

Tribal Executive Committee  
Special Meeting  
May 1, 2020  
Teleconference

A teleconference meeting was called to order by President Chavers at 9:08 a.m. Friday May 1, 2020.

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

Quorum

Others: Gary Frazer, Executive Director; Phil Brodeen, Legal, MCT; Joel Smith, Director of Administration, MCT; Eugene Tibbetts, Rep. White Earth; Bruce Savage, Rep., Fond du Lac; Robert Lintemann, Forrester, BIA-MN Agency; Kathy Goodwin, Rep., White Earth; MCT staff and other interested parties.

Joel Smith, Director of Administration stated he had a couple house cleaning items to present.

Joel explained this is being recorded but there is a delay in connecting and speaking. He asked that members pause before responding. Discussion on audio and video record to be posted on our website at some point time. It's up to the Committee to decide how you want to proceed with that. Just be conscious of the delay in responding.

Secretary/Treasurer McCormick asked Joel to cover voting as well, challenging to record votes over each other on this platform. Joel stated that you want to be clear when voting for, against or silent please inform so we know. Also state your name before responding and what you're responding on, this would be helpful to us as well.

Executive Director Frazer informed Committee on approval of the agenda, would like to move discussion on ZOOM meetings to the top.

President Chavers stated that she didn't have letter of support on agenda. Executive Director Frazer asked if we want to address this as a Tribal Executive Committee letter of support. Letter of support would be under new business. Remove minutes not completed.

Secretary/Treasurer Roy asked about the minutes for the delay in the election due to COVID-19 Pandemic, and special meetings would that be approved? Gary responded no, not back for

approval yet. Joel responded still in audio/video format in ZOOM and needs to be converted to written format. Gary stated not back yet from being converted.

Secretary/Treasurer McCormick apologized for minutes not completed, explaining for leaders mitigating this COVID-19 Pandemic this has been a very challenging time with leaders and staff working all hours and spread thin, thanked the committee for being understanding and giving grace during this time.

Secretary/Treasurer Roy thanked Secretary/Treasurer McCormick. He just letting committee know that he's received questions from membership on what was discussed.

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

### **FUTURE ZOOM MEETINGS:**

Discussion on how to host and have tribal members and audience join to maximize participation by computer/phone and ease of use for everyone. Committee members commented about how technology such as ZOOM could help us reach a broader audience of members across great distances, discussion ranged in how ZOOM allows us to see everyone's image versus other platforms, how to best facilitate speaking by giving time allotments to those speaking, muting, following Robert's rules, engaging in respectful dialogue, and calling in using phone number feature for higher volume of participants. Committee members comments acknowledged that we are learning from this, and that we will get better at hosting meetings virtually (via ZOOM) and it may be something that we would consider doing with all of our meetings, as a way to open it up for all our tribal members across the country who will not be coming to whatever particular reservation we are at to participate. Committee members commented that it would be a good educational tool for all membership to see what we are doing and ask questions or engage in dialogue. Discussion on how Tribes participate on calls with the Treasury, daily call with Governor, and daily call with the eleven sovereign Tribal Leaders (hosted by SMSC), and how MCT could call our own meetings with the Governor or other agencies using ZOOM as the host.

President Chavers stated that it sounds like we are all okay with going forward with ZOOM meetings, and it is just a matter of setting them up in a manner we can all agree on and going along with Roberts Rules of Order. She asked if the host job would be on Minnesota Chippewa Tribe to control? Executive Director Frazer responded, yes it would. Based upon discussion President Chavers stated: we can set our next meeting up by ZOOM again, and get the information out to membership.

Chairwoman Drost asked when will we resume in person meetings? Are we going to set something up like that or play it out? This seems to be our new normal for meetings and acknowledged it is different than what we are used to.

President Chavers responded that we'll just have to wait and see because of the uncertainty of the COVID-19 pandemic and acknowledged that many tribal Stay at Home Orders still in place. In the meantime, we can try and set something up just in case. Maybe have two different venues:

one being ZOOM from home in case we're still mitigating COVID-19 pandemic - for the next quarterly or if we need to meet prior to that we'll have to ZOOM for that one. We'll have to try and get that set up, and the other being set up another quarterly meeting where we are actually meeting together and have it set up in that manner with COVID-19 protocols for health and safety. We have two different options for us to choose at the timeframe necessary.

## **RESOLUTIONS**

Joel read resolution and gave a brief on the DOJ OJP resolution for Committee members. Background on this for the past six years we've received an Edward Byrne Memorial Justice Assistant Grant program or JAG funding. We were solicited by the Department of Justice saying the Minnesota Chippewa Tribe had this funding available for three reservations. Identified the three reservations (White Earth, Bois Forte and Fond du Lac), we had no say so in how the distribution went. This Covid-19 Emergency funding basically is an extension of for those three reservations that had a grant agreement in FY19. We had a grant agreement which was shared equally amongst White Earth, Fond du Lac and Bois Forte and the rule the Department of Justice is using for this type of funding three bands. Basically, the allowable projects under this emergency funding include but not limited to overtime equipment including law enforcement and medical personnel protective equipment, hiring, supplies, gloves, mask, sanitizer, training, travel expenses, addressing the medical needs of inmates in state, local and tribal prison, jails and detention centers. In the past he submitted the grant on behalf of the three reservations. It's a pretty straight forward process. The \$50,462 in emergency Covid-19 funding from DOJ would be divided equally among the three in the amount of \$16,821 each. This funding itself, have submitted the notification to each of the three reservations. Also, Joel asked for contact persons at each of the reservations to work with to get a budget narrative. Joel would get the application submitted and DOJ is ready to work with him to help get the application through right away.

Discussion funding of the DOJ and how the grants were distributed to three bands instead of the six bands, Joel explained that the response he received from DOJ was the funding is based on how reservations were reporting violent crime data in a national database. Concerns expressed by Chief Executive Benjamin that when funding concerns the Minnesota Chippewa Tribe listed on as the Organization, and the DOJ distribution only incorporates three out of the six bands. I would support resolution, but I do not want this to be a norm that all six bands are not included as individual sovereign nations. She acknowledged the six bands are the inherent sovereign governments even under this Treasury distribution where there was only going to be one distribution and that was going to be called the 'Minnesota Chippewa Tribe'. Cited example of MN Board of Aging distribution only benefitting a few bands, in going forward she will continue to express her concern about that when it comes under the Minnesota Chippewa Tribe, Mille Lacs is the one is regularly not included in the formula, and that is my opposition that these types of distributions do not include all the six bands.

Joel responded that goes for Leech Lake as well. They have since the inception of this JAG program DOJ has limited it to the three. We try to coordinate it with the police department the three departments, criminal justice programs to why they're not getting a share and again you are right. If you look at the allocation sheet it just lists the Minnesota Chippewa Tribe, it just goes to

show how the federal recognition process is listed in the green book so I agree with you. I wish everybody could share it. That would be something we need to look at.

Secretary/Treasurer Roy comments for Joel this is related to Ms. Benjamin's comment. A request for the Minnesota Chippewa Tribe fund distribution kind of a standardize proposal could be developed. I think that as we move forward, as Chief Executive Benjamin pointed out with Treasury. There may be efforts for them to try and send directly to the Minnesota Chippewa Tribe. If that is the case then, maybe Minnesota Chippewa Tribe could develop some sort of distribution that would be equitable - the key word is equitable, not equal. There is a difference between them and illustrated example. The other thing that I would like to add is I think President Chavers sent letter to Treasury to help clarify the Minnesota Chippewa Tribe and six bands. Thanked President Chavers for doing that, very helpful and helped to clear up a lot of issues.

President Chavers stated she thought also this JAG grant thing was six years ago. Things have changed drastically especially with the different types of substance abuse. Also, with the Minnesota Board on Aging, what other agencies are out there that are kind of doing the same thing in funding distributions. We possibly should look and see if there are any others and identify them like that, because that needs to change because it isn't fair and it is an injustice to the other tribes because the Minnesota Chippewa Tribe is all six bands. What other agencies are doing this also? That's something we also need to look at.

Joel asked for any other questions on the resolution or the background.

Motion by Secretary/Treasurer Martineau to approve resolution 66-20 regarding DOJ OJP COVID 19. Seconded by Chairman Fairbanks. 11 For 0 Against, 0 Silent. Carried.

Executive Director Frazer read resolution 67-20 Paycheck Protection Program, provided a brief history, tribes going after money regarding COVID-19. MCT was staying out of grant application because they didn't want to interfere with any funding distributions the bands would get from the state/federal government. He has been informed about the Paycheck Protection Program, and everyone can be included in that. He would like to submit a loan application to SBA, the loan eventually turns into a grant if you use the funds for what its designed for and seek forgiveness of the loan. Your calculation is based upon a formula, and you can charge expenses to this loan that are allowable, for example: you can ask for up to two months' worth of salaries the goal of PPP is to bring employees back to work, if employees are furloughed you can fund their benefits/health insurance/ life insurance, use it to help paying rent or utilities up to 25% of the formula, you can fix your building up make it COVID-19 health and safety protocols. MCT was top of list for new funding cycle, received notice Wednesday that we were approved, and signed papers and pending this resolution the money was distributed to one of our accounts yesterday. We have received the money.

Motion by Chief Executive Benjamin to approve resolution 67-20 Paycheck Protection Program. Seconded by Chairwoman Drost. 11 For 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Morrison to approve Resolution 68-20 regarding enrollment: Bois Forte Eligibles (16). Seconded by Secretary/Treasurer Martineau. 11 For 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Morrison to approve Resolution 69-20 regarding enrollment: Bois Forte Ineligibles (4). Seconded by Secretary/Treasurer Martineau. 11 For 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Morrison to approve Resolution 70-20 regarding enrollment: Bois Forte transfer to Leech Lake (1). 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 71-20 regarding enrollment: White Earth Eligibles (25). Seconded by Secretary/Treasurer Roy. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 72-20 regarding enrollment: White Earth Ineligibles (82). Seconded by Secretary/Treasurer Roy. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 73-20 regarding enrollment: White Earth transfer to Leech Lake (3). Seconded by Secretary/Treasurer Roy. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 74-20 regarding enrollment: White Earth relinquish to Red Lake (16). Seconded by Secretary/Treasurer Roy. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 75-10 regarding enrollment: White Earth removal erroneously enrolled (1). Seconded by Secretary/Treasurer Roy.

Chairman Jackson request to ask a question on White Earth removal: how do they determine erroneously enrolled? President Chavers asked for an answer from White Earth.

Joel responded I don't have the individual's file in front of me but, it can be a number of issues. There are times where we discovered the blood quantum of one parent was incorrectly calculated. It could be a number of things like that. They need clear proof before considering disenrolling anyone.

Chairman Jackson asked are there findings that can that be shared with Tribal Executive Committee members what they based it on? or is that data privacy protected? He talked with people on Leech Lake that were denied some years passed because 24.9 % percentage. How can a person be ineligible by .1%? Goes back to our enrollment process to make sure that members aren't falling through by calculated error somewhere along the line. Joel responded that those that are denied are given the right to appeal. With the MCT and reservation enrollment staff, Enrollment Review Committee and my staff here does research on individual. They have documentation as well that helps support their appeal, because denials can be overturned if documentation is there. We would go back and try to be really meticulous going back through family line. Where we recently had some corrections equivalent to the list last year that White

Earth developed. We still are making corrections, those corrections have not been done, they do take time. But there is an opportunity for those individuals to appeal.

Secretary/Treasurer Roy stated he agreed with Chairman Jackson, acknowledged certainly, there is an amendment process that MCT goes through, and expressed concern about enrollment corrections.

President Chaver read the motion on the floor: Motion by Chairman Fairbanks to approve Resolution 75-10 regarding enrollment: White Earth removal erroneously enrolled (1). Seconded by Secretary/Treasurer Roy.

Chief Executive Benjamin voted silent until more information is provided.

10 For 0 Against, 1 Silent (Chief Executive Benjamin). Carried.

Motion by Chairman Fairbanks to approve resolution 76-20 regarding enrollment: White Earth Blood Degree Change (1). Seconded by Secretary/Treasurer Roy. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 77-20 regarding enrollment: White Earth No Parent Enrolled (6). Seconded by Secretary/Treasurer Roy. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairwoman Drost to approve resolution 78-20 regarding enrollment: Grand Portage Ineligibles (2). Seconded by Secretary/Treasurer McCormick. 11 For 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve resolution 79-20 regarding enrollment: Mille Lacs Eligibles (24). Seconded by Secretary/Treasurer Boyd. 11 For 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve resolution 80-20 regarding enrollment: Mille Lacs Ineligibles (43). Seconded by Secretary/Treasurer Boyd. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 81-20 regarding enrollment: Leech Lake Eligibles (43). Seconded by Secretary/Treasurer LaRose. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 82-20 regarding enrollment: Leech Lake Ineligibles (15). Seconded by Secretary/Treasurer LaRose. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 83-20 regarding enrollment: Winnebago Tribe of Nebraska to Leech Lake (2). Seconded by Secretary/Treasurer LaRose. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 84-20 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 85-20 regarding enrollment: Leech Lake No Parent Enrolled (1). Seconded by Secretary/Treasurer LaRose. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve resolution 86-20 regarding enrollment: Fond du Lac Eligibles (13). Seconded by Secretary/Treasurer Martineau. 11 For 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve resolution 87-20 regarding enrollment: Fond du Lac Ineligibles (2). Seconded by Secretary/Treasurer Martineau. 11 For 0 Against, 0 Silent. Carried.

## **QUARTERLY REPORTS**

*Administrative:* Joel Smith

Joel Smith read quarterly Administrative report.

Motion by Chairman Jackson to approve the Administrative report as presented. Seconded by Chairman Fairbanks. 11 For 0 Against, 0 Silent. Carried.

*Finance:* Dave Ross, Acting Director

Dave Ross read the quarterly Finance report.

Secretary/Treasurer Roy thanked Dave Ross for the work that is being done. Question- Status of financial request related to the land transfer. A formal request was made back in January, still waiting on that. Dave responded that he would look into for him.

Motion by Chief Executive Benjamin to approve the Finance report as presented. Seconded by Secretary/Treasurer Roy. 11 For 0 Against, 0 Silent. Carried.

*Economic Development:* Jeff Brunelle

Jeff Brunelle read the quarterly Economic Development report.

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

*EPA-GAP:* Michael Northbird

Michael Northbird read the EPA-GAP quarterly report.

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

Human Services: George Goggeley, Director

George Goggeley presented his report reflecting on the following issues:

The COVID-19 pandemic has brought some of the work to a standstill and limited us in some capacity. Our main components are elders and employment service programs remain the focus of the division as both have continued to provide support and assistance to individuals that meet certain requirements. The Employment Services Program has modified the delivery of service to participants that are in compliance with Statewide social distancing. We are seeing an increase in food vouchers, less gas vouchers, and we've kept up with the need with no laps in services even with minimal staff working. We've seen an increase in referrals from the county in the last month. MIAAA quarterly meeting of the board identified some of their concerns. One of which was the development of an advisory council, which at last quarterly meeting the Education/Human Services Subcommittee did agree to provide that support and they would be labeled as the advisory council. I will be asking the Human Services subcommittee to spearhead the effort for our part. Also asked to provide state with an approved Indirect Cost Rate (IDC rate), which still working on. The third was secure a non-matching federal funding source. That has been a challenge and I have been talking with Vern LaPlante on how to get direct funding from the State regarding a nonfederal match. I will be asking the Human Services subcommittee to spearhead the effort for our part. We are working on some grant submissions to Shakopee right now. Looking at some other matches that could be considered in kind with Memory Keepers out of the University of Minnesota Duluth. Purpose of action plan is to provide updated information that has not been provided for the past year. We are addressing an issue that was raised by Chief Executive Benjamin and the MIAAA board and the Area plan. In the last month MIAAA staff have discuss on how the tribes have responded to the COVID-19. I tried to explain to the MIAAA board staff that individual tribal nations always act on their own accord and apply for funding according to the needs of their people and right now they are seeing that happen. There is food requests are coming through the Governor's office and I explained this is why the tribes have the sovereignty, the tribes go right straight to the Governor don't need a middleman or middle person. I gave MIAAA advice to step back and let the tribes do what they're doing and work through the Governor and whomever the contact person is identified by the Governor's office. Let them contact us and we will try to work together to provide the resource the tribal government are trying to access for their members. MIAAA wants to make sure that any of the bands/tribes that have needs that they identify those needs, because the area agencies are partners and doing what they can to provide that support to the tribal nations who are requesting the food security support.

Chairman Dupuis asked how many bands have requested the food security. George stated that he is aware of five tribal nations, the three that he knows of are White Earth, Red Lake and Mille Lacs. Chairman Dupuis asked what the process is, and how does the food get delivered to the individual bands. George responded the MIAAA was able to secure semi-trucks to get that resource to the reservations prior to this weekend.



Chief Executive Benjamin responded that she was just using the Minnesota Board on Aging as an example: when the grant opportunity is allocated for the Minnesota Chippewa Tribe, Mille Lacs isn't included in that conversation. Mille Lacs would prefer to write their own grants which they do and I think a lot of the other tribes do that as well. That was the example when grants are submitted to the Minnesota Chippewa Tribe a lot of times Mille Lacs isn't included in that distribution. I do not want to ask for any of the Minnesota Chippewa Tribe funds for the Mille Lacs Band as we would prefer apply for that ourselves. I've learned that over the years, we do not want to be prohibited from applying for a grant from an agency if it is listed the Minnesota Chippewa Tribe. Discussion on the food sovereignty was discussed at a meeting with the Lieutenant Governor, at the Governor's meeting and we applied for that as well.

Chairman Jackson stated that Leech Lake is doing some food box distributions and there are other resources out there also. I know coordination is the key. A lot of elders that are in the high-risk category were placed on leave or furlough. Communication is important as we move forward at the Minnesota Chippewa Tribe level, there are a lot of information that can be shared with Council, Vice President and President so we can be all on the same page.

President Chavers responded there is a lot of information and duplicate information coming with regards to programs and services during the COVID-19 pandemic. Especially with regards to COVID-19 pandemic food distribution, good point Chairman Jackson.

Motion by Chairman Dupuis to approve the Human Services report as presented. Seconded by Secretary/Treasurer Morrison. 11 For 0 Against, 0 Silent. Carried.

Executive Director Frazer informed the Committee that there was no quarterly education report included and asked if there were any questions regarding education he could relay to Billie Annette. Chairman Dupuis stated that schools are closed but the distance learning has continued to move and I feel it's important that we have an update on in a report. Executive Director Frazer responded that he would have Billie prepare a report and send out.

## **LIQUOR LICENSE:**

Motion by Secretary/Treasurer LaRose to approve Liquor License for Jen's Cabaret under new ownership. Seconded by Chairman Jackson. 11 For 0 Against, 0 Silent. Carried.

Executive Director Frazer asked for authorization to post on website the ZOOM number. President Chavers responded yes.

Chairman Dupuis stated that it is a great idea to put on website but send Committee what will be posted on the website. Then the band can put on their own website. Executive Director Frazer responded yes. Secretary/Treasurer McCormick suggested put some language in there our intention to be proactive to outreach to the membership, that our desire for the Tribal Executive Committee to be available to our people and are working on doing that. Executive Director Frazer stated it sounds like wording for the tribe attorney to assist with.

Chairman Dupuis stated we have a lot of important issues that come with the Minnesota Chippewa Tribe, We have the ability now to use ZOOM and we have used it twice and its working fine. We do more special Tribal Executive Committee meetings if we need to. It's hard to get everyone together with schedule to move from one place to another. We're still at home right now so I think it's very important that we take advantage of this technology so we can continue to move forward on a lot of different issues.

President Chavers responded that business still needs to keep going. That's one thing everyone is concentrating on COVID-19 which is a huge issue, but the underlying is that business still needs to keep going, I agree.

Executive Director Frazer stated that he was going to bring up under new business. Since we never had the minutes today, we really should have the minutes approve to change the election date. I was going to suggest a special ZOOM meeting scheduled the 1<sup>st</sup> week of June. I'm sure there will be other things on the agenda.

Secretary/Treasurer McCormick responded that the platform that the Governor and Lieutenant Governor have created with other representatives and agencies during COVID-19 is useful. I think we as MCT could also call meeting too, if we felt like there was something we wanted to advocate, as in, "*the Minnesota Chippewa Tribe wants you to pay attention to this issue ...*". Using ZOOM, it would be an opportunity for us all to be together on a call.

**LEGAL:** Phil Brodeen

Phil Brodeen informed the Committee that he would provide an update on two different cases that are important.

First, CARES Act litigation case is title confederate tribes of Colville Tribe vs. Secretary of the Treasury. Case focuses on Alaskan Native Corporations (ANC) are eligible for CARES Act funding. Case revolves around a request by tribes to prohibit ANC from participating in the funding mechanism judged by a preliminary injunction case currently. The three things there are: success on the merits, irreparable harm, and balance of the equities or public interest. The real focus of the litigation to this point has been the definition of Indian tribes under the Indian Self-Determination Act. Last week on February 27<sup>th</sup>, the district court of Judge Emmet Meda issued a ruling in favor of the tribes granted the injunction currently. The opinion basically stated that the Treasury Department cannot issue payments directly to ANCs out of the 8 billion dollars under CARES Act funding that tribes have been given. It's a very strong ruling in the tribe's favor and it should play out well going forward. It still leaves us with the underlying issue of where the status of the payments are. Numerous people have had concerns on this issue and Treasury stated that they were ready to distribute payments this Tuesday, but the injunction was issued on Monday and it has delayed payments.

Another case recent filed yesterday, Agua Caliente vs Mnuchin alleges that the Secretary of the Interior and Treasury department has failed in the CARES Act to provide timely payments to tribes. That seeking declaratory relief going forward to compel Treasury to pay out the money. The judge in the Chehalis litigation ruled a status report to be filed today, toward the end of today, by Treasury regarding where they're at in terms of determining distribution. Phil stated

that he would be watching this closely and keep the Committee informed on those two particular cases and how they play out going forward. We hope to get a resolution here in the coming days. Also have been working with tribal lobbyist on addressing the particular issue the Minnesota Chippewa Tribe and how payments going forward if there is another payment mechanism. How those would be determined and given to each individual band, working on clarifying language there, all the lobbyists as well as tribal attorneys have been very helpful with going forward on that. The Senate staffers as well as the House are well aware of the issue. We're on top of the language related to MCT and six bands and hopefully will find the resolution to this. Any questions on the CARES Act litigation?

Chairman Dupuis made comments about the status reports, requested that TEC get notice of the Treasury Status Reports. Phil will make available case updates and reports.

Secretary/Treasurer McCormick stated that she had a mostly educational question: I know that ANCs are created by ANCSA, there's pros and cons to Alaskan natives being corporations versus federally recognized tribes. Just wondered if, the way we think about this, people are people, right? We need our COVID-19 emergency response funds just as well as Alaskan natives do, Phil, could you elaborate briefly on the issue? I believe the federal government has created this problem in the way they formulated ANCSA and ANCs, because their pitting Alaskan Native Corporations against Tribes when this is distribution of federal money, I have an issue with that, because the federal government is the one that created the problem it seems, beginning with ANCSA. If you could help to understand more?

Phil responded a bunch of the tribes are recognized in Alaska as federally recognized tribes. Some of the litigations in the first case, there are a couple Alaskan native villages, so they have mechanism through their nation as a village to get funding. That is where a fair amount of the funding will go. The ANCs are physical or economic engines for those tribes. They do not have the typical tribal council governing body, but instead a board of directors. There is a question on how much actually those corporations are working for the health safety and wealth of the people because they are economic. Exactly what function are they serving, in the litigation, they said that ANCs provide services to tribes under 638 contracts. They have the potential or ability to. Currently at this time Treasury could not select one or identify one where they are providing those kinds of direct services. That is where the distinction is here that the CARES Act is to supplement the direct services provided by tribes to the people that the Native corporations aren't currently providing under the 638 function. A lot of that money will get sent to Alaska but to the individual villages that are parts of those larger corporations. Those corporations represent a bunch of different tribes/villages that are from that area in their economic development and land management, but don't actually provide direct services. It's unfortunate that we are in this situation to begin with the inclusion. The litigation makes it clear that they are not providing the same services to Indian people that tribal governments provide or that the Care Act was looking to support.

The second case is *Hudson v Zinke*, came out before the COVID-19 pandemic hit, its important note with regard to our constitutional convention and our constitutional process. This case comes out of the District Court of Columbia. The D.C. court, it is an administrative procedures case, it stems from constitutional amendments that were reportedly enacted by the Three

Affiliated Tribes in 2013. We had extensive discussion when we were starting the constitution convention process about what we are looking at for 30% of the vote. The Secretarial Election regulations require 30% but that 30% is of registered voters so they have a special registration process. The tribal constitution a lot of them state 30% of eligible voters. That's exactly what this case was dealing on. The Department of the Interior said there's low voter turnout for the Three Affiliated Tribes in 2013. Department of Interior said as long as you meet and satisfy the Secretarial Election regulations its good in that the constitution is amended. Three Affiliated Tribes members came forward and said we may have met the Secretarial Election regulations, but not the constitution requirements of 30% of eligible voters, that means the whole population. The Court looked at that, this is the first time I've seen the court look at the differences between the tribal constitution and Secretarial Election regulations. The district court ruled in favor of looking at the tribal constitution and holding that you still need to meet that even if it has a higher bar then the Secretarial Election regulations you still have to meet that 30% constitution requirement. On the ground here in Minnesota, I think the Tribal Executive Committee has spoken to this issue a couple years ago. On the ground here that means that any constitutional amendment coming from our constitutional convention and approved by the Tribal Executive Committee. We need to have a high voter turnout. We need to have 30% of the adult members of the tribe or those eligible to vote. Instead of the lower threshold that has been if we would have been if we had just done the register voters through the Secretarial Election.

Secretary/Treasurer Roy asked Phil on the most recent amendment, what was our turn out on that. Phil responded the 2006 amendment was very low, way less than 30% of eligible voters. The problem here is that the Administrative Procedures Act, the way they challenged this. That typically has a six-year statute of limitation. Meaning that the stature limitations likely ran out on that. As I was told in 2012, the statute of limitation expired in 2012.

Executive Director Frazer stated in answer to Secretary/Treasurer Roy's question. There was about 8,500 people voting. Just under 8,500 people voted in that election. Thirty percent adult eligible voters, roughly 3,500 at the time. At the time we had about 10,500 about 2,000 voters short according to this new ruling. Phil stated this new ruling is completely reversing course of what the Department of Interior has always said: that their 30% requirement of registered voters, that their process somehow trumps tribal constitution or the tribe's interpretation of its own constitution. This changes things pretty significantly but the Tribal Executive Committee previously already agreed to go forward and look at the larger number, which the constitution requires. So right now, 40,000 voters, you need roughly estimated 11,000 to vote to meet that requirement today.

Secretary/Treasurer Roy, question is, you mentioned stature of limitations. If they are saying the spirit of that decision is tribal constitutional standard is the higher standard, and expressed concerns about the constitution is the highest standard.

Chairman Dupuis expressed concern about the amendment, waiver and percentage of voters at that time 30%, concerns about constitutional reform in 2015 era, and interpretation I-80.

Phil responded he would like to briefly touch on that the 2015 regulation, when their final ruling came out it didn't address specific issue, but it gave further guidance. Further with the constitution, maybe we should look at all those interpretations that needs to go into the constitution and how they can remedy the law that we've seen that has been interpreted and created by the process itself. Likely the third biggest issue the constitutional convention is facing is meeting this criterion, including making it transparent and easier to understand.

Chairman Dupuis stated his overall question is, why now? Prior to this we had conversations of the Interior Department responding to individual tribal members with petitions and processes and saying that's an inter-tribal matter. Bring it back to the band or the tribe, that the way things were done in the past, then nothing was done.

Secretary/Treasurer Roy stated that he had a discussion with Mr. Mark Cruz and other individuals at the Interior Department and I did ask about interpretation 11-09. What's being said is we've administratively exhausted our remedies within the Minnesota Chippewa Tribe to address the issue. The Tribal Executive Committee has made its determination.

Phil responded I think it was dually enacted at the time and has been determined to be valid up to this point. I would say this definitely applies prospectively to each retroactive application's previous active constitutional provisions or amendments. I would say they probably would all be successful as they were deemed valid at the time up until this point. I think you have to go by what it was at the time and whether it was challenged within the timeline in which you could make a change about it.

Secretary/Treasurer Roy request Phil to provide a 1-2 page summary.

Chairman Dupuis referred to Phil, you use the term up to the time of being challenged. What does challenge mean? Does it mean by a tribal member coming to the Tribal Executive Committee and making a complaint about a specific ordinance or article or things like that?

Phil stated so for purposes of Secretarial Elections, remember they are federal elections. To challenge a federal election, you have to bring the suit to federal court. Though its APA action challenging the decision of the Interior department, that how this case came about. In order to challenge that election, you need to go through that specific mechanism in most cases.

Chairman Dupuis commented about the mechanism for the Minnesota Chippewa Tribe is a petition form, related examples from interpretations I-80 and I-95.

Secretary/Treasurer McCormick stated, Phil, I think what I hear you saying is the Tribal Executive Committee has previously supported that voter turnout in the constitution is the 30% that is written therein. Then with the Zinke case, it is also where it is determined to support that as well. I think I hear you saying is that we are actually in agreement about that the voter turnout should be, which I think a majority of the Tribal Executive Committee would probably say the more voter turnout we have the stronger this change for the polls change could be.

Phil responded – definitely. The interpretations are another matter in themselves and how to deal with them.

President Chavers asked Phil if he received an updates on these to send to Executive Director Frazer for distribution. Phil responded particularly with the CARES Act items; he would keep checking courts updated order.

Letter from Anthony Stately:

Executive Director Frazer informed the Committee that Wednesday, President Chavers received a letter from Anthony Stately regarding support for funds to expand and remodel a clinic in Minneapolis. He sent a letter of recommendation from Secretary/Treasurer Roy and Chairman Fairbanks. Gary read letter to Committee, requesting support in their request for funding. Chairman Fairbanks stated a number of members utilize the clinic and sent a letter of recommendation. Secretary/Treasurer Roy stated the native american clinic does provide a lot of services to the membership. President Chavers agreed that the more health services we can provide to our members the better. There is a great need there even without the COVID-19 pandemic and more of an urgency with the pandemic.

Tribal Executive Committee approved letter of support for Anthony Stately request.

Motion by Secretary/Treasurer Roy to adjourn the meeting at 11:32 a.m. Seconded by Secretary/Treasurer LaRose. 11 For 0 Against, 0 Silent. Carried.