

THE MINNESOTA CHIPPEWA TRIBE
Tribal Executive Committee
Regular Meeting
July 13, 2020

A regular Tribal Executive Committee meeting was called to order at 3:10 p.m. by President Chavers at Fortune Bay Resort Casino (Committee, ZOOM available for Committee, staff and members), Vermilion, Minnesota.

Invocation: Moment of Silence

Roll Call: Michael J. Fairbanks, Chairman, White Earth; Alan Roy, Secretary/Treasurer, White Earth; Faron Jackson, Chairman, Leech Lake; Archie LaRose, Secretary/Treasurer, Leech Lake; Beth Drost, Chairwoman, Grand Portage; April McCormick, Secretary/Treasurer, Grand Portage; David Morrison Sr., Secretary/Treasurer, Bois Forte; Catherine Chavers, Chairwoman, Bois Forte; Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Kevin Dupuis, Chairman, Fond du Lac; Sheldon Boyd, Secretary/Treasurer, Mille Lacs; Melanie Benjamin, Chief Executive, Mille Lacs;

Quorum

Others: Gary Frazer, Phil Brodeen, Joel Smith. Dan Huculak, Dana Goodwin, Dawn Goodwin, Drew Annette, Karen Pemberton, Linda Aitken, Lindsey White, Mary Otto, Melanie Franks, Peter Nayquonabe, Ravyn Gibbs, Shannon Geshick, Shauna FourStar, Cyndi Cwikla, Allysa Leecy, Bruce Savage, Nancy Beaulieu, Leonard Fineday, Michele Palomaki, Shelly Diaz, Al Olson, Syngen Kanassatega, Michaa Aubid, Emily Johnson, Marcie Mcintire, Pam Fairbanks

Executive Director Frazer informed the Committee due to the COVID-19 Pandemic, skip reading of quarterly reports. He would read the BIA report provided along with presentation by Adam Fairbanks. The discussion on tribal council members running for state office has been removed.

President Chavers stated the issue of the land transfer and alleged breach of Roberts Rules of order would be discussed under new information.

Motion by Chief Executive Benjamin to approve the agenda with changes. Seconded by Chairwoman Drost. 11 For, 0 Against, 0 Silent. Carried.

Executive Director Frazer directed committee to look at minutes that were handed out opposed to the minutes included in the packet. Chairman Dupuis and Secretary/Treasurer Martineau requested the minutes be emailed to them as they were participating virtually by ZOOM.

Motion by Secretary/Treasurer LaRose to approve the minutes of January 31, 2020. Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Roy to approve the minutes of March 24, 2020. Seconded by Melanie Benjamin. 9 For, 1 Against Chairman Dupuis, 1 Silent (Secretary/Treasurer Martineau). Carried. (Chairman Dupuis and Secretary/Treasurer Martineau remarked they did not have adequate time to review as email delivered during review).

Secretary/Treasurer McCormick requested table the minutes of May 1, 2020 to condense further. She would make sure minutes are distributed to committee members prior to next meeting.

Motion by Secretary/Treasurer LaRose to table the minutes of May 1, 2020. Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS:

Motion by Chief Executive Benjamin to approve resolution 88-20 regarding Circle of Flight FY2020 Funding. Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve resolution 89-20 regarding Great Lakes Restorative Initiative FY2020 Funding. Seconded by Chairwoman Drost. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve resolution 90-20 regarding enrollment: Fond du Lac Eligibles (8). Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve resolution 91-20 regarding enrollment: Fond du Lac Ineligibles (1). Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Morrison to approve resolution 92-20 regarding enrollment: Bois Forte Eligibles (12). Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Morrison to approve resolution 93-20 regarding enrollment: Bois Forte Ineligibles (2). Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Drost to approve resolution 94-20 regarding enrollment: Grand Portage Ineligibles (2). Seconded by Secretary/Treasurer McCormick. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 95-20 regarding enrollment: Leech Lake Eligibles (19). Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 96-20 regarding enrollment: Leech Lake Ineligibles (10). Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 97-20 regarding enrollment: Leech Lake transfer to Bois Forte. Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 98-20 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 99-20 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 100-20 regarding enrollment: Leech Lake No Parent Enrolled (1). Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve resolution 101-20 regarding enrollment: Mille Lacs Eligibles (14). Seconded by Secretary/Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve resolution 102-20 regarding enrollment: Mille Lacs Ineligibles (11). Seconded by Secretary/Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 103-20 regarding enrollment: White Earth Eligibles (4). Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 104-20 regarding enrollment: White Earth Ineligibles (7). Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 105-20 regarding enrollment: White Earth Relinquish to Red Lake (4). Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 106-20 regarding enrollment: White Earth Blood Degree Change I. Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 107-20 regarding enrollment: White Earth Blood Degree Change II. Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 108-20 regarding enrollment: White Earth Blood Degree Change III. Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 109-20 regarding enrollment: White Earth Establish Blood Degree. Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

BIA- MN AGENCY: Executive Director Frazer

Executive Director Frazer read letter provide by Robert Lintelmann, Acting Superintendent, BIA-MN Agency. The letter included a brief schedule of events for July. The Bureau would be moving into their new building on Monday, July 20th. There would be a surplus of office furniture and equipment available to tribal programs. Joel Smith informed committee a sample letter was attached to request Federal Surplus Property transfer/donation with attached surplus list.

LEGAL: Phil Brodeen

Phil informed the committee that he had three issues to discuss with the Committee, Phil gave a brief overview of the cases and described the questions from the previous meeting, with specific note that it is all detailed in the memo:

First, memo on the implacability of the Hudson v. Zinke case. He stated that he gave detailed briefing at the last TEC meeting regarding this litigation. Essentially it comes down to interpreting that every IRA Constitution would in the federal regulations for Secretarial Elections have a quorum requirement which is typically at 30%. A disagreement between the tribe (Three Affiliated) in this case and Secretary of the Interior, Department of the Interior over what satisfies that quorum requirement. The final decision is the tribe's interpretation of its own documents, in respect to they need to be satisfied in addition to secretarial election regulations He will provide updates as case works its way through the District Circuit court of appeals.

Second, in regard to the challenge of the Minnesota Chippewa Tribe land transfer. Phil stated the second issue on the agenda is tribal court litigation, in regards to the Minnesota Chippewa Tribe land transfer. There are a number of cases with the same issue, two were filed in Leech Lake tribal court and one in White Earth tribal Court. Essentially the ruling stated the Minnesota Chippewa Tribe members avenue to challenge ordinances and resolutions duly enacted by the Minnesota Chippewa Tribe due to referendum provisions, there's no alternative method to get around constitutional referendum by filing suit against Tribal Executive Committee members in tribal court. If you want to challenge the duly enacted resolutions and ordinance of the Minnesota Chippewa Tribe, your mechanism is the referendum provisions of the constitution.

Third an issue was raised on the Legislative Subcommittee, a question posed on live stream regarding allegation that Roberts Rules of Order were not followed at the October 2019 meeting regarding this issue. Specifically, the question was that Chairman Jackson was not allowed to have his motion entertained. Reviewed the minutes at that meeting, what happened was: there was discussion very outside the topic of the Land Transfer itself. Generally, the Sandy Lake issue regarding Minnesota Chippewa Tribe land transfer was brought up along with other discussions where the Minnesota Chippewa Tribe land transfer was involved. What the Tribal

Executive Committee decided at that point, voted 11-0, was to schedule a special meeting in December to specifically focus on education related to Sandy Lake issue as well as the Minnesota Chippewa Tribe land transfer. Relatedly, regarding Roberts Rules of Order, I'm not sure what we do with this at this later stage with regard to that motion, and not sure how we go back and correct deficiencies if in fact there are deficiencies other than to entertain the motion.

Secretary/Treasurer Roy stated he wanted to discuss the Hudson v. Zinke, want to take some time to look at with our legal department at White Earth. If anything comes up, he will email the Tribal Executive Committee. Phil encouraged the committee to take memorandums back to look at with their specific legal teams in how they impact the six bands.

President Chavers thanked Phil for his hard work on this legal matter.

Chairman Dupuis stated, Phil I have a question on the Hudson v. Zinke. I understand the wording and the legal side of it. I have only one question to the secretarial election and the lack of statutory authority by the Secretary of Interior and the IBIA. Further discussion and response provided by Phil.

President Chavers stated there is a question for Phil about the ability of the McGirt vs. Oklahoma Supreme Court decision, 1855 Treaty reservation boundaries of Sandy Lake and Rice Lake still exist as well as all land north of 1825 Treaty all ceded lands considered Indian country. Phil responded to that question.

President Chavers stated there was a comment also about a member on live stream asking for a new vote on Minnesota Chippewa Tribe land transfer. President Chavers commented that is currently not on agenda and so the issue is a resolution has already been passed. If that is something this committee wants to look at in the future because right now with this COVID-19 pandemic nothing is moving forward so nothing will be done this year legislatively. Possibly next year or maybe not depending on how things go. This pandemic has really slowed a lot of business up and put a stop to a lot of things that need to be done both on the state side and the federal side. So, if this is something that needs to be done in the future, we can do that if committee wishes to do so. Phil stated that he thought the case that we litigated in tribal court doesn't say the Tribal Executive Committee can't reconsider it, the decisions say in order to change it from a tribal member's position one would need to go through the referendum process. President Chavers responded correct.

Phil informed the committee of a couple more points. The Washington football team has been pressured to change their name or stated today they would no longer be going by the Redskins moniker and mascot which is a very positive thing.

Finally, another piece you may want to take back and talk with your legal teams regarding the case Flandreau Santee Sioux vs Noem. A case from South Dakota, Eighth Circuit decision regarding that certain use taxes that were previously collected pursuant to State taxation agreements are no longer on the table for tribes sharing with the state, for example if you had a user tax on your hotel/lodging or food and beverage at your gaming establishment. Phil recommended to look at how this applies to your tax agreements with the State.

NEW BUSINESS:

Executive Director Frazer stated in the packets there is some information from Adam Fairbanks. Chairman Fairbanks stated that the message he received was Adam Fairbanks wanted to present to the subcommittee. Mr. Fairbanks was looking for the Minnesota Chippewa Tribe to be the building owner/landlords, and he would look for the capital to purchase meanwhile, his intentions were to have a central location where members of all six bands can get assistance, and he is still work on a business plan.

President Chavers responded she agreed with Chairman Fairbanks remarks, and asked Chairman Fairbanks if he could ask Adam to come and do a presentation to the subcommittees and the Tribal Executive Committee. A lot of us are trying to help with our funding with COVID-19 and our urban office, for example with addressing the homelessness issue and we could do something collaboratively because there is such a great need and it is increasing.

Executive Director Frazer stated he talked with Adam and there is money available right now and that's why he wants to move on this right away. Possibly little homes inside Kmart was one discussion. Second option was if there was a hotel available, there's fund to purchase it.

Executive Director Frazer informed Adam that funds would also be needed to keep it going once purchased and recommended that there is a letter to show how it would be self-sustaining. Adam would be in contact with Executive Director Frazer, to work on it in the next few weeks.

President Chavers stated some of the questions, casinos are open. When are we going meet with the membership? The Tribal Executive Committee has not had the chance to actually discuss anything with regards to meetings and subcommittee meetings. This came up as part of the constitution convention and whether or not they are meeting during the pandemic, our next quarterly TEC meeting is in October. As we know the COVID-19 cases are raising in the state and around the country. For membership we are trying to do things as best we can, this being our first meeting. Some of the comments are saying there are a lot of things we can look at for next meeting. Not sure if we could do a conference call to discuss or discuss it here today as to what some of our future meetings would look like. Since we have people online here it would be helpful if we can have a little discussion on some of the future meetings for the Tribal Executive Committee. With a less COVID-19 scenario and more COVID-19 scenario because we don't know what the COVID-19 pandemic is going to do. If it gets worse, we will have to do ZOOM meetings. We know the next meeting is scheduled for Grand Portage in October and I am not sure of the technical capabilities up there. The IT staff and that type of thing, right now we're using Bois Forte's technical capabilities. I think the pandemic itself is bring technology to the forefront where it is challenging in a lot of the rural areas and I speak of Grand Portage and Bois Forte. Some have limited capabilities regarding technology. In the future I am not sure what the Tribal Executive Committee wants to do. If you have any comments or suggestions it would be nice to hear them at this time, it is something to discuss in the future because most casinos are only at half capacity, how are we getting the membership together? Hearing about gatherings increasing and that type of thing. If it were to be discussed and agreed upon today, we would have to go with ZOOM. The question is how public can be a part of that and how do we want it set up. President Chavers suggested to Executive Director Frazer about having some teleconference calls and get out to membership way prior to the next meeting, at least 30 days in

advance. Get the agendas on and that type of information. Granted that those agendas are subject to change, when brought to meeting we do some additions and deletions.

Chairman Dupuis disagreed with meeting in person right now, but if we were to do that, I believe we already have protocols set up at each reservation on how we allow people to come into our casinos, correct? We have questions that are being asked at the door, require them to wear mask, taking temperatures. If we're going to have public meetings, physical meetings when were pretty much opening up our businesses in that exact same order. If we were going to do that with the protocols already established can that be applied to a physical meeting in a big open space.

President Chavers stated heard a lot about marches, protests, people gathering, and large parties that people are having. If someone shows the symptoms, has a fever, or is asymptomatic, you know the COVID-19 guidance changes every day. Casinos are at half capacity. One of the questions that I would raise is would we limit the participation to a certain number of constituents. Our room here at Bois Forte isn't as big as Black Bear's, with the seating capacity. At the casino basically at half capacity, I agree through it brings up some good points with the casinos opening and our staff coming back.

Chairman Dupuis stated if we don't do it, then we should find a way, if we're going to have these meetings this way then we're going to have to find a way to answer the questions the membership are bringing in. President Chavers agreed.

Chairwoman Drost – short comment for Grand Portage. We could probably pull together the technology for the meeting that is needed. It may look a little different, in our style as we don't have as many microphones. But we do have the space and we do have tables and so if it was something like this set up 6 feet apart, we could probably pull it off in Grand Portage. But I won't be there at the meeting.

President Chavers and committee made remarks about Chairwoman Beth Drost's leadership over the past year.

President Chavers stated the health concerns for hosting meetings are some things for us to consider in the future, I really think we need to meet on it, while this meeting is fresh in our minds to remember what we discussed. It is recorded, some of the things on the screen here questions and comments we have to try and address them as best we can. Everything changes from day to day with this pandemic. I just hope everyone can be safe, wear your mask, wash hands, practice social distancing and be safe.

Executive Director Frazer presented information regarding the tribal leader's telephone conference call with Joe Biden campaign a week from today. President Chavers stated all eleven tribal leaders have a daily call at 10:30 so that must be time. Executive Director Frazer stated there were two times, one at 10:30 and 4:00 also. President Chavers stated that Tribal Leaders agreed with the 10:30 meeting, because the 4:00 PM is Tribal leaders call with the Governor, and the State. (This call began during the pandemic and has been hosted daily by the Tribal State Relations Team of the Governor's Office.

Chairwoman Drost thanked committee for comments and support.

Secretary/Treasurer McCormick informed the committee about tribal leaders call with the Lieutenant Governor and Governor on wild rice and water quality that is going to be Friday July 17th from 4-5 p.m. We are looking for as much tribal participation as we can have from leadership and from staff. Please put on your calendars, please let me know if your going to be there or not.

Chairman Dupuis asked if the meeting would be taking place with the usual information or is the state utilizing ZOOM or something else. Secretary/Treasurer McCormick responded that she would be getting the call in/ZOOM information out as soon as she hears from the State

Motion by Chairwoman Drost to adjourn the meeting at 4:26 p.m. Seconded by Secretary/Treasurer McCormick. 11 For, 0 Against, 0 Silent. Carried.