

**THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE**

Special Meeting
January 23, 2017

Invocation by David Aubid

The special meeting of the Minnesota Chippewa Tribe Tribal Executive Committee was called to order by President Kevin Dupuis, Sr. at 3:27 p.m. at Northern Lights Casino Hotel & Events Center, Walker, Minnesota.

Roll Call: Kevin Dupuis, Sr. Chairman, 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; Marie Spry, Committeewoman sitting in for Dennis Morrison, Grand Portage.

Absent: Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Dennis Morrison, Secretary/Treasurer, Grand Portage

Quorum present.

Others: Mark Anderson Legal Counsel, David Aubid, Rep., Mille Lacs; Susan Klapel, Exec. Dir. Natural Resources, Mille Lacs; Shena Matrious, Government Affairs Area Relations/Special Projects, Mille Lacs; Emily Johnson, Strategic Initiatives Coordinator, Mille Lacs; Shelly Diaz, Urban Rep., Mille Lacs; Leroy Staples-Fairbanks III, Rep., Leech Lake; James Monchampe, Executive Director, Leech Lake; Dale Green, Legal, Leech Lake; Diane Osecola, Leech Lake; Leslie Harper, Leech Lake; Steve Clark, Rep., White Earth; Eugene Tibbetts, Rep., White Earth; Lenny Fineday, Legal, White Earth; Frank Bibeau, Legal, White Earth; Vanessa Northrup, Rep., Fond du Lac; Bruce Savage, Rep., Fond du Lac; Roger Smith, Rep., Fond du lac; Reggie Defoe, Director, Resource Management, Fond du lac. MCT staff and other interested parties.

Motion by Catherine Chavers to approve the agenda, Seconded by Melanie Benjamin. 9 For, 0 Against, 0 Silent. Carried.

Motion by Carolyn Beaulieu to approve the minutes of December 20, 2016 Special meeting with corrections. Seconded by Melanie Benjamin. 9 For, 0 Against, 0 Silent. Carried.

Motion by Terrance Tibbetts to approve the Pappy's Café and Pizzeria LLC Liquor License. Seconded by Tara Mason. 9 For, 0 Against, 0 Silent. Carried.

RFP-EIS

Gary Frazer informed the committee that the packet contained an email with questions from Nancy Schuldt and response from Michael Northbird GAP Coordinator. Gary stated that the EIS was reviewed and decided to add that no contract is to be signed until all the funding is acquired. There is \$20,000 from Honor the Earth and need additional funding secured before signing. Kevin Dupuis, Sr. stated that the resolution done with the Minnesota Chippewa Tribe concurred by Tara. Where's the budget for the RFP? Mark Anderson stated there is a cost concerns in preparing such a broad EIS and is not proper fit to inform federal agencies on potential harm on tribal resources on or off reservation. There are other ways the Tribal Executive Committee and Band can take litigation other than and EIS. Example, Fond du Lac, Bois Forte and Grand Portage consulted on commonality of interests on a mining project in Northern Minnesota. Proposal from mining company's Ecologic Risk Assessment, risk to natural resources (cultural too). The Army Corp of Engineers needs to consult with tribes or individual bands, their discussion on TEC resolution was too broad of an interpretation.

Kevin Dupuis, Sr. asked the means to do this in a collective way. Mark responded yes, Kevin stated if we didn't have resolution, do we eliminate resolution and do another?

Mille Lacs- Resolution 30-17, undo, have bands environmental professional look at MOU, and proceed on specific items. Kevin Dupuis, Sr. stated outline on resolution. Mark Anderson responded 30-17 was based on EIS pipelines in general. Kevin Dupuis, Sr. asked how to do a different avenue, how do we unite. Mark responded to have Band environmental experts get common issues addressed, enter into MOU on how we will deal with federal agencies. Kevin Dupuis, Sr. asked wasn't the resolution to collectively establish commonality? How do we unite as an MCT body?

Reggie Defoe stated it's the EIS that is at issue because of cost and time concerns. Suggested we look into doing an Impact Analysis instead of EIS. Army Corp is not sure if they meet with the bands individually or the Minnesota Chippewa Tribe, confusion on who to meet with. Army Corp is willing to meet with Fond du Lac. Norman Deschampe asked is this resolution the only one we are going to see. Kevin Dupuis, Sr. stated what the intent of the Tribal Executive Committee is - vote on EIS resolution? Concern that the EIS turned into department of Commerce EIS, Tribal Impact Analysis would be accepted. We are currently behind on timeframe for EIS now. Reggie Defoe suggested adding a cultural component in the Tribal Impact Analysis we can then respond better and not have to do the EIS

Kevin Dupuis, Sr. stated that the EIS was approved, didn't mean it had to be done in now. The EIS is comprehensive, with analysis the band is taking knowledge they already have. Norman Deschampe asked can we rescind the resolution and get on the same page with all bands. Tara Mason questions taking it back to the Natural Resource/Environment Subcommittee. She asked if Norman Deschampe was comfortable with rescinding the resolution. The schedule for the EIS leaves 250 days, early this fall, before Department of Commerce can take action. Kevin Dupuis, Sr. stated the final stage is heard by judge and we have to respond to comments within so many days. Wayne Dupuis asked is there something to do other than follow the State of Minnesota in developing a cumulative effects analysis on specific sections of the EIS? Kevin Dupuis, Sr. responded that we don't need to be reactionary and subject to the State. Fond du Lac environmental staff member commented that this would be a living document that can be used for all future instances.

Motion by Melanie Benjamin to rescind Resolution 30-17 moving Tribal Impact Analysis to the Natural Resources/Environment Subcommittee to take the place of EIS. Seconded by Tara Mason. 9 For, 0 Against, 0 Silent. Carried.

SUBCOMMITTEE BYLAWS:

Tara Mason would like to discuss points on Mark's clean copy of Bylaws that were provided. Mille Lacs has discussion points also, recommend go by sections. Kevin Dupuis, Sr. stated that he read the Legislative Bylaws. Melanie Benjamin responded she commented on and submitted recommendations for membership language, addition each band has different way they govern, Committee to recognize each governing body. Mark Anderson stated that the Constitution doesn't state delegate authority. The Tribal Executive Committee only delegates to the Subcommittees without resolution. The Bands delegate to the Tribal Executive Committee, there is nothing that states on how someone takes official action. Mille Lacs laws states on how someone takes official action, referenced the Mille Lacs Band Joint Assembly. Norman Deschampe responded that the bands delegate authority. Question was asked on how Mille Lacs can have another form of government and still sit on committee. Melanie Benjamin responded that Mille Lacs is not separate from the Minnesota Chippewa Tribe and information will be provided at the next meeting. Member stated that the constitution is for all bands. Melanie responded the constitution is used for our own government. Irene Benjamin questioned Mille Lacs band self-governance. Melanie stated that meetings are held throughout the reservation so people can voice their issues and are open to anyone. Irene stated yes, we have meetings, sparingly attended. In the 1980's was the self-governance issues voted on by band members. No one knew about the hotels being purchased in St. Paul and Oklahoma. Self-governance is dead if the people don't have a voice, your voice is not heard on serious issues.

Dale Green cites conflict with Article V and VI Section D – was there an interpretation of this? Kevin responded that we need to approve the bylaws. The questions is how to do meetings if there are no bylaws for the subcommittees. We can't do job without bylaws. Tara stated approval for bylaws is here.

President Dupuis stated a 5 minute recess at 4:49 p.m. Meeting resumes order at 5:09 p.m.

Motion by Tara Mason to approve the Bylaw Resolution 35-07 for Legislative Subcommittee. Seconded by Catherine Chavers. 9 For, 0 Against, 0 Silent. Carried.

Motion by Tara Mason to approve the Bylaw Resolution 34-07 for Human Services Subcommittee. Seconded by Catherine Chavers. 9 For, 0 Against, 0 Silent. Carried.

Motion by Tara Mason to approve the Bylaw Resolution 33-07 for Natural Resources. Seconded by Carolyn Beaulieu. 9 For, 0 Against, 0 Silent. Carried.

Kevin Dupuis, Sr. read the bylaws for the Legislative Subcommittee.

Tara Mason read the bylaws for the Human Services Subcommittee and Natural Resources Subcommittee with edits.

ATTORNEY CONTRACT SELECTION:

Motion by Carolyn Beaulieu to approve the hire of Brodeen & Paulson as legal counsel for the Minnesota Chippewa Tribe. Seconded by Dave Morrison. 9 For, 0 Against, 0 Silent. Carried.

Motion by Carolyn Beaulieu to approve Resolution 36-17 agreement for general counsel. Seconded by Dave Morrison. 9 For, 0 Against, 0 Silent. Carried.

PERSONNEL:

Motion by Melanie Benjamin to approve the request for Family Medical Leave Act extension from November 20, 2016 to March 3, 2017. Seconded by Arthur LaRose. 9 For, 0 Against, 0 Silent. Carried.

Motion by Norman Deschampe to adjourn the meeting at 5:30 p.m. Seconded by Catherine Chavers. 9 For, 0 Against, 0 Silent. Carried.