problems on all reservations and whether homes been tested for Meth. Rick responded that there has been only one which tested positive in Bois Forte. He and his staff were trained on the impact Meth has on homes, detecting hot spots. Discussion about what level MCT staff are trained at; Rick stated that this is the beginning stage and this is the first home we've encountered. Secretary-Treasurer Roy inquired about capabilities; what

services are provided for the MCT and requested a breakdown of home ownership over the past 4 years.

Motion by Chairwoman Benjamin to approve the Finance report as presented. Seconded by Secretary-Treasurer Martineau. 10 For, 0 Against, 1 Silent (Secretary-Treasurer Roy). Carried.

Jeff Brunelle presented the Economic Development Report. Secretary-Treasurer Roy asked what relationship exists with the Department of Employment and Economic Development (DEED). Jeff explained provision of small business development throughout the state of Minnesota for tribal members who are interested in business development; MCT provides assistance throughout state of Minnesota. Secretary-Treasurer Roy asked about how unemployment is addressed.

President Dupuis suggested providing new TEC members with the packet which would include Ordinance and interpretations, etc. Also Program and Polices breakdown for information on each program of the Minnesota Chippewa Tribe.

Motion by Chairman Tibbetts to approve the Economic Development report as presented. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Billie Annette presented the Education quarterly report.

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

George Goggleye presented the Human Services quarterly report.

Secretary-Treasurer Roy suggested formalizing relationship with DEED; George indicated MCT does have a relationship with DEED. Dennis Olson (MIAC) stated that interviewing is being conducted for the DEED tribal liaison position, which is a half time position. DEED needs to see more movement and formalized relationships with tribes and bands; one possible recommendataiion is to start with veterans – possibly a Summit and Conference. Dennis discussed consultation and the Executive Order, and including those agencies not named in the Executive Order.

President Dupuis asked about DEED's policy to hire internally; Dennis indicated that is the policy and that Leonard Geshick is currently at the Elders Desk, Indian Area on Aging.

Motion by Chairman Deschampe to approve the Human Services report as presented. Seconded by Chairwoman Chavers. 11 For, 0 Against, 0 Silent. Carried.

Michael Northbird presented the EPA GAP quarterly report. TEC members discussed concern about pollutants in waters tested. Secretary-Treasurer Roy asked if there is something in place that has location of landfills on our reservations; Michael can upload that information for the next quarterly meeting. Waste water, movement of ground water, was combined to form the chart. Chairman Tibbetts also stated that Red Lake has some issues relative to this as well.

Michael informed the Committee that he would be wrapping up this portion of the project, meet quarterly with the Minnesota Chippewa Tribe bands and Red Lake.

Motion by Chairwoman Chavers to approve the EPA GAP report as presented. Seconded by Chairman Tibbetts. 11 For, 0 Against, 0 Silent. Carried

GUEST: Peggy Flanagan, Minnesota House of Representatives, formed the Minnesota House Native American Caucus. She informed the Committee that she is a candidate for lieutenant governor and respects Tribal sovereignty and government to government relations. Discussed Minnesota Indian Affairs Council and stated that the Governor, lieutenant Governor and Commissioner should sit at the table when dealing with the tribal issues.

### **SECRETARY'S REPORT**

Chief Executive Benjamin presented her report informing the Committee of the previous meetings that were held and the actions that were taken.

Motion by Secretary-Treasurer LaRose to approve the Secretary Report as presented.

Phil Brodeen informed the Committee that it was not necessary to approve the reports of the Secretary and Treasurer.

Motion by Secretary-Treasurer LaRose to rescind motion, Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried

### **TREASURER'S REPORT**

Secretary-Treasurer Morrison informed the Committee that at the Legislative meeting a revised budget was presented regarding indirect cost. The Audit for FY2015 was completed. FY2016/FY2017 would be caught up in six months. Secretary-Treasurer Roy asked what the impact on potential grants or funding sources without current audits. Gary responded that we are not able to get indirect cost (IDC) until audits are complete. The Tribal Operations and JOM Programs are not going to get IDC until audits are approved in six months. President Dupuis asked about the budget, and whether we can be operational budget without an audit? Secretary-Treasurer Roy asked what we are going to do about it. President Dupuis stated that when caught up the budget needs to match the audit. Secretary-Treasurer Roy asked if this was a frequent problem. Gary responded no, this is accredited to key staff being out on medical leave. Secretary-Treasurer Roy asked what we are going to do if this happens again – just a suggestion.

Secretary-Treasurer McCormick, Realty and Land staff:

Secretary-Treasurer McCormick discussed the Minnesota Chippewa Tribe records reconsolidation prior to 1980. Currently the Bureau is working on removing non-records from the federal records. President Dupuis explained what was considered a record and non-record. All records are a recording of our history. He encouraged the Tribal Executive Committee go to the BIA and review how the records are currently stored.

**LEGAL:** Phil Brodeen

Phil presented the Minnesota Chippewa Tribe draft Drug & Alcohol Policy and resolution. He informed the Committee that they decided to use the Fond du Lac Policy and changed certain language to fit the Minnesota Chippewa Tribe.

Secretary-Treasurer Roy – what does voluntary disclosure mean? Is there a limit to the amount of times an employee can be under the influence? What is meant by “discretion of?” Needs to be fair, establish a standard for every employee of the Minnesota Chippewa Tribe. President Dupuis agreed with a standard for employees. He stated that most people relapse at least once. Chief Executive Benjamin responded a value system is powerful and shows compassion. Phil stated there should be limits for voluntary disclosure. If you are going to limit it, it defeats the purpose entirely. Secretary-Treasurer Roy suggested adding a clause – Internal Review Board. There needs to be a standard – one time only and establish an Internal Review Board.

Motion by Secretary-Treasurer Roy to table Drug & Alcohol Policy and resolution for further review and comments. Seconded by Ferdinand Martineau. 11 For, 0 Against, 0 Silent. Carried.

**DOI Reorganization**

The reorganization was proposed by August 3rd, with a draft available by August 10th, and to be submitted by August 15<sup>th</sup>. Suggest submit a letter as a band. Phil would send out and email and mover forward.

**Wild Rice Taskforce**

Phil discussed the representation of one individual from each of the Minnesota Chippewa Tribe bands. Included is a letter received June 27th stating the taskforce was limited to 15 people. The Minnesota Chippewa Tribe still has 1 representative. A recap was provided in the Natural Resources/Environment Subcommittee meeting, Secretary Treasurer McCormick discussion, formal makeup is similar to MPCA advisory board. They are supposed to consult with tribes and nothing happened. If they would just enforce the Clean Water Act, there would be no need for this taskforce, counter offer. MPCA can't enforce standard treatment for solutions. Suggest a resolution adding enforcement of Clean Water Act.

Dennis Olson stated a letter naming appointment may or may not be the right action from the Minnesota Chippewa Tribe level. President Dupuis responded that there is no problem naming a representative but feel we are giving up our sovereignty, we need to defend our sovereignty. This is not consultation, these are all business men and a non-native ricer, it is not about science.

Secretary Treasurer McCormick stated we should enforce the “Clean Water Act.” Secretary-Treasurer LaRose is concerned the State is opening Wild Rice beds too early; they need to wait two to four weeks. Suggested people from the State communicate with the reservations to save the Wild Rice crop.

Secretary-Treasurer Roy stated the unspoken objective is to lower standards. Secretary Treasurer McCormick responded the EPA needs to enforce the Clean Water Act, lots of tribal consultation has been ignored. Any existing Wild Rice needs to be protected. How do we de-list Wild Rice? Water – once water is lowered its impact on losing rice is greater. Uphold Clean Water Act, don't discuss as Wild Rice Taskforce.

Chairman Tibbetts stated that the University of Minnesota has been genetically manipulating Wild Rice. Very prominent to go after and have our own dialogue.

Chairwoman Chavers suggested start on rejecting offer. When Bois Forte met with MPCA in Duluth, the state has proved they can't manage the Wild Rice. Agree with Administrative Law Judge "Clean Water Act. Why don't we do our own taskforce on Wild Rice?"

Phil stated it would be advisable to get all tribes to withdraw from this task force.

Discussion about options; including appointing a point person; sending letter and contacting other tribes regarding our own consultation; creating our own taskforce, demand consultation. Phil stated that he would provide a letter and resolution for TEC consideration.

Other:

- President Trump will be announcing Supreme Court Candidate
- Rule 10, issued last week, ask legal for update.
- Culvert case 4-4 win in the 9<sup>th</sup> Court of Appeals,

Discussion on the Wild Rice Taskforce and resolution, decision to have legal draft the resolution and letter to send to the Governor.

Tadd Johnson noted that Laurie Swanson is running for Governor, and that her current position is that the Mille Lacs Reservation boundary does not exist. Resolutions have been received from the Minnesota Chippewa Tribe and Minnesota Indian Affairs Council. The decision is not up to the State of Minnesota.

Motion by Chief Executive Benjamin to adjourn the meeting at 6:00 p.m. Seconded by Chairman Deschampe. 11 For, 0 Against, 0 Silent. Carried.