

THE MINNESOTA CHIPPEWA TRIBE
Tribal Executive Committee
Regular Meeting
April 29, 2021 - April 30, 2021

A regular Tribal Executive Committee meeting was called to order at 4:32 p.m. by President Chavers at Northern Lights Hotel & Casino, Walker, Minnesota. (Zoom available for Committee, staff and members).

Invocation: Michael Smith Sr./Michael Smith Jr.

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; Sheldon Boyd, Secretary/Treasurer, Mille Lacs; Melanie Benjamin, Chief Executive, Mille Lacs; via Zoom: Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Kevin Dupuis, Chairman, Fond du Lac;

Other: Gary Frazer, Executive Director; Phil Brodeen, Legal Counsel; MCT staff and other interested parties.

Motion by Secretary-Treasurer LaRose to approve the agenda. Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried

Motion by Chairman Jackson to approve the minutes of January 29, 2021. Seconded by Robert Deschampe. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Roy to approve the minutes of March 4, 2021. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS:

Motion by Chairman Fairbanks to approve Resolution 44-21 regarding enrollment: White Earth Eligibles (26). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 45-21 regarding enrollment: White Earth Ineligibles (45). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 46-21 regarding enrollment: White Earth Transfer to Leech Lake (1). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 47-21 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 48-21 regarding enrollment: White Earth No Parent Enrolled (1). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve Resolution 49-21 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 50-21 regarding enrollment: Mille Lacs Ineligibles (33). Seconded by Secretary-Treasurer Boyd. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve Resolution 51-21 regarding enrollment: Grand Portage Eligibles (1). Seconded by Secretary-Treasurer McCormick. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve Resolution 52-21 regarding enrollment: Grand Portage Ineligibles (2). Seconded by Secretary-Treasurer McCormick. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve Resolution 53-21 regarding enrollment: Grand Portage No Parent Enrolled (1). Seconded by Secretary-Treasurer McCormick. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Morrison to approve Resolution 54-21 regarding enrollment: Bois Forte Eligibles (28). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Morrison to approve Resolution 55-21 regarding enrollment: Bois Forte Ineligibles (3). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Morrison to approve Resolution 56-21 regarding enrollment: Bois Forte Blood Degree Change (1). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 57-21 regarding enrollment: Leech Lake Eligibles (52). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 58-21 regarding enrollment: Leech Lake Ineligibles (24). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 59-21 regarding enrollment: Leech Lake Relinquish to Red Lake Dual Enrolled (1). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 60-21 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 61-21 regarding enrollment: Leech Lake No Parent Enrolled (3). Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 62-21 regarding enrollment: Fond du Lac Eligibles (9). Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 63-21 regarding enrollment: Fond du Lac Ineligibles (13). Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 64-21 regarding enrollment: Fond du Lac Blood Degree Correction (1). Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 65-21 regarding enrollment: Fond du Lac No Parent Enrolled (2). Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve Resolution 66-21 regarding enrollment: Fond du Lac Removal Erroneously Enrolled (1). Seconded by Secretary-Treasurer Martineau. 11 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve Resolution 67-21 supporting Oak Flat Act. Seconded by Chairman Dupuis. 11 For, 0 Against, 0 Silent. Carried.

QUARTERLY REPORTS

Administration: Joel Smith

Joel presented the quarterly Administrative report.

Motion by Chairman Fairbanks to approve the quarterly Administrative reports as presented. Seconded by Secretary-Treasurer LaRose. 11 For, 0 Against, 0 Silent, Carried.

Finance Corporation: Gary Frazer

Gary Frazer presented the quarterly Finance Corporation report.

Motion by Chief Executive Benjamin to approve the quarterly Finance Corporation report as presented. Seconded by Secretary-Treasurer Morrison. 11 For, 0 Against, 0 Silent, Carried.

GAP/EPA: Michael Northbird

Michael Northbird presented the quarterly GAP/EPA report.

Motion by Chief Executive Benjamin to approve the quarterly GAP/EPA quarterly report as presented. Seconded by Secretary-Treasurer McCormick. 11 For, 0 Against, 0 Silent, Carried.

Human Service: George Goggleye

George Goggleye presented the Human Services quarterly report.

President Chavers congratulated George on new position as Finance Director.

Chief Executive Benjamin offered a comment on the Minnesota Board on Aging, described that the diversity committee wants to be more inclusive on the difference of what the people face in Minnesota. Tadd Johnson will provide training to provide a better understanding of federal Indian Law and history. In recent years funding there has been a large effort to make sure that funding levels and different things are changed to more reflect the Indian people they serve. Want to make sure the MIAAA is inclusive and understands that there are 11 sovereigns in the State of Minnesota, Dakota and Ojibwe and that we are diverse.

Chairman Jackson described that we know that there are a high number of elders in Minnesota compared with other age categories and he had invited the Age Friendly Board, prior to COVID, to their Wisdom Steps Training and wants to make sure these boards who serve elders are engaged. Chairman Fairbanks asked Gary for an update on how COVID impacts and distance learning has impacted our students in education. Education Quarterly Report will be presented tomorrow.

Motion by Secretary-Treasurer Roy to approve the Human Services quarterly report as presented. Seconded by Chairman Jackson. 11 For, 0 Against, 0 Silent, Carried.

President Chavers congratulated Secretary-Treasurer Roy, he recently promoted from Captain to Major with an accommodation for meritorious service.

Motion by Secretary-Treasurer Roy to recess at 5:50 p.m. until tomorrow morning at 8:30 a.m. Seconded by Secretary-Treasurer McCormick. 11 For, 0 Against, 0 Silent, Carried.

THE MINNESOTA CHIPPEWA TRIBE
Tribal Executive Committee
Regular Meeting
April 30, 2021

Meeting resumes at 8:53 a.m. President Chavers presiding.

Invocation/Drum: Michael Smith Sr & Michael Smith Jr.

Called to order by President Chavers at 9:14 a.m.

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; Sheldon Boyd, Secretary/Treasurer, Mille Lacs; Melanie Benjamin, Chief Executive, Mille Lacs; via zoom: Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Kevin Dupuis, Chairman, Fond du Lac.

Other: Gary Frazer, Executive Director; Phil Brodeen, Legal Counsel; MCT staff and other interested parties.

[Quarterly Report section continued:]

Billie Annette presented the quarterly Education report. Comments about online and distance learning during the pandemic, and for a future conversation policy regarding eligibility for JOM funding and the intersection of enrollment criteria.

President Chavers shared that Bois Forte has requested an audit to the Commissioner of Minnesota Department of Education and Dr. Jane Haarstad, tribal liaison, to determine what local school districts have been spending Indian Education funding on, and ensuring the districts have been spending Indian Education money on the tribal students and not in other areas, and wanted tribes to know that we have the right to request an audit at the expense of the State and not an expense of the tribes. Billie described that this comes up in tribal consultations with districts as an important topic. Billie shared with JOM funding it is local, and parent committees are empowered to determine where that funding is going to be spent.

Chairman Jackson made a supportive comment about increasing the eligibility of students for JOM services. Billie explained “Minimum participation clause” and ‘direct services’ eligibility in the operation of JOM funding and there could be a policy developed in the future to address funding more students. There have been no increases in funding over the years, however if there was an increase this could help. The importance of traditions in education was discussed.

Secretary-Treasurer McCormick stated that a lot of adults are caregiving for their families (older adults, young children) and as we set up families to succeed in using technology to work remotely and distance learn we need to use technology and policies to support them while schools and daycares may be closed or limited to online learning. I'd like to see the Minnesota Chippewa tribe, and expressly ask or direct Gary and Joel to incorporate that into MCT Return To Work Policy (citing section in MCT COVID Policy the only return to work exception is by a physician), if there are positions that can continue to work remotely and if they're caregiving then they should be afforded that option to be successful and get support from the work place system rather than question, "*Do I return to work? or continue to provide care to my family?*" I would like to see us support families in the same way we say our children are sacred, and we need to show this support in the work place. Need to step in adapt and use technology to our advantage, to say to our employees you can continue your job position and provide that care to your child in the distance learning. As we talk about this, we need to change our way of thinking about how we work together to support those families.

President Chavers thanked everyone for their input.

Motion by Chairman Jackson to approve the quarterly Education report as presented. Seconded by Secretary-Treasurer Roy. 11 For, 0 Against, 0 Silent, Carried.

BIA- MN Agency Report: Alan Fogarty, Superintendent

Remarks about Agency operations and telework. Partners in Action will be virtual. During February Budget Formulations, all six Bands data submitted to Regional Office.

Numerous notifications with new administration – feed back on notification if you want a different protocol. More guidance coming out regarding under "federal jurisdiction" Solicitor's Opinion that all six Bands are under federal jurisdiction in regards to fee-to-trust. Active fire and fuels report in the packet.

Chief Executive Benjamin asked about the Partners in Action conference scheduled for July 19 – Aug.13. Superintendent Forgarty responded that multiple sessions are scheduled during this period. Chief Executive Benjamin described the way that Minnesota sovereign nations are listed in the federal register. In the Federal Register the six Bands are listed as one entity. I had the opportunity to talk with Brian Mullen and Jean Spaulding and the Assistant Secretary (who are putting together the American Rescue Plan in Indian Country) to help them understand that there are six independent sovereigns that comprise the organization of the Minnesota Chippewa Tribe. Many at the National level cite 574 tribes, however that omits the six bands here in Minnesota. The purpose is to ensure that six bands are not forgotten as the ARP is moving forward and that we have six allocations instead of one, Chief Executive Benjamin asked Mr. Fogarty to keep this on his radar as BIA Superintendent.

Superintendent Fogarty informed the Committee that he would keep this on his radar regarding the American Rescue Plan and remarked that all six Bands submitted independent enrollment data which was validated by each Band's Tribal Chair.

Roger Heger, OST

Mr. Heger presented OST Investment letters for Tribal Chairpersons and Chief Executive to sign. Brief update on the balance of the MCT account regarding forestry funds, and opportunities for land consolidation by purchase at probate/land buy-back program. President Chavers requested the Mr. Heger prepare an OST report in writing for inclusion in the TEC packets both for this report and in the future.

EPA decision Listing Wild Rice Waters on Impaired Waters List 303 (d) MPCA- April McCormick

I have the extreme honor to share with the committee that the EPA has determined to list 30 waters on the impaired wild rice waters list (which MPCA submits to the EPA every two years). This is very historic and has never been done before. I'm very proud of all the tribal staff that have worked on this for decades and all the mobilization of tribal leadership, to work on joint comments and joint tribal leader letters. We should all celebrate a step towards clean water to protect our manoomin. Now EPA will host 30 days of public comment. By EPA listing these waters, what it does is it will require additional water quality monitoring by the state MPCA to establish total maximum daily loads and other enforcement actions. President Chavers thanked Secretary/Treasurer McCormick for being diligent in pushing buttons for EPA – which this decision is historic for us, and thanked all the Tribal DNR departments for participating and helping. We couldn't do this alone, we did it all together! Chi Miigwech.

[Secretary/Treasurer Boyd left the meeting for a commitment]

Break –President Chavers called for a break at 10:44 a.m. and at 11:07 a.m. meeting resumed.

LEGAL: Phil Brodeen

Phil described that he has been working on prepare response to constitutional delegates. Updates will be put on tribal website.

Phil briefed the committee on relevant litigation:

- Hudson v. Haaland, formally known as Hudson v. Zinke
- Brackeen v. Haaland, regarding the application of ICWA
- A state court case within the MN state court of appeals, it's a challenge about Governor Walz requiring restaurants and businesses to remaining closed during the pandemic, while making a point that Tribal casinos and restaurants were able to stay open. Awaiting decision in that case

Phil briefed the committed that within the Minnesota Legislature there are two important Bills regarding:

- (1) Pulling back on electric pull tabs – author Tom Bakk. Phil included a MIGA letter which requested letters of support from individual tribes.

(2) Codification of Tribal consultation requirements with the state and the 11 sovereign tribes. There is a good group working on this initiative to get it through the legislature.

UMN GENETIC ENGINEERING RESEARCH ON WILD RICE – Resolution from Natural Resources Subcommittee Meeting April 29, 2021 –Presented by Ben Benoit/Phil Brodeen

Tribal Environmental Staff have raised concerns around University of Minnesota conducting research on wild rice including genetic modification of wild rice. We have provided multiple letters and resolutions on the matter (2005, 2006). Ben submitted the UMN’s own ‘white paper’ on the topic in the TEC packet. Phil Brodeen read sections of the resolution aloud.

Motion by Chairman Fairbanks to approve Resolution 68-20 regarding genetically modification of Wild Rice. Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent, Carried.

Phil Brodeen also added that the federal BIA Fee-to-Trust process has changed, from the previous administrations’ analysis which halted a lot of Fee-to-Trust applications, to the older analysis which is anticipated allow fee-to-trust applications to move forward.

Information: Secretary-Treasurer Roy

Point of Information: Read aloud sections of a packet of information distributed to Tribal Executive Committee. Secretary-Treasurer Roy concludes with he is seeking a clarification on this point of order. Secretary-Treasurer Roy calls for a motion for: “a tribal constitution clarification on the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe Article 12 Amendment language on if “at least 30% of those entitled to vote shall vote” means “qualified voters registered” OR “that in each instance the total vote cast shall not be less than those 30% of those entitled to vote” OR “the Minnesota Chippewa Tribe Tribal Executive Committee’s written opinion as to the meaning and clarification of Article 12”.

Motion by Secretary-Treasurer Roy (see language above). Seconded by Chairman Dupuis, with clarification Article 12 simply states ‘30% entitled to vote’ on his second. 9 for, 0 Against, 2 Silent (Chief Executive Benjamin, Secretary-Treasurer McCormick), Carried.

Phil Brodeen asked if the Tribal Executive Committee would be amenable to put the motion into a Resolution as “motion stated” for distribution to the TEC for review and as a way to have it documented in written form.

Committee members discussed Article 12 and Article 11, petitions (that are verbal) and past Secretarial Elections. Secretary/Treasurer LaRose requested a special meeting possibly the 3rd week of May, which Gary will coordinate.

Phil Brodeen emphasized the need to have discussion prospectively, and further described the statute of limitations on Secretarial Elections.

Audience members made comments.

President Chavers thanked them for their comments.

Comments from audience about separate topics.

President Chavers called for Point of Order, further clarifying that this meeting is about the Constitution Delegation and Enrollment and we will not be discussing other topics at this time.

Constitutional Reform: Carrie Aspinwall-Day,
Cheryl Edwards, FDL – Doug Lee, White Earth – Carrie (also reporting for Grand Portage) –
Villebrun, Bois Forte

Carrie described that the delegation is working to establish process, re-affirm process, strengthen processes amongst the delegations. They are needing to be clear and inclusive and have documentation to update on what delegates have been doing up to date. She intended to provide a written narrative to be submitted to Jane Rae-Bruce at MCT.

Cheryl Edwards posed four questions to the TEC, re: MCT website updates, minutes, resolutions. Carrie presented further needs of the Delegations could be to ask TEC members to help set up constitutional delegate meetings, for help in talking to the people to build up attendance and get information out to the people. If the process is to go through an election, we need to do a big “get out the vote” and other educational efforts. Carrie explained that FDL has donated space online for posting information and the delegates will put together another meeting before next regular meeting.

Answers to Questions as posed by Cheryl Edwards from delegation: Regarding the MCT website and notices Joel is contact for that because MCT doesn't have a website person in house, they have a contracted IT person. Secretary/Treasurer McCormick suggested that possibly an easy solution to have a link on MCT website rather than duplicating efforts in online posting, recommend talk to Joel about the ability to post on MCT website. Important facts addressing delegation questions: Minutes are in draft until approve at next regular meeting. Meeting notices are circulated to TEC members and are posted online at MCT website. Enrollment resolutions are not public because they have personally identifiable information and sensitive data that is only for Enrollment Review Committee these cannot be shared with the delegation.

Chief Executive Benjamin described that the Mille Lacs Band constitution delegates are accomplishing a lot in their historical research and studying federal Indian law, including the Indian Reorganization Act 1934 (Wheeler-Howard Act) as it relates to the constitution. Further introduced draft bill with the language to TEC.

New Business: Two MCT Resolutions Regarding Enrollment from 2015, Chairman Jackson

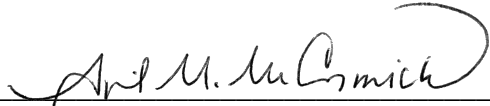
Chairman Jackson presented the topic of the two TEC resolutions which were already passed in 2015 regarding enrollment criteria, since they have been in motion and gone through the process already, he would like the Committee to take action on moving these forward today.

President Chavers described the two 2015 resolutions; each requested a Secretarial election regarding enrollment/membership criteria to count other federally recognized Ojibwe and Canadian First Nations blood. President Chavers described that because of the Point of Order question raised for the topic of the next special TEC meeting and constitutional delegates update that these (the two resolutions) could be addressed afterward.

President Chavers stated that we as the TEC have made some great strides with constitution delegation and with enrollment, and we will fix it yet our path is just beginning so it will take time to get there. Chavers announced next quarterly meeting will be held in White Earth, and an anticipated date of June 8th special TEC meeting regarding the and constitutional delegation and the “*Point of Order – 30% topic*” raised by Secretary/Treasurer Roy.

[Chief Executive Benjamin left the meeting for a commitment.]

Motion by Secretary-Treasurer LaRose to adjourn the meeting at 1:10 p.m. Seconded by Secretary-Treasurer Roy. 9 for, 0 Against, 0 Silent, Carried. (Chief Executive Benjamin and Secretary-Treasurer Boyd had excused themselves from the meeting earlier).



April M. McCormick
Secretary, Minnesota Chippewa Tribe

Minutes Approved on October 29, 2021 at a Regular Tribal Executive Committee Meeting