

THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE

Regular Meeting
October 12, 2017

The Regular meeting of the Minnesota Chippewa Tribe Tribal Executive Committee was called to order by President Kevin Dupuis at 8:38 a.m. at Black Bear Casino Resort, Carlton, Minnesota

Invocation: Charlie Smith

Roll Call: Kevin Dupuis, Chairman, Fond du Lac; Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Melanie Benjamin, Chairwoman, 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; Marie Spry, Committeewoman (sitting in for Norman Deschampe, Chairman), Grand Portage; Dennis Morrison, Secretary/Treasurer, Grand Portage.

Others: Syngen Kanassatega, Legal and Policy Counsel, Mille Lacs; Brad Harrington, Commissioner NR, Mille Lacs; Shelly Diaz, Commissioner of Administration, Mille Lacs; Emily Johnson, Strategic Initiatives Coordinator, Mille Lacs; Caryn Day, Legislative Communication Liaison, Mille Lacs; Shena Matrious, Government Affairs Area Relations/Special Projects, Mille Lacs; Nora Benjamin, Mille Lacs; Shelly Day, Legislative Office Manager, Mille Lacs; John Morrin, Rep., Grand Portage; Ray Toutloff, Rep., Bois Forte; Brandon Benner, Rep., Bois Forte; Corey Strong, Executive Director, Bois Forte; Barb Brodeen, Realty Manager, Bois Forte; Frank Bibeau, Legal, White Earth; Leroy Staples, Rep., Leech Lake; Dale Green, Legal, Leech Lake; Diane Oscello, Executive Assistant, Leech Lake; Eugene Tibbetts, Rep., White Earth; Kathy Goodwin, Rep., White Earth; Vanessa Northrup, Rep., Fond du Lac; Dennis Olson, Executive Director, MIAC; Rick Smith, MHFA; Patty Olby, Superintendent, BIA-MN Agency; MCT staff and other interested parties.

President Dupuis called for approval of the agenda and asked if there were any add-ons, deletions or new business.

Executive Director Frazer requested that Patricia Olby, Superintendent, BIA-MN Agency, be placed on the agenda following the presentation by Honor the Earth. Chairman Tibbetts stated that White Earth had an issue to be added under "New Business". President Dupuis also stated that Fond du Lac had an issue under New Business as well.

Motion by Chief Executive Benjamin to approve agenda with additions. Seconded by Chairwoman Chavers . 11 For, 0 Again, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve the minutes of March 15, 2017. Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chaver to approve the minutes of July 10, 2017. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve the minutes of August 22, 2017. Seconded by Committeewoman Spry. 11 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS:

Motion by Secretary/Treasurer Beaulieu to approve Resolution 01-18 regarding Jag Grant Application. Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 02-18 regarding Otto Bremer Foundation Trust Grant Application. Seconded by Chairwoman Chavers. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Martineau to approve Resolution 03-18 regarding enrollment: Fond du Lac Eligibles (26). Seconded by Secretary/Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Martineau to approve Resolution 04-18 regarding enrollment: Fond du Lac Ineligibles (8). Seconded by Secretary/Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Martineau to approve Resolution 05-18 regarding enrollment: Fond du Lac No Parent Enrolled (2). Seconded by Secretary/Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 06-18 regarding enrollment: White Earth Eligibles (33). Seconded by Secretary/Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 07-18 regarding enrollment: White Earth Ineligibles (12). Seconded by Secretary/Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 08-18 regarding enrollment: White Earth Transfer from Leech Lake (5). Seconded by Secretary/Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 09-18 regarding enrollment: White Earth Relinquish to Three Affiliated Tribes (1). Seconded by Secretary/Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 10-18 regarding enrollment: White Earth Relinquish to Red Lake (1). Seconded by Secretary/Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 11-18 regarding enrollment: White Earth Blood Degree Change I. Seconded by Secretary/Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 12-18 regarding enrollment: White Earth Blood Degree Change II. Seconded by Secretary/Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 13-18 regarding enrollment: White Earth No Parent Enrolled (3). Seconded by Secretary/Treasurer Mason. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 14-18 regarding enrollment: Bois Forte Eligibles (23). Seconded by Secretary/Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 15-18 regarding enrollment: Bois Forte Ineligibles (6). Seconded by Secretary/Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 16-18 regarding enrollment: Bois Forte Relinquish from Crow Creek. Seconded by Secretary/Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 17-18 regarding enrollment: Bois Forte Blood Degree Change. Seconded by Secretary/Treasurer Dave Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Committeewoman Spry to approve Resolution 18-18 regarding enrollment: Grand Portage Eligibles (3). Seconded by Secretary/Treasurer Dennis Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Committeewoman Spry to approve Resolution 19-18 regarding enrollment: Grand Portage Ineligibles (2), Seconded by Secretary/Treasurer Dennis Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 20-18 regarding enrollment: Leech Lake Eligibles (56). Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 21-18 regarding enrollment: Leech Lake Ineligibles (18). Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 22-18 regarding enrollment: Leech Lake Relinquish from Red Lake. Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 23-18 regarding enrollment: Leech Lake Relinquish from Turtle Mountain. Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 24-18 regarding enrollment: Leech Lake Blood Degree Change I. Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 25-18 regarding enrollment: Leech Lake Blood Degree Change II. Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 26-18 regarding enrollment: Leech Lake Blood Degree Change III. Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 27-18 regarding enrollment: Mille Lacs Eligibles (26). Seconded by Secretary/Treasurer Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 28-18 regarding enrollment: Mille Lacs Ineligibles (21). Seconded by Secretary/Treasurer Beaulieu. 11 For, 0 Against, 0 Silent. Carried.

QUARTERLY REPORTS

Administration: Joel Smith

Joel presented a report including Tribal Operations and Administration. He summarized enrollment information and work of the Enrollments Review Committee, which recently held meetings at the MCT Headquarters. Updated TEC about workload statistics for Enrollment staff as well as significant staff work related to two constitutional convention meetings during the quarter. Updates were provided of the Title Reconciliation Project.

Questions were asked about ownership of documents the BIA has regarding Title/probate and Enrollments/family histories; Joel explained that when the BIA provides these files to the MCT, the data belongs to the MCT/reservations and is kept.

Economic Development: Jeff Brunelle

Jeff summarized CDFI recertification application, due November 15th, required yearly. Allows continued designation of the certifying data with CDFI. Discussed trust grant application for supplemental funding to continue operations in 2018 for small business development center, and work on strategic plans for Tribal outreach and options on expanding our services. Activities for the last quarter for this development center include site visits to Mille Lacs and Grand Portage to meet with potential clients. Also working on scheduling a visit this quarter to White Earth and to the urban area.

Finance Corporation: Jeff Brunelle

Closed 25 home loans for the year; two rental development homes. 6 properties were sold during the quarter, reducing the incorporated tax to 27 properties. Worked with 9 applicants. There were 2 renovations, 3 insurance claim repairs and all staff attended the MHFA Conference in September. Currently working with 19 approved home loan applicants in completing their home packages; 4 are construction projects, 5 renovation projects are also under construction. Preparing for the FY18 administrative budget and working on fiscal year-end reports.

Education: Billy Annette and Jane Harstad, MN Dept. Ed

Johnson O'Malley: Billy reported that project activities requiring approval of Parent Committees is low. 2 Parent committee trainings upcoming; Curriculum meeting held on September 6th, next one scheduled October 20 at MCT. Attended Dakota/Ojibwe language meeting. Several matters the TEC Tribal Education Committee is working on with MN Dept. of Education Office of Indian Education. Will defer to Jane Harstad to address.

Jane Harstad, MN Dept. Ed., described 4 legislative initiatives at desk of Commissioner of Education; first involves graduation, second is for parent committees to report directly to school boards because sometimes school districts circumvent the system and don't allow parents to have a say with the school board directly. Third involves licensure requirement for teachers and administrators re: American Indian History and Culture professional development. The fourth is to allow Tribal school boards to be members of the Minnesota School Board Association. All proposals are with the Governor at this point. Jane discussed the Achievement Integration Program; up until now Native students have been excluded from the eligibility calculations. TNEC is in discussions with the Department.

Jane explained new definition and a new way of identifying Indian students. In 2007 U.S. Dept. of Ed issued new reporting system for race. "American Indian" will include persons "Original Peoples of North, South and Central America and whom maintain a Tribal affiliation through the attachment". The definition will go into effect in the 2018-2019 school year; the Office of Indian Education is providing training for schools to identify their American Indian students. If American Indian students use two races, they are excluded from "American Indian". Critical to provide the training to our schools to identify our students.

Jane responded to TEC questions regarding the new definition and history of exclusion; TEC discussed serious concern re: definition of American Indian and how that will impact numbers and disbursement of JOM funding to school districts with Indian students. Jane explained that the federal definition was issued in 2007 but Minnesota did not use it until recently; with the "Every Student Succeeds Act", the State is forced to apply the new definition. Minnesota's definition has been persons having origins of the original peoples of North America and who maintain Tribal affiliation or community recognition. TEC discussed concerns about this issue and need to educate tribal membership, parents and students about self-identifying.

The Standards Committee is working to make sure that the contributions of the Minnesota American Indians are embedded in the standards and the benchmark so that there's going to be more curriculum and more things taught about our people and our history.

Dennis Olson (MIAC) said MIAC is heavily involved in the data issue and submitting letters to committee chairs. The State Legislature is starting to align some of the data desegregation pieces that are mandated under the Federal law to be at the State level as well. MIAC will be fighting hard to try to maintain definitions; been fighting against the Federal definition; the State doesn't have any business or jurisdiction determining who is, isn't an Indian.

Chairwoman Chavers requested that Dennis include this issue on the next MIAC agenda; Dennis responded affirmatively.

Human Services: George Gogleye

George discussed grant proposals for the TES building; grant was modified to focus on operating cost. He addressed competition in home healthcare field, which has created challenges in recruiting. Looking at revamping the program and reaching out to Bands re: training opportunities. Coordinator out of Duluth office identified the lack of qualified individuals who are working in the home healthcare area field as challenge. Idea is to develop a train-the-trainer program for TES facility. George and TES provider were guest presenters at the National Development Service Center Association Conference.

Valuable opportunities will be provided through Triple A program; first session was last month at Bois Forte; very positive response. Grand Portage is next.

Opioid Summit is nearly set; did not include Dakota tribes or Red Lake due to not having permission to do so. Yesterday a save-the-day card we passed out.

EPA GAP: Michael Northbird

Environmental program is now available on the MCT website – Trust Land resources map available. 2-year GAP grant approved with anticipated budget. Will be providing training for up to 40 MCT/Band staff. Discussed partnership with U of M.

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

LIQUOR LICENSE:

Motion by Secretary/Treasurer LaRose to approve the Liquor License for Caddy's Bar & Grill. Seconded by Chairman Jackson. 11 For, 0 Against, 0 Silent. Carried.

BOIS FORTE ELECTION WAIVER:

Executive Director Frazer explained that if any Reservation is not going to use the automated ballot tabulation system, that they have to request a waiver from Minnesota Chippewa Tribe under section 2.1 (a)(1) of the election ordinance. Gary read the written request from Chairwoman Chavers requesting the waiver for Bois Forte.

Chairwoman Chavers explained that at Bois Forte, the automated ballot tabulating system costs approximately \$20,000; Bois Forte does not have high numbers for Band Member turnout during election, so the council unanimously voted to request a waiver. Bois Forte would prefer hand tabulations rather than using automated system for budgetary reasons.

Motion by Chairwoman Chavers to request a waiver to not utilize the automated election services pursuant to 2.1 (A) (1) of the Election Ordinance. Seconded by Committeewoman Spry.

Discussion: Kevin referred to Article IV of the Constitution and uniform elections, stating that matters in election ordinance that provide for opting in or opting out are superceded by the Constitution if there is a contest hearing; discussed questions about how that would be interpreted by a Judge when Ordinance specifically states only the MCT can interpret its own constitution.

11 For, 0 Against, 0 Silent. Carried.

HONOR THE EARTH: Frank Bibeau

Frank Bibeau discussed the pipeline issue and the Anishinabe Cumulative Impact Assessment. The comment period right now is set for December 15th, but if we have more than we need it could be extended; this would be a tool for the MCT. Discussed need to articulate what we understand about ourselves and be able to share that information and make sure that other people are able to access and share that information. There is a pipeline abandonment on Leech Lake Reservation, on Fond du Lac that's what's being planned by Enbridge; also Enbridge planning to move out to new territories with wild rice, water and aquifers. Four of our six Reservations participating as interveners. PUC hearings coming up in Hinckley and Bemidj, Cross Lake then St. Cloud. We will be having evidentiary hearings at the State Public Utilities Commission at the beginning of November; EIS will be looked at. Encouraged all to get comments in within 60 days, and requested Reservations to hold public hearings. Frank offered to speak with anyone having questions or other ideas.

Recess at 10:32 a.m., reconvene at 11:46 a.m.

BIA MN AGENCY: Superintendent Patty Olby, BIA-MN Agency; met with the six representatives from the Band concerning real estate. Patty felt communication was a barrier but now feels that has been rectified along with the holding of monthly meetings for real estate. PIA (Partners In Action) conference possibly held in Wisconsin in June or July. Target date for new office for BIA is January 2019. Two people employed for land buy back program through cooperative agreement with MCT. Three people hired for a scanning project also through a cooperative agreement with MCT. Currently there are approximately 300 boxes of historical documents that will hopefully be scanned before the 2019 move. All data should be available through TAMMS after completion and on PROTRAK for probates. Budget formulation meeting will be held in December. New names; Ryan Zinke Interior Secretary, John Tahauda Principle Deputy Secretary. Jim James is acting Director of BIA. Delores Reeves is the Budget Officer at the Regional Office. MCT member asked how relinquished land is handled regarding

turning it over to another family member. Patty explained that a conveyance would have to be done possible research; explained archived data.

Monroe Skinaway brought up enrollment issue he and his family have between Mille Lacs and White Earth. Chief Executive Benjamin stated that she and Monroe spoke during the break; there is significant history that should be discussed to ensure all are on same page, and they have agreed to meet.

LEGAL: Phil Brodeen; Discussed Off-reservation fee into trust regulations. Bottom line is proposed amendments would make it harder to put fee into trust that is located off reservation or not contiguous to trust land. Gave TEC leaders a heads up re: comment due December 15; he is working with real estate managers and legal counsels on a strategy.

Phil discussed the Minnesota Private Cemeteries Act. This to authenticate Indian burial sites, discoveries of our burial areas that happen due to a lack of recognition of our traditions. Will be working amendments through the Mining Act; checking with Dennis Olson (MIAC) to coordinate/provide more information.

Supreme Court: Can Congress pass an act which in effect gets rid of someone's rights to challenge reservation through trust acquisition. Specific to Washington state but has potential impact on other Indian Nations.

NEW BUSINESS:

Tara Mason: Tribal Interior budget committee meeting met in July, the Midwest region will host next summers TIBC meeting. If any chair would like to bring this back to MIAC make recommendation to Scott, acting regional director replacing Tami Pointra. We are going to host this next year.

WHITE EARTH: Chairman Tibbetts

Chairman Tibbetts presented a packet to the TEC body; explained it relates to site of the Star Lake Casino on MCT Trust lands; stated that a resolution required by White Earth to move forward was not presented to the TEC. Chairman Tibbetts was informed that previous TEC attorney Mark Anderson had informed White Earth that a resolution should be obtained from TEC. Discussed concerns regarding traditional rice camp sites and impact. After dollars are spent they cannot be recouped.

Bill Crohl: Read statement requesting a hearing of censorship of White Earth Secretary-Treasurer Tara Mason (Attached, with addendums).

Secretary-Treasurer Mason addressed concern that this matter has not been heard at White Earth; that White Earth has not exhausted all of its means to address the issue internally.

President Dupuis made a point of order and referenced his previous requests at other meetings for clarification on the censure ordinance and the process; a request to censure a member of the Tribal Executive Committee must be in the form of a motion by a Tribal Executive Committee member at a regular or special meeting. Censure Ordinance, 9.2. Content of the motion: A motion for censure must identify the cause for removal under Article X Section 2 that is basis for the motion; State with particularity the facts which the Tribal Executive Committee member believes are evidence of identified cause for removal.

President Dupuis asked if this is an official censure request; Chairman Tibbetts responded affirmatively.

Discussion took place about the censure process and the difference between censure and removal; President Dupuis explained the TEC can censure but removal is a different process that happens at the Band level. 9.7: Actions by the Band: Upon receipt of the Notice of the Censure, the Band governing body shall proceed and follow Article X, Section 3, the removal process of this ordinance.

President Dupuis, Marvin Manypenny, and Bill Kroll discussed jurisdiction, process, censure ordinance and the Constitution and whether the ordinance was constitutional. Phil Brodeen was asked to help clarify the process.

Phil explained that the first eight articles relate to the petition process. Article 9 relates to censorship. In order to trigger the censure process, there needs to be a motion by a TEC member. Censure is based on the standard of whether somebody may have violated the Constitution.

Motion by Chairman Tibbetts to move forward with a censure hearing of Secretary/Treasurer Tara Mason.

Chairman Jackson requested clarification on the hearing: Is the purpose of the hearing to determine or validate things on this document? Chairman Tibbetts responded affirmatively.

Motion seconded by Chairman Jackson.

Discussion: Attorney Phil Brodeen explained that under this ordinance the individual accused has the right to request more time before replying; Secretary/Treasurer Mason has the option of postponing her response and replying within 45 days.

President Dupuis requested a motion to rescind the Ordinance Implementing Constitutional Petition and Censure Processes (91-14); no motion was offered.

Motion by Secretary/Treasurer Mason to recess. Seconded by Committeewoman Spry. 15 minute break.

Recess at 2:17; meeting reconvenes at 2:51 p.m.

Discussion: Secretary/Treasurer Mason addressed the motion before the TEC, stating this was White Earth business and should be handled by White Earth. Secretary/Treasurer Mason requested TEC to provide her time (up to 45 days) to prepare so that she can respond to each of the charges. Also requested the meeting be held at White Earth. Secretary/Treasurer Mason stated that she is giving TEC the choice to censor her now or give her time.

President Dupuis called for the Vote on the Motion to proceed with censure hearing: 11 For, 0 Against, 0 Silent. Carried.

Executive Director Frazer would schedule a meeting and notify everyone.

Motion by Secretary/Treasurer Mason to rescind the Ordinance Implementing Constitutional Petition and Censure Processes. Seconded by Secretary/Treasurer Beaulieu. 2 For (Carolyn Beaulieu and Tara Mason) 8 Against (Terry Tibbetts, Faron Jackson, Archie LaRose, Ferdinand Martineau, Melanie Benjamin, Marie Spry, David Morrison, Cathy Chavers), 1 Silent (Dennis Morrison). Motion fails.

Fond du Lac Business:

Juanita Anderson brought forward a request to remove Vice President Ferdinand Martineau and read a statement of allegations.

Censure requires a motion by a sitting TEC member; no motion was requested and none offered by a TEC member. No action

Kevin Dupuis asked again if anyone would entertain a motion to rescind the Ordinance Implementing Constitutional Petition and Censure Processes. No motion offered.

Motion by Secretary/Treasurer Dave Morrison to adjourn the meeting at 3:45 p.m. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.