

**THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE**

Regular Meeting
November 3, 2016

A regular meeting of the Minnesota Chippewa Tribe Tribal Executive Committee was called to order by President Kevin Dupuis at 8:52 a.m. at Shooting Star Casino-Hotel & Event Center, Mahnomen, Minnesota.

Invocation: Merlin Deegan

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

Quorum Present:

Others Present: Gary Frazer, Executive Director, MCT; Mark Anderson, Legal Counsel, MCT; Vanessa Northrup, Rep., Fond du Lac; Bruce Savage, Rep., Fond du Lac; Steven Clark, Rep., White Earth; Kathy Goodwin, Rep., White Earth; Ken Fox, Executive Director, White Earth; Mike Fairbanks, Deputy Director, White Earth; Frank Bibeau, Legal, White Earth; Joe Plumer, Legal, White Earth; ; Marie Spry, Rep., Grand Portage; Rob Hull, Rep., Grand Portage; John Morrin, Rep., Grand Portage; Shannon Heisler, Enrollment Coordinator, White Earth; Shelly Diaz, Urban Rep., Mille Lacs; Shelly Day, Leg. Office Manager, Mille Lacs; Caryn Day, Legislative Communications liaison, Mille Lacs; Todd Matha, Solicitor General, Mille Lacs; James Monchampe, Executive Director, Leech Lake; Dale Greene, Leech Lake; Patty Olby, Superintendent, BIA-MN Agency; Robert Lintelmann, Forester, BIA-MN Agency; Roger Heger, OST, BIA-MN Agency; Emily Hazen, BIA-MN Agency; Anne Garrigan, Lead Realty Specialist, BIA-MN Agency; Jolyn Donnell, WELSA; Carlene Kuntz, WELSA; Terri Bendix, WELSA; Dennis Olson, Office of Indian Education, MN Dept. of Education; Jackie Dionne, Director of American Indian Health, MDH; MCT Staff and other interested parties.

Motion by Ferdinand Martineau to approve the agenda. Seconded Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Catherine Chavers to approve the minutes of August 12, 2016 and September 22, 2016. Seconded by Terrance Tibbetts. 11 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS:

Motion by Melanie Benjamin to approve Resolution 01-17 regarding COLA for Minnesota Chippewa Tribe Employees. Seconded by Ferdinand Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Catherine Chavers to approve Resolution 02-17 regarding Deed SS Grant Application. Seconded by Carolyn Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

Motion by Carolyn Beaulieu to approve Resolution 03-17 regarding Cultural Awareness Grant. Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Melanie Benjamin to approve Resolution 04-17 regarding EDA Planning Grant. Seconded by Catherine Chavers. 11 For, 0 Against, 0 Silent. Carried.

Motion by Catherine Chavers to approve Resolution 05-17 regarding enrollment: Bois Forte Eligibles (18). Seconded by Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Catherine Chavers to approve Resolution 06-17 regarding enrollment: Bois Forte Ineligibles (5). Seconded by Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Catherine Chavers to approve Resolution 07-17 regarding enrollment: Bois Forte Transfer to Leech Lake. Seconded by Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Catherine Chavers to approve Resolution 08-17 regarding enrollment: Bois Forte Blood Degree Change (1). Seconded by Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Catherine Chavers to approve Resolution 09-17 regarding enrollment: Bois Forte No Parent Enrolled (1). Seconded by Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve Resolution 10-17 regarding enrollment: White Earth Eligibles (40). Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve Resolution 11-17 regarding enrollment: White Earth Ineligibles (42). Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve Resolution 12-17 regarding enrollment: White Earth Relinquish to Sisseton-Wahpeton. Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve Resolution 13-17 regarding enrollment: White Earth Dual Enrolled Relinquish to Spirit Lake Sioux Tribe. Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve Resolution 14-17 regarding enrollment: White Earth Dual Enrolled Relinquish to Assiniboine Sioux Tribe of Fort Peck. Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve Resolution 15-17 regarding enrollment: White Earth Blood Degree Change I. Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve Resolution 16-17 regarding enrollment: White Earth Blood Degree Change II. Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve Resolution 17-17 regarding enrollment: White Earth No Parent Enrolled (9). Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Ferdinand Martineau to approve Resolution 18-17 regarding enrollment: Fond du Lac Eligibles (10). Seconded by Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Ferdinand Martineau to approve Resolution 19-17 regarding enrollment: Fond du Lac Ineligibles (15). Seconded by Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Ferdinand Martineau to approve Resolution 20-17 regarding enrollment: Fond du Lac No Parent Enrolled (2). Seconded by Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Norman Deschampe to approve Resolution 21-17 regarding enrollment: Grand Portage Eligibles (3). Seconded by Dennis Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Norman Deschampe to approve Resolution 22-17 regarding enrollment: Grand Portage Ineligibles (8). Seconded by Dennis Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Melanie Benjamin to approve Resolution 23-17 regarding enrollment: Mille Lacs Removal Dual Enrolled. Seconded by Carolyn Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

Motion by Faron Jackson to approve Resolution 24-17 regarding enrollment: Leech Lake Eligibles (61). Seconded by Arthur LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Faron Jackson to approve Resolution 25-17 regarding enrollment: White Earth Transfer to Leech Lake (3). Seconded by Arthur LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Faron Jackson to approve Resolution 26-17 regarding enrollment: Leech Lake Ineligibles (28). Seconded by Arthur LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Faron Jackson to approve Resolution 27-17 regarding enrollment: Leech Lake No Parent Enrolled (1). Seconded by Arthur LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Melanie Benjamin to approve Resolution 28-17 regarding request for Intervention/Investigation at Standing Rock. Seconded by Tara Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Catherine Chavers to approve Resolution 29-17 regarding Comprehensive Action Plan to prepare a joint tribal action plan and funding request to Federal, State, and Regional agencies. 11 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve Resolution 30-17 EIS regarding Enbridge's proposed line 3 abandonment. Seconded by Arthur LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Melanie Benjamin to **TABLE** Resolution exempting MN Chippewa Ceded territories from USAC permitting and requiring joint MCT fed EIS. Seconded by Dennis Morrison. 11 For, 0 Against, 0 Silent. Carried.

Melanie informed the Committee that she would like to present the resolution to her legal counsel for review. Arthur LaRose stated the resolution has a time constraint. Joe Plumer informed the committee that the Army Corp of Engineers is meeting right after Veterans Day and would like to present resolution. Melanie stated that they would expedite before conference. Kevin Dupuis responded we need to inform people of the Army Corp of Engineers meeting set for November 15th 8:30 a.m. at Mystic Lake regarding the Dakota Access.

Melanie suggested holding an inquiry/hearing. Mille Lacs held a public hearing, slowed down sandpiper. Public hearings have a huge impact on what people want and would have a huge impact.

QUARTERLY REPORTS

Joel Smith presented the Administrative Report. Kevin Dupuis asked about the data request forms included in his report. Gary responded that the voter list were from June election. Voter's list are returned and shredded after election.

Brenda Rice asked how MCT address the dual enrollment. Gary responded that individual has to choose which reservation they wish to be affiliated with then they are dis-enrolled. MCT doesn't allow dual enrollment.

Motion by Tara Mason to approve the Administrative Report as presented. Seconded by Melanie Benjamin. 11 For, 0 Against, 0 Silent. Carried.

Beverly Goss presented the Finance Corporation quarterly report.

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

Joel Smith presented the Economic Development quarterly report.

Motion by Melanie Benjamin to approve the Economic Development report as presented.
Seconded by Catherine Chavers. 11 For, 0 Against, 0 Silent. Carried

Billy Annette presented the Education quarterly report.

Billy discussed the publication of Minnesota Chippewa Tribe History Book, copy right page stated that copies can be made as requested and would like to place on the website. Billy is requesting approve to copy book. Kevin stated it breaks down history of the Minnesota Chippewa Tribe, very informative.

Motion by Tara Mason to approve the copying of the Minnesota Chippewa Tribe History Book.
Seconded by Carolyn Mason. 11 For, 0 Against, 0 Silent. Carried

Motion by Tara Mason to approve Education quarterly report as presented. Seconded by Catherine Chavers. 11 For, 0 Against, 0 Silent. Carried

George Goggeye presented the Human Services quarterly report. He informed the Committee the grant received from the MN Department of Human Services would be utilized to create training opportunities for Tribal and non-tribal Behavioral/Mental Health Programs. Two of the trainings for Tribal Programs would provide an opportunity to become a trainer for the curriculum. The total of 22 hours of training, with the goal to train the trainer and have one on each reservation.

George informed the committee that the SNAP ED Grant closed, Working now to market Minnesota Chippewa Tribe Wild Rice with schools in Minnesota. The State requested food service training, discussed with Bruce Savage, Fond du Lac Representative.

Motion by Carolyn Beaulieu to approve the Human Services quarterly report as presented.
Seconded by Terrance Tibbetts. 11 For, 0 Against, 0 Silent. Carried

Michael Northbird presented the EPA GAP quarterly report. Michael gave a brief update on the MCT GIS map. How to access descriptions, informing the committee that the layers are always on. The map would also be including Wild Rice waters and ceded territories. The map is for visual purposes only. Any projects would be included – Great Lakes Initiative. Michael discussed with Bruce Savage the waste management program at Shakopee.

Motion by Catherine Chavers to approve the EPA GAP quarterly report as presented. Seconded by Faron Jackson. 11 For, 0 Against, 0 Silent. Carried

OPERATING BUDGET: Deb Chase

Deb Chase presented the operating budget and informed the Committee that the request from Legislative Subcommittee was to remove the honorariums and allot for website technical support. Tara asked for clarification, remove \$50,400.00, motion would include changes. Norman responded that the motion at Legislative didn't include website support, excluded Honorariums only. Tara rescinded motion.

Motion by Tara Mason to approve as it was submitted at subcommittee. Removal of Stipends and Honorariums, return monies to the tribe. Seconded by Carolyn Beaulieu. 4 For, 4 Against, 3 Silent. Tied, President voted. 5 For, 4 Against, 3 Silent. Carried.

Norman asked for clarification, you can't rescind motion once passed. Mark stated that these are two different committees.

Carolyn Beaulieu request roll call vote.

RAMAH SETTLEMENT: Deb Chase

Deb presented the information pertaining to the Ramah settlement. Request to use monies for capitol and maintenance/improvements on the MCT Twin Cities office building. The balance would fund the operating budget for the next 5 years.

Motion by Melanie Benjamin to approve the use of the Ramah Settlement monies for Twin Cities office and Operating Budget. Seconded by Ferdinand Martineau. 11 For, 0 Against, 0 Silent. Carried

BIA-MN AGENCY: Patty Olby. Superintendent

Patty informed the Committee that Diane Rosen, Regional Director retired September 30, 2016, with a party scheduled on December 5, 2016 at Mystic Lake. This would be tied in with the budget formulation meeting. Survey tried to collect data, Tara stated reporting wasn't used in previous years, will they be utilizing this year. Patty responded comments were sent regarding survey tool. If anyone is interested in participating in the Core Team or Budget Team please contact her. She discussed the leadership changes, Weldon "Bruce" Lowdermilk is the new BIA Director; Tony Darmer, BIE; Mike Black, Senior Advisor Fee to Trust; Sherrel LaPointe, Tribal Operations; Rebecca H., Acting Director Trust Services. Bids on "Partners in Action" due on November 30th. Status on Allakeen Warrior – closed. Patty brought program manager for briefing.

Robert Lintelmen, MN Agency Forester gave a brief description of job to Committee. He informed them that he works with tribal programs: forestry, timber and fire.

Amie Hunt, Administrative Officer discussed the cooperative agreement that involved scanning records are being with completion in 3-5 years. 400k total invested – 200k from Central. Priority years are 1872-1926 adoption and death records, two women are currently working on. If anyone interested in excess property contact the BIA. Patty stated that they started digitalized program, store and organize records and use only digital document because of the fragile originals. The originals would be sent to Lawrence, KS for archiving.

Tara asked about White Earth records, split between various departments. Patty stated that each department has a case file, there are separate for probate, land, forestry etc. Birth, death, marriage, divorce records will take 3 to 5 years to get started.

Tara stated the concern is once in archive can they be consolidated. Patty replied that they would be giving the bands copies of records. Dale Green asked isn't this a trust responsibility, what's the need for the agency. Patty stated in the position description it is to safe guard records. Dale asked the reason for protecting the records. Patty stated probates; the cooperative agreement was the best they could come up with. Dale asked are the records kept for a reason. Patty replied protect not only tract and individuals, land records, timber sale contracts, documentation looking out for the best interest of the bands. Dale stated the trust responsibility establish in 1872. Patty responded the earliest date to current status of records on file. Dale informed the committee that the trust responsibility established and passed in 1934. Who does trust responsibility go to? Patty responded individuals. Dale asked what's under Reorganization Act, the legal status regarding the IRA construction. Patty asked that questions be put in writing, in order to understand and provide correct response. She then asked if there were any more questions in regard to the scanning project.

Frank asked how far on right-away regarding Leech Lake, still sitting on these and waiting for Leech Lake and Paul Bunyan Communications regarding the trespass issue, passed trespass. Frank stated that Paul Bunyan Communications won't recognize Leech Lake as an entity. Waiting on meeting with Leech Lake and Paul Bunyan Communications, is there any time table? Patty, waiting for Paul Bunyan Communications maps, we know they are in trespass but Paul Bunyan Communications needs to share maps in order to make a determination, Three years ago they were given a time frame and nothing has been received yet. Leech Lake can subpoena to get maps. Solicitor General's documents have legal authority. Patty suggested getting together with Leech Lake to complete trespass issue. Our Cooperative Agreement project has been in effect since 2013. Emily Hazen informed the Committee of her position as TAAMS Specialist. She informed the Committee that they had been recognized nationally. Working with the Land Buy Back program, establish clean chain of title and get current ownership up to date. TAAMS specialist position was created in 2013 for the purpose to reconcile in preparation for the Land Buy Back program.

Recess at 11:14 for 10 minutes

11:24 resume regular TEC meeting – continue with Bureau, Patty Olby

Patty introduced Sherrel LaPointe, Tribal Operations, Midwest Regional Office. Sherrel discussed the waiver request for the Secretarial Election submitted in April 2015. In September, the waiver went from the MN Agency to the Midwest office then submitted to the Secretary of the Interior. The new regulations were issued and tried to get in under old regulations. The tribe redid request under new regulations. Jerold Libby asked about posting the voters list. Dale Green read Article XII, and wanted to know the reason for the waiver. Mark read the request and stated Attorneys advising the tribe. Secretarial Election Process 30% participate who's representing the members, who's trust responsibility. Kevin read Article XII. Dale stated that he don't see purpose, is it a tribal interest. Who's representing individuals/members? Sherrel stated the Secretarial Election need 2/3 Tribal Executive Committee. Dale asked about the 90 day timeline. Sherrel responded yes, but request for waiver. Secretary issued new regulation, tribe submitted within timeframe in November.

Sherrel stated the purpose of the waiver was to make easier for all tribal members to vote. Kevin stated no new vote, Article XII. Two issues first- waiver went in under old time line, seconded – waiver went in to use new regulations. Secretary of the Interior should have any right to tell us what to do, last part of Article XII allows Tribal Executive Committee by 2/3 votes. Need waiver explained, White Earth band member asked, why did 90 day window lapsed, weren't informed what voting on. Sherrel stated there is always an option. Kevin stated getting into Constitution only answered by the Tribal Executive Committee. Dale stated members make up tribe, who's trust responsibility, it's important to have 30% vote. Take strong look at whose trust responsibility it is. Sherrel stated 30% can't be waived, wasn't request to be waived. Dale asked about same day registration. Isn't a voter list posted to show 30% threshold wasn't met? Members voted in Secretarial election, why interruption or amendment. Sherrel responded that you can always amend an amendment. Kevin responded 30% are entitled to vote, you have a voting poll in place 30% of people entitle to vote. The waiver principle is 30% of registered voters vote, 30% are entitled. Referring to the 30% registered are two different numbers. Question as to why we are following the vote of white people. Kevin referred to Article XII. Tara stated in 2015 resolution Bois Forte amend constitution on enrollment, move constitutional reform forward. The body couldn't get passed the enrollment issue, resolution in August 2015. This is changing the process for secretarial election. November 2015 mailed in ballot only process, polling places, wanted to keep in place. The wavier to keep polling places, attend constitution on enrollment, waiver to stay under policy. In May 2016 the Department of the Interior did go through with Blood degree changes. Patty responded it was a technical review letter. Sherrel stated provide comments. Blood letters, changing on White Earth, always trust responsibility to members. Letter addressed to Norman, if you don't drop Canadian blood out it won't go forward. Sherrel stated it the letter didn't state that. Article II MCT Constituent states not U.S. Citizen can be part of tribe that's the Problem with bringing in other blood. Gary Frazer was asked, how you could count us out, calculate us out.

Kevin stated need Article II – membership, what does it mean, how do you add a full blood system and add to a fractionated system. How do you fix. Also, American Citizenship – what does that mean. Extract blood from a non-citizen and apply to citizen – that the wording on resolution – it affects people today. We are getting more enrolled members, the Minnesota Chippewa Tribe is growing. White Earth enrolled members or dependency? Kevin stated 30% members, 30 % registered voters, don't agree. The problem was put into play before new regulations. There are lots of problems with enrollment, looked into document (constitution) right now, have to follow Article XII.

Norman agreed with Tara, the system created boundaries and split up families. We can't except they are not part of us. People are sending letter to regional office asking where this is going and what happens to family member that made treaties, being bled out. What happens to our grandchildren?

Dale stated the process broke down by MCT including membership in change to constitution. Sovereignty – Bureau comes in and tell us how things should go. Not American citizen, looks like you can push the IRA around. Need active participation from members. Sherrel stated the tribe always has option in removing Secretary from the process. Kevin responded that everyone's argument and statement needs to be heard, but do in an orderly manner. You're MCT, a tribe, organization established in 1934. Give change a chance to move forward. It takes time, are we part of Patriot Act – Government to Government relationship. Kevin responded government to government relations before patriot act, self-determination act.

Patty Olby asked if there were any further questions, pending transaction reach out to Bureau. The Budget formulations meeting scheduled for December at Mystic Lake.

ESSA: Dennis Olson, Office of Indian Education, MN Dept. of Education

Kevin informed the Committee that Dennis Olson is a FDL member and he was recently hired at MN Indian Affairs Council as Executive Director.

Dennis informed the Committee that ESSA replaces “no Child left behind”. The Tribal consultation requirement, overview, guidance that came out in late September. He would be implementing tribal consultation. The desire is set for individual consultation and would be working with TNEC. This currently mandates with local school district, Title VII. Title VI schools need to consult with neighboring tribe. The question is how to work with urban/suburban areas. He request additional guidance in grading school district on tribal consultation. There is a list of 33 schools mandated to participate. Need to organize time to guide school district.

LEGAL: Mark Anderson

Mark Anderson discussed the Investment policy statement. The employees 401K, the statement is to minimize risk. Information was handed out at the legislative subcommittee meeting. The second policy is the one that would be utilized.

Motion by Melanie Benjamin to approve the Investment Policy statement as presented. Seconded by Ferdinand Martineau. 11 For, 0 Against, 0 Silent. Carried

Catherine Chavers discussed Bois Forte legislative effort working family tax credit, funded by federal TANIF dollars. Exempt, would like to get working family credit for members. Any members would like to join.

RFP: Tara Mason

Tara discussed the RFP presented in regard to Training and curriculum for Tribal Executive Committee members. Interpretations and Constitution orientation process all RTC members receive on what are we doing, ensuring government process and constitution. We need to make more effort.

Gary informed the Committee of an Invitation from the Minneapolis City Council provided under information.

Motion by Norman Deschampe to adjourn the meeting at 12:50 p.m. Seconded by Arthur LaRose. 11 For, 0 Against, 0 Silent. Carried