

THE MINNESOTA CHIPPEWA TRIBE
Tribal Executive Committee
Regular Meeting
October 23, 2020

A regular Tribal Executive Committee meeting was called to order at 8:49 a.m. by President Chavers at Grand Portage Lodge & Casino (Committee, Zoom available for Committee, staff and members), Grand Portage, Minnesota.

Invocation: David Aubid

Swearing in of Election Officials by April McCormick, Secretary/Treasurer, Grand Portage Michael J. Fairbanks, Chairman, White Earth; Faron Jackson, Chairman, Leech Lake; Catherine Chavers, Chairwoman, Bois Forte; Kevin Dupuis, Chairman, Fond du Lac; Melanie Benjamin, Chief Executive, Mille Lacs.

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

Other: Gary Frazer, Executive Director, MCT; Phil Brodeen, Legal, MCT; Joel Smith, Director of Administration, MCT; MCT staff and other interested parties.

Motion by Chief Executive Benjamin to approval of agenda. Seconded by Secretary McCormick. 11 For, 0 Against, 0 Silent. Carried.

ELECTION OF OFFICERS:

Recommendation by Chief Executive Benjamin recommended that the Officers of the Tribal Executive Committee remain the same, with a positive comment about their service in the past two years. Secretary/Treasurer LaRose agreed and made a positive comment about their service.

President – Cathy Chavers
Vice-President – Faron Jackson

Treasurer – David Morrison, Sr.
Secretary – April McCormick

Motion by Chief Executive Benjamin to keep the Executive Officers of the Tribal Executive Committee the same, in office for the next two years. Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Roy to approve the minutes of May 1, 2020. Seconded by Secretary/Treasurer Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve the minutes of July 13, 2020. Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS:

Motion by Chairman Deschampe to approve Resolution 01-21 regarding COLA for MCT employees. Seconded by Chairman Fairbanks. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Martineau to approve Resolution 02-21 regarding the Operating Budget FY 2021. Seconded by Chairman Fairbanks. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer LaRose to approve Resolution 03-21 regarding Attorney Contract. Seconded by Secretary/Treasurer Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 04-21 regarding DOJ/JAG grant application. Seconded by Secretary/Treasurer Morrison. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 05-21 regarding enrollment: White Earth Eligibles (17). Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 06-21 regarding enrollment: White Earth Ineligibles (27). Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 07-21 regarding enrollment: White Earth Relinquish to Red Lake (2). Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 08-21 regarding enrollment: White Earth Relinquish to Little Traverse Bay Bands of Odawa Indians (1). Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 09-21 regarding enrollment: White Earth Relinquish to Quileute Tribe (1). Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 10-21 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 11-21 regarding enrollment: White Earth Blood Rescind action/Reinstatement. Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 12-21 regarding enrollment: Fond du Lac Eligibles (7). Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 13-21 regarding enrollment: Fond du Lac Ineligibles (6). Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 14-21 regarding enrollment: Fond du Lac Relinquish from Little Traverse Bay Band of Odawa Indians (1). Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 15-21 regarding enrollment: Fond du Lac Blood Degree Change (1). Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve Resolution 16-21 regarding enrollment: Grand Portage Eligibles (1). Seconded by Secretary/Treasurer McCormick. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary/Treasurer Morrison to approve Resolution 17-21 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 18-21 regarding enrollment: Bois Forte Ineligibles (8). Seconded by Secretary/Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 19-21 regarding enrollment: Mille Lacs Eligibles (30). Seconded by Secretary/Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 20-21 regarding enrollment: Mille Lacs Ineligibles (25). Seconded by Secretary/Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 21-21 regarding enrollment: White Earth Transfer to Leech Lake (5). Seconded by Secretary/Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 22-21 regarding enrollment: Leech Lake Eligibles (42). Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 23-21 regarding enrollment: Leech Lake Ineligibles (21). Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 24-21 regarding enrollment: Leech Lake Blood Degree Change (1). Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 25-21 regarding enrollment: Leech Lake No Parent Enrolled (1). Seconded by Secretary/Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

QUARTERLY REPORTS

President Chavers asked to forego reading of quarterly reports. Directors are available online if there are any questions on the reports

Motion by Chief Executive Benjamin to approve of quarterly reports. Seconded by Secretary/Treasurer McCormick. 11 For, 0 Against, 0 Silent. Carried.

TEC MEMBER HOLDING OTHER PUBLIC OFFICE: Phil Brodeen, Legal

Phil stated that he was asked to provide a legal opinion regarding the eligibility of a sitting member of the TEC to run for another elected office please see the memorandum which includes the time requirements, job duties and responsibilities of sitting Tribal Executive Committee and Reservation Business Committee members. Ultimately there is nothing in the existing laws that would prohibit a sitting member of the TEC from seeking another elected office. Discussion occurred among the Committee members regarding the importance and challenges to tribal members holding public office.

LEGAL: Phil Brodeen, Attorney

Phil began his report to the TEC, then Secretary/Treasurer Roy stated that he had to recuse himself and wanted to make sure it was reflected within the record of the minutes. Secretary/Treasurer Roy stepped out of the room for discussion on the agenda item.

Phil briefed the TEC on the following cases:

CARES ACT – eligibility for Alaska Native Corporations to receive distribution from Treasury.

2020 Census litigation – ending the Census count early and ramifications for Indian Country.

Red Lake Fisheries Case – determining whether or not Occupation Safety Hazard Administration (OSHA) has jurisdiction within Indian Country.

Flandreau Santee Sioux, in South Dakota – challenging the state taxation of *on reservation business transactions*, especially transactions related to gaming.

Oneida Nation vs Village of Hobart – involving reservation boundaries of the Oneida reservation and couple of other municipalities in that jurisdiction, cites *McGirt vs Oklahoma*, which provides an almost perfect vehicle in which a Tribe may resolve any ongoing reservation boundary cases provided the Tribe’s reservation boundaries haven’t been deemed disestablished previously.

Phil stated he had one more subject that was election related, to which Secretary/Treasurer Roy recused himself during this discussion. Phil and Chief Executive Benjamin shared information about the ongoing *Get Out The Vote* efforts in Indian Country, including that Obama’s Chief of Staff will be in Duluth at 1:00 Saturday to potentially meet with Indian Tribal Leaders on this effort.

President Chavers thanked Phil and Chief Executive Benjamin for information for the TEC.

MARIJUNA REFRENDUM: Chairman Fairbanks

Chairman Fairbanks presented a letter of support to the TEC and presented that our Tribal Council supports this and is looking for the TEC support. Chairman and Secretary/Treasurer Roy explained that during the august election the White Earth Nation has approved the medical cannabis program. Secretary/Treasurer Roy made references to the majority vote passing the referendum, and clarified that this is medical use only and not concerning recreational use. We believe our program will help a lot of people. As the letter states very clearly its according to our legal team it is a civil regulatory issue and Tribes have jurisdiction over civil regulatory matters.

President Chavers thanked Chairman Fairbanks and Secretary/Treasurer Roy for their presentation.

Further discussion and points of clarification: The letter will be addressed from President Chavers to the Chairman of the White Earth Reservation Tribal Council. As White Earth works with the State of Minnesota and Federal Government moving forward with its program the Letter of Support from MCT will ensure that there aren’t any constitutional issues in implementing the medical cannabis program with White Earth’s authority and as a constituent band of the Minnesota Chippewa Tribe. Also, in regards to the last sentence which states, “*and will also assist in any efforts by the Minnesota legislature to address and issues that may arise.*”

Clarification was provided on what type of assistance is expected for the MCT (regarding

lobbying, attorney work): the reason this sentence is in the letter is because as White Earth looked at other State implemented medical cannabis programs with Tribes (Washington, Nevada and Arizona), they found there has been State legislation that has been approved for Tribal-State compacts regarding regulations for medical cannabis and White Earth expects this from the State of Minnesota as they continue on this path.

Motion by Chairman Jackson to approve the letter of support for the White Earth Nation's Medical Cannabis Program. Seconded by Secretary/Treasurer Morrison. 11 For, 0 Against, 0 Silent. Carried.

MCT COVID-19 PLAN: Joel Smith, Director of Administration

Joel informed the Committee the Legislative Committee reviewed this plan and recommended TEC approval to pass the Minnesota Chippewa Tribe COVID-19 Workplace Operating Plan. This document will help the Minnesota Chippewa Tribe headquarters define the plan of operations during the COVID-19 Pandemic, in an effort to keep our employees, public, and membership safe. It combines nine memorandums issued between March 2020 to present into one document. Also, during the discussion yesterday in legislative, we also asked for some flexibility to be able to edit this document as we move forward as the Center for Disease and Control (CDC) and Minnesota Department of Health guidance changes, and we will post it online as recommended by the subcommittee.

Phil stated this plan centralizes procedures by which the MCT Office in Cass Lake will be governed regarding COVID-19. The office will remain closed; access will be limited and request for access of the MCT office will need to be provided through the Executive Director. Staff self-screening and visitor screening will be implemented. Enforcement and following the procedures is critical to this plan, the CDC continually issues new guidance so updates will need to occur between quarterly meetings.

Discussion among Committee members, Phil, Joel, and Gary: on the language of the plan, the distribution of the plan to staff, grievance policy process, and about supporting staff to work flexible hours and work remotely. Revisions are requested to be reviewed by the Officers. Clarification is needed on text in brackets '[text]' within the plan draft presented. President Chavers shared with the Tribal Executive Committee that she called a meeting among the Executive Officers of the TEC, to meet with Executive Director Frazer, Joel Smith, regarding the MCT office operations, staff health, safety related to the COVID-19 cases and development of protocol and plan for COVID-19 to ensure MCT staff and visitors are safe.

Motion by Secretary/Treasurer LaRose to approve the MCT COVID-19 plan. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.

New Business: Executive Director Frazer

Gary asked Alan Forgarty to introduce himself.

Alan Forgarty, Superintendent BIA-MN Agency introduced himself and gave a brief update on the Bureau of Indian Affairs Minnesota Agency and reduced operations related to the COVID-19 Pandemic. He would like to schedule meetings with each of the six bands of the Minnesota Chippewa Tribe in January. Potential BIA data call regarding disbursement of COVID-19 Funding formulas to use updated MCT enrollment data.

Chairman Jackson stated he wanted to revisit the two resolutions on blood quantum, enrollment, as well as the Constitution Reform Committee updates. Requested that it be on the agenda for the next meeting.

President Chavers stated that these two topics will be added to the TEC meeting agenda in January:

- Update from the Constitution Reform Committee
- Two resolutions passed in 2015, regarding enrollment: counting other Ojibwe and First Nations' blood in the MCT enrollment process.

Motion by Chief Executive Benjamin to adjourn the meeting at 10:25 a.m. Seconded by Chairman Deschampe. 11 For, 0 Against, 0 Silent. Carried.