

**THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE**

Regular Meeting
July 10, 2017

The special meeting of the Minnesota Chippewa Tribe Tribal Executive Committee was called to order by President Kevin Dupuis at 1:05 p.m. at Black Bear Casino Resort, Carlton, Minnesota.

Invocation: Mike Smith

Swearing in of Marie Spry, Committeewoman, Grand Portage, to serve as Tribal Executive Committee Member for duration of Norman Deschampe's leave of absence due to illness.

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, White Earth; Tara Mason, Secretary/Treasurer, White Earth; Catherine Chavers, Chairwoman, Bois Forte; David Morrison, Secretary/Treasurer, Bois Forte; Marie Spry, Rep., Grand Portage; Dennis Morrison, Secretary/Treasurer, Grand Portage.

Quorum present.

Others: Phil Brodeen, Legal, Minnesota Chippewa Tribe; Emily Johnson, Strategic Initiatives, Mille Lacs; Susan Klapel, Mille Lacs; Shena Matrious, Mille Lacs; Shelly Diaz, Mille Lacs; Caryn Day, Leg. Communications Liaison, Mille Lacs; Shelly Day, Leg. Office Manager, Mille Lacs; Joe Nayqonabe, Mille Lacs; Tammy LaRose, Enrollment Coordinator, Leech Lake; Dale Green, Legal, Leech Lake; Laurie Harper, Leech Lake; Dennis Olson, Executive Director, MIAC; Rick Smith, MHFA; Jan Halstad, Director, MDE OIE; Amy Myrbo, U of M; MCT staff and other interested parties.

President Dupuis announced that the TEC met over breakfast and discussed meeting protocol, Roberts Rules of Order, and how to ensure the meeting format provides time for tribal members to speak. Moving forward, any MCT member who wishes to make a statement will be required to be placed on the agenda under "New Business". They must state their name, the reservation they are from, and any statement they make will be limited to 3 minutes. President Dupuis also announced that MCT members are invited to participate in Subcommittee discussions.

NEW BUSINESS

President Dupuis requested whether anyone has New Business items they wish to be placed onto the agenda.

Sec. Treas. Mason requested that the Secretarial Election regarding enrollments be placed on the agenda for discussion.

Sec. Treas. Mason noted that at the last special meeting, she had requested that an update regarding development of curriculum about the MCT Constitution be placed on the agenda, but she does not see it on the agenda, and requested it be added.

Chairwoman Chavers requested that holding a Tribal opiate/heroin summit be added to the agenda.

Chairman Tibbetts requested that the topic of transferring MCT trust lands back to Band-ownership be placed onto the agenda.

MCT Member Leonard Roy requested that the topic of the MCT constitution being provided to all MCT members be discussed.

President Dupuis requested that the principles of censorship be added to the agenda.

Dale Greene: Requested a breakdown for what Tribal Executive Committee positions have been paid over the last 21 years that reflect cost of living adjustments, and the cost to Band Members.

Motion by Chairwoman Chaver to approve the Agenda with additions. Seconded by Chairman Jackson. 11 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Dennis Morrison to approve minutes of May 31, 2017. Seconded by Chairman Tibbetts. 11 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS

Executive Director Frazer discussed Otto Bremer Foundation Grant Application, which approves Human Services Division submission of \$200,000 grant and authorized him as Executive Director signature authority for the grant submission.

Motion by Sec. Treas. Dennis Morrison to approve Resolution 110-17 regarding Otto Bremer Foundation Grant Application. Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Martineau to approve Resolution 111-17 regarding enrollment: Fond du Lac Eligibles (11). Seconded by Sec. Treas. David Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Martineau to approve Resolution 112-17 regarding enrollment: Fond du Lac Ineligibles (8). Seconded by Sec. Treas. David Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Martineau to approve Resolution 113-17 regarding enrollment: Fond du Lac No Parent Enrolled (2). Seconded by Sec. Treas. David Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 114-17 regarding enrollment: White Earth Eligibles (13). Seconded by Sec. Treas. Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 115-17 regarding enrollment: White Earth Ineligibles (14). Seconded by Sec. Treas. Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 116-17 regarding enrollment: White Earth Relinquish to Red Lake. Seconded by Sec. Treas. Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 117-17 regarding enrollment: White Earth Unconditional Relinquishment. Seconded by Sec. Treas. Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 118-17 regarding enrollment: White Earth Blood Degree Change I. Seconded by Sec. Treas. Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 119-17 regarding enrollment: White Earth Blood Degree Change II. Seconded by Sec. Treas. Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 120-17 regarding enrollment: White Earth Disenrollment I. Seconded by Sec. Treas. Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 121-17 regarding enrollment: White Earth Disenrollment II. Seconded by Sec. Treas. Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 122-17 regarding enrollment: White Earth No Parent Enrolled. Seconded by Sec. Treas. Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Dist. Rep., Spry to approve Resolution 123-17 regarding enrollment: Grand Portage Eligibles (13). Seconded by Sec. Treas. Dennis Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Dist. Rep., Spry to approve Resolution 124-17 regarding enrollment: Grand Portage Ineligibles (3). Seconded by Sec. Treas. Dennis Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 125-17 regarding enrollment: Bois Forte Eligibles (20). Seconded by Sec. Treas. David Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 126-17 regarding enrollment: Bois Forte Ineligibles (3). Seconded by Sec. Treas. David Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 127-17 regarding enrollment: Bois Forte Unconditional Relinquishment I. Seconded by Sec. Treas. David Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 128-17 regarding enrollment: Bois Forte Unconditional Relinquishment II. Seconded by Sec. Treas. David Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 129-17 regarding enrollment: Bois Forte Blood Degree Change. Seconded by Sec. Treas. David Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 130-17 regarding enrollment: Bois Forte No Parent Enrolled. Seconded by Sec. Treas. David Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 131-17 regarding enrollment: Mille Lacs Eligibles (10). Seconded by Sec. Treas. Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 132-17 regarding enrollment: Mille Lacs Ineligibles (6). Seconded by Sec. Treas. Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 133-17 regarding enrollment: Mille Lacs No Parent Enrolled. Seconded by Sec. Treas. Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 134-17 regarding enrollment: Leech Lake Eligibles (38). Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 135-17 regarding enrollment: Leech Lake Ineligibles (29). Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 136-17 regarding enrollment: Leech Lake Relinquish from Blackfeet. Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 137-17 regarding enrollment: Leech Lake Relinquish from Red Lake. Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 138-17 regarding enrollment: Leech Lake Blood Degree Change I. Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 139-17 regarding enrollment: Leech Lake Blood Degree Change II. Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 140-17 regarding enrollment: Leech Lake No Parent Enrolled. Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 141-17 regarding enrollment: White Earth Transfer to Leech Lake (3). Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

QUARTERLY REPORTS

Administration: Joel Smith, Director of Administration provided quarterly report for Administration. No items required action for today's meeting.

President Dupuis asked about the process for handling grievances when an MCT employee is terminated, which was then discussed by the Tribal Executive Committee.

Motion by Sec. Treas. Martineau to approve the Administrative report as presented. Seconded by Dist. Rep., Spry. 11 For, 0 Against, 0 Silent. Carried.

Finance: Deb Chase, Accounting Manager provided the quarterly financial report (report attached). She reported concerns about being over-budget; the budget normally provides for 2 special meetings/year, and that there have already been 4 special meeting, which does not include constitutional conventions. Other items significantly over-budget include attorney's fees; she is forecasting being \$65,000 over budget for 2017. Deb Chase presented a revised budget moving funds from areas not spent and adding where needed. TEC discussed Indirect Cost and Executive Director's suggestion of possible draw-down from settlement monies.

Motion by Sec. Treas. Mason to approve revised budget. Seconded by Sec. Treas. Dennis Morrison. 11 For, 0 Against, 0 Silent. Carried.

Deb Chase requested approval for FY18 operating budget (attached). Discussion about credit cards; 6 are issued to employees, no officers have credit cards.

Motion by Marie Spry to approve FY18 operating budget. Seconded by Chairwoman Chavers. 10 For, 1 Against (Sec. Treas. Mason), 0 Silent. Carried.

Finance Corporation: Rick Wuori, Director presented the quarterly report for the Finance Corporation. No action items requested.

Motion Sec. Treas. Mason to approve the Finance Report as presented. Seconded by Sec. Treas. Martineau. 11 For, 0 Against, 0 Silent. Carried.

Economic Development: Jeff Brunelle presented Economic Development Report. No action was requested. Discussion about desire for more communication with Band Members about small business opportunities and visiting each reservation.

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

Education: Billie Annette, JOM Coordinator presented Education report. No action items were requested. She noted that Jane Harstad, from Minnesota Office of Indian Education, would be in attendance later and provide additional information.

Motion by Sec. Treas. Mason to approve the Education report as presented. Seconded by Committeewoman Spry. 11 For, 0 Against, 0 Silent. Carried.

Human Services: George Goggeye, Director presented Human Services report. No action items requested.

Motion by Sec. Treas. Beaulieu to approve the Human Services Report as presented. Seconded by Committeewoman Spry. 11 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Mason to recess at 12:02 p.m. Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Meeting resumes at 1:08 p.m.

Continuation of Quarterly Reports

EPA GAP Environmental Program: Michael Northbird, Program Manager presented the quarterly report for EPA GAP Environmental Program. Michael noted non-point source pollution funding. President Dupuis asked about coordination with the State DNR and appearance of meth labs in ice fishing houses. Michael would follow up with bringing to attention of authorities.

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

Education, cont; Jane Harstad, from Minnesota Office of Indian Education, provided information about TNEC consultation with each Band; Fond du Lac is the fiscal agent for Superior WI Schools, so she suggested TNEC or Fond du Lac send someone to Superior to provide that consultation, as Minnesota only engages in consultation with Minnesota Bands, and Wisconsin with WI Bands. TEC discussed administration of Title 6 funds, JOM Committees and American Indian Parent committees, and possibly calling for audit of how Indian Education funds are spent in Minnesota as a future action item.

Amy Myrbo, Researcher in Food Sciences at the University of Minnesota. She discussed the need to educate her colleagues about importance of protecting wild rice, and noted a pre-proposal for grant funds to protect wild rice, including studying the factors affecting rice. Proposal includes interns and graduate students from Native communities. A team of social scientists will be looking at people on wild rice advisory board to Minnesota Pollution Control Agency to understand how and why tribal voices were not included in the reports. Tribal Executive Committee discussed ownership of data; Myrbo stated that anything Bands would prefer to keep proprietary can be embargoed and left out; data will be publicly shared and owned and tribes will have access to the data. Tribal Executive Committee discussed pharmaceuticals as pollutants in lakes, and asked if this would be studied; Myrbo stated she would look into that.

Legal: Attorney Brodeen provided legal report. Discussed draft letter to DOI and congressional delegation Letter addresses federal budget being unacceptable and that it does not reflect federal trust responsibility. Feedback to draft letter was requested. Tribal Executive Committee members requested that language about treaty and trust obligations be strengthened; holding Bureau of Indian Affairs harmless when cutting other Interior programs; making funding for tribal operations mandatory versus discretionary; more funding for tribal police and opiate crisis. Attorney Brodeen stated that edits will be made to letter based on discussion.

Constitutional Convention: Tribal Executive Committee discussed what constitutional convention format should be. First dates coming up at Mille Lacs on August 21-22. Ideas included: group discussions at tables; allowing elected officials to participate in conventions as Minnesota Chippewa Tribe members; possibility of a certain number of delegates from each reservation, including a minimum from each reservation, then additional delegates based on population; hiring a skilled outside facilitator. No decisions made about constitutional convention format and no votes called on any items.

New Business:

1. **Secretarial Election - Enrollments and Education.** Sec. Treas. Mason discussed resolutions that members will be asked to vote on in Secretarial election on enrollment; expressed concern that moving forward with secretarial election could be premature, depending on the outcome of the constitutional convention.

Discussion about constitution educational curriculum and status of that; concerns about whether the Minnesota Chippewa Tribe membership will be fully prepared to vote on enrollment matters.

Motion by Sec. Treas. Mason to rescind the previous motion to set the date for the Secretarial Election. Attorney Brodeen suggested rescinding date, not the election; it can be postponed. Tribal Executive Committee discussed concerns that 11 months is not enough time to prepare for election.

Motion revised by Sec. Treas. Mason to rescind the date of the Secretarial Election. Seconded by Sec. Treas. Martineau. 11 For, 0 Against, 0 Silent. Carried.

2. Tribal Opiate Summit: Chairwoman Chavers discussed Tribal opiate summit. Met with Governor Dayton two weeks earlier, interested in collaborating on another summit to address opiate crisis our communities are facing.

3. Transferring MCT Lands back to Band ownership: Tribal Lands matter has been addressed previously by Legislative Subcommittee; former Minnesota Chippewa Tribe Attorney drafted language a few times to achieve goal legislatively, transferring MCT lands back to Bands to be kept in trust status. Attorney Brodeen discussed legal options for achieving and will report back with options.

4. Principles of Censure: President Dupuis asked to discuss Ordinance from 2014 and censorship process. He asked about legitimacy of ordinance; extensive discussion about whether or not 2/3 of members must vote affirmatively to censure (Roberts Rules) or 4/5 (as stipulated by MCT). Attorney Brodeen commented that it requires a minimum of 2/3. Discussion about White Earth and removal of previous Chair and current application to the removal ordinance. President Dupuis announced he received a complaint/request to censure a Tribal Executive Committee member, and explained why he believes the ordinance to be flawed. His understanding of the ordinance is that he is required to call for censorship prior to a hearing and prior to sharing any information with other Tribal Executive Committee members, which could violate due process, given that a Tribal Executive Committee member would need to second the motion without having seen any documentation about the request. Extensive discussion about interpretation of this issue.

MLB Member Irene Wade Benjamin was not on agenda but allowed to speak and present request to censure MLB Chief Executive Benjamin and Executive Director Frazer.

RECESS

President Dupuis spoke further about his belief the ordinance is flawed; he believe he is required to bring the censorship motion forward or turn the matter over to the TEC in another manner; could be a violation of due process. Extensive discussion followed. Chairwoman Chavers stated that when approving new business, the request was presented as Principles of Censorship, versus an actual censorship. She discussed concern about being unprepared to discuss something that was not on the agenda and hopes this does not happen again in future.

Motion by Chairwoman Chavers to table this issue. Seconded by Sec. Treas. LaRose. 11 For, 0 Against, 0 Silent. Carried.

Sec. Treas. Mason asked if Tribal Executive Committee still intended to discuss issue MLB member brought up earlier. MLB Band Member Irene Wade Benjamin spoke further about her censorship request. She made point of order about whether Irene Wade Benjamin was approved to be on the agenda. Irene responded that yes, she was added to the agenda. President Dupuis allowed her to continue.

Note: According to minutes and tape recording of the day, Irene Wade Benjamin did not request to be added to the agenda during the call for New Business nor did anyone request on her behalf that she be added.

Tribal Executive Committee discussed with attorney whether or not this issue is actually a censure matter; Attorney Brodeen responded that without the proper motion pursuant to the ordinance, this matter is not officially in front of the body today. His opinion this is not a censure issue. Brodeen stated that if this is a certification issue, the Band should take care of it during elections; but to meet criteria for ineligibility to run for office during certification process, there must be a conviction and there is no conviction. Sec. Treas. Beaulieu volunteered to take the matter back to leadership at Mille Lacs to address.

5. Breakdown of TEC Officer Payment

Executive Director Frazer reported that this past year, because President and Vice President haven't taken a salary, payment to officers was approximately \$12,000 pro-rated, 4 years before that it was \$24,000, 15 years before that \$10-12k per year.

6. Terry Tibbetts requested clarification on resolution regarding land use. Minnesota Chippewa Tribe Executive Director Frazer stated that the Bands provide a resolution/request to Minnesota Chippewa Tribe in advance of developing Minnesota Chippewa Tribe lands. Terry Tibbetts inquired whether Minnesota Chippewa Tribe received a request from White Earth to develop Star Lake project on Minnesota Chippewa Tribe Lands. Staff and attorney stated that the Minnesota Chippewa Tribe has not received a request from White Earth to use Minnesota Chippewa Tribe lands for Star Lake development.

Motion from Sec. Treas. Beaulieu to adjourn the meeting at 6:40 p.m. Second by Sec. Treas. Martineau. 11 For, 0 Against, 0 Silent. Carried.