

The Minnesota Chippewa Tribe
Tribal Executive Committee
Regular meeting
October 29, 2021

Invocation: Merlin Deegan/Drum Group

A regular Tribal Executive Committee meeting was called to order at 9:06 a.m. by President Chavers at Shooting Star Casino, Hotel & Event Center, Mahnomen, Minnesota.

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; Catherine Chavers, Chairwoman, Bois Forte; David Morrison Sr., Secretary-Treasurer, Bois Forte; via Zoom: Robert Deschampe, Chairman, Grand Portage; April McCormick, Secretary-Treasurer, Grand Portage; Kevin Dupuis, Chairman, Fond du Lac; Melanie Benjamin, Chief Executive, Mille Lacs; Sheldon Boyd, Secretary-Treasurer, Mille Lacs.

Absent: Ferdinand Martineau, Secretary-Treasurer, Fond du Lac.

Others: Gary Frazer, Joel Smith, Phil Brodeen, Michael Northbird, via zoom: Cheryl Jackson.

Motion by Secretary-Treasurer Roy to approve the agenda. Seconded by Chief Executive Benjamin. 10 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer LaRose to approve the regular minutes of April 29, 2021. Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Roy to approve the special minutes of June 22, 2021. Seconded by Chief Executive Benjamin. 10 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Roy to approve the regular minutes of July 12, 2021. Seconded by Chairman Jackson. 10 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS

Motion by Secretary-Treasurer Roy to approve resolution 88-21 regarding FY 2022 Operating Budget. Seconded by Chairman Dupuis. 10 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Roy to approve resolution 89-21 regarding Cost of Living for MCT employees. Seconded by Chief Executive Benjamin. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve resolution 90-21 regarding NCAI. Seconded by Chairman Dupuis. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 91-21 JAG Grant Application. Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 92-21 regarding enrollment: White Earth Eligibles (105). Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 93-21 regarding enrollment: White Earth Ineligibles (92). Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 94-21 regarding enrollment: White Earth Relinquish to Red Lake (7). Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 95-21 regarding enrollment: White Earth Relinquish to Yankton Sioux (3). Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 96-21 regarding enrollment: White Earth Blood Degree Change (1). Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 97-21 regarding enrollment: White Earth No Parent Enrolled (13). Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Morrison to approve resolution 98-21 regarding enrollment: Bois Forte Eligibles (23) Seconded by Chairman Dupuis. 10 For, 0 Against, 0 Silent. Carried.

Motion by Secretary-Treasurer Morrison to approve resolution 99-21 regarding enrollment: Bois Forte Ineligibles (8). Seconded by Chairman Dupuis. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve resolution 100-21 regarding enrollment: Grand Portage Eligibles (1). Seconded by Secretary-Treasurer McCormick. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Deschampe to approve resolution 101-21 regarding enrollment: Grand Portage Ineligibles (2). Seconded by Secretary-Treasurer McCormick. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve resolution 102-21 regarding enrollment: Fond du Lac Eligibles (19). Seconded by Secretary-Treasurer Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve resolution 103-21 regarding enrollment: Fond du Lac Ineligibles (18). Seconded by Secretary-Treasurer Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve resolution 104-21 regarding enrollment: Fond du Lac Erroneously Enrolled (1). Seconded by Secretary-Treasurer Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Dupuis to approve resolution 105-21 regarding enrollment: Fond du Lac No Parent Enrolled (3). Seconded by Secretary-Treasurer Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve resolution 106-21 regarding enrollment: Mille Lacs Eligibles (32). Seconded by Secretary-Treasurer Boyd. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve resolution 107-21 regarding enrollment: Mille Lacs Ineligibles (22). Seconded by Secretary-Treasurer Boyd. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 108-21 regarding enrollment: Leech Lake Eligibles (84). Seconded by Secretary-Treasurer LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 109-21 regarding enrollment: Leech Lake Ineligibles (37). Seconded by Secretary-Treasurer LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 110-21 regarding enrollment: Leech Lake Blood Degree Change I (2). Seconded by Secretary-Treasurer LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 111-21 regarding enrollment: Leech Lake Blood Degree Change II (1). Seconded by Secretary-Treasurer LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve resolution 112-21 regarding enrollment: Leech Lake Relinquish to Red Lake (2). Seconded by Secretary-Treasurer LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Fairbanks to approve resolution 113-21 regarding enrollment: White Earth Disenrollment. Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

LIQUOR LICENSE:

Motion by Chairman Fairbanks to approve the liquor license for Sundown Bar. Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

LEGAL: Phil Brodeen, Legal Counsel

Election Ordinance – the proposed changes have been circulated and discussed. A number of topics came up at yesterday’s Legislative meeting, because of this would like to defer the it to special meeting in order to make further amendments. The Election Calendar is ready for approval today.

President Chavers calls for a motion to table the Election Ordinance until the December Special Meeting.

Motion by Chairman Fairbanks to approve tabling the Election Ordinance. Seconded by Secretary-Treasurer Roy. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chief Executive Benjamin to approve the Election Calendar. Seconded by Secretary-Treasurer McCormick. 10 For, 0 Against, 0 Silent. Carried.

Gary announced the Election Calendar will be posted on the website now that it is approved.

QUARTERLY REPORTS

Motion by Chief Executive Benjamin to forego quarterly reports as they were presented at subcommittee meetings yesterday. Seconded by Secretary-Treasurer McCormick. 10 For, 0 Against, 0 Silent. Carried.

BIA- MN AGENCY: Alan Fogarty, Superintendent

Superintendent Fogarty gave a brief update on current BIA operations. He informed the Committee that the Fee-to-trust applications are on hold waiting for the Solicitor’s opinion for ‘under federal jurisdiction’. A letter was received from President Chavers which put the Minnesota Chippewa Tribe “on top of the list” for the solicitors’ opinion. Numerous inquiries are received on the tee-to-trust applications submitted and monthly reports are sent out to keep everyone updated. President Chavers asked how long the process is? Superintendent Fogarty responded it varies, an attorney had said his expectation is 18-22 months is reasonable timeframe, that it is a long process in the BIA, currently all fee-to-trust applications are currently stopped while the BIA waits for the opinion about “under federal jurisdiction”.

Trying to get funding for BIA is working to engage native high school students to learn about the Bureau of Indian Affairs and wants to begin internships after graduating high school. Reaching out to MCT first and then broaden to the Bands. Succession planning, build a knowledge base through internships may help fill vacancies created by many long-time staff seeking retirement.

Phil Brodeen, Legal Counsel for MCT, the time frame 18-22 months is unreasonable. The actual analysis is as straight forward as it gets. A tribe that enacted an IRA constitution contemporaneous to the passage of the IRA – don’t understand why it is taking that long particularly with fee-to-trust. The Minnesota Chippewa Tribe has previously filed fee-to-trust application that have been accepted under federal jurisdiction. If it takes that long for BIA

determination: all the facts are in our favor. Timeframe is unreasonable puts us out to another change in administration. We will not realize the benefits of having the first native American in the Department of Interior.

Superintendent Fogarty explained I misunderstood, thought question earlier was how long does it take start to finish fee-to-trust process. I'm hoping to finish in next couple of months for figuring out 'under jurisdiction'.

Chief Executive Benjamin stated I was on the tribal consultation with Washington D.C. Office, our concern is on federal recognition. Using Mille Lacs as an example we have many determinations for that definition, but our fee-to-trust is not getting processed. We also under self-governance we send back funding to the BIA to have these applications processed, but yet they sit in limbo, but yet the BIA still accepts the funding back every year. This is one of the biggest concerns when talking to Assistant Secretary, why is the BIA doing the research of federal recognition? Over the history for tribes, we have this federal recognition. Assistant Secretary said there would be a response. Chief Executive Benjamin stated 22 months that is outrageous for the whole process.

Superintendent Fogarty asked Chief Executive Benjamin, since you participated in Fee-to-trust consortium would you like them to reach out to you from the regional office to provide you an update on where all the fee-to-trust applications are?

Chief Executive Benjamin stated Yes. When we were talking with Assistant Secretary there was reassurance that were informed they would be in contact soon with answers or comments.

Chairman Dupuis stated it shouldn't matter if we are part of consortium. Along lines of what Phil, Cathy and Melanie have said, we are recorded thousands of times under federal jurisdiction. 18-22 months is not feasible and its disrespectful. We've been recorded under federal jurisdiction, what is with BIA needing to do this? Thanked Chief Executive Benjamin.

Superintendent Fogarty state the BIA needs to respond shortly to President Chaver's letter to the Solicitor's Office. Clarified that I'm not saying that it should take 18-22 months to get a UFJ determination, but was talking about 18-22 months was from submitting application to completing process. The UFJ opinion from Solicitor will cover all six Bands.

Chairman Dupuis, stated no, I fully understand this. I'm saying what about the applications prior to this that were approved? Phil answered, Post Carcieri decision, we fit into the analysis. The analysis has already been done. Superintendent Fogarty stated I fully understand, there was a determination issued in August 2020, with the new Administration they required a new UFJ opinion from the Solicitor. It is above me. This is on my radar.

Secretary/Treasurer McCormick stated I appreciate that your knowledge on this subject. Having worked in tribal realty, there was an initiative by all the Bands tribal realty offices, to build accountability with the Midwest and Minnesota agency processing fee-to trust applications timely. This was prior to your installment in your current position. We are uniquely aware of challenges in fee-to-trust. In Grand Portage, as Chief Executive Benjamin said, our dollars are retained in the MN agency to process our fee-to-trust applications –it can take 3-5 years and I've

witnessed this firsthand. What you are hearing from tribal leaders is that there needs to be more accountability in handling our land and putting into trust on our behalf in a more timely manner. To have the Bureau have to rely on the Solicitors Opinion or other following memos, it puts us in a position where it is out of our control, and we have to sit and wait for the BIA to do its function or trust responsibility to tribes. I want to ask you what we can do, what you can do, what the region can do to remedy this situation quickly? Because every time a fee-to-trust application times out (CIP or environment) that's dollars from the tribe that could go to education, healthcare, government services, so we are wasting tribal funds on paying taxes or additional CIP work, additional tribal staff time when there is no reason why the BIA cannot accept our land into trust when its application fully filled out. Also, thank you for submitting a written report to the TEC packet.

Superintendent Fogarty believes that things that we can do to expedite this are being done, letter from President Chavers. Open to having meetings to discuss this with you.

Comments from an audience member on forest service and timber cutting.
Chairman Jackson responds with Leech Lake, we are in process of getting some of land returned from the Chippewa National Forest, that was illegally taken in the 1940's, we are hoping to complete by 2022.

Superintendent Fogarty announced the specific contacts for the Bands, which is in the report. President Chavers thanked Superintendent Fogarty for his report.

BLOOD QUANTUM RESOLUTIONS:

President Chavers introduced the subject of the referendum and included some discussion on the blood quantum resolutions. Emphasis was put on the referendum question. Comments were made from the audience.

Break: 10:32 a.m. – 15 minutes

Meeting Resumes: 10:58 a.m.

President Chavers described her thoughts on a process to work with constitutional reform committee send out questions to each tribe for input on questions to be put on referendum. Comments from audience were heard.

Discussion about boarding schools (not on agenda), lengthy comments from audience and committee members. Chief Executive Benjamin asked President Chavers where the committee is at on the agenda. President Chavers responded we are under New Business.

Comments from audience members were heard by the Committee.

Chief Executive Benjamin mentioned the Mille Lacs Delegation has made some recommended revisions that were emailed to President Chavers and Phil Brodeen, and requested that these documents be shared in the zoom chat.

Chairman Dupuis said the ZOOM chat requested to put them into the ZOOM chat. President Chavers called on Phil to see if he could do it. Phil explained that we don't know if we can get them into the chat at this time.

Chairman Jackson asked about the two resolutions, there was a question posed about these resolutions if they needed to be rescinded if they were not passed by the Secretary of Interior? Phil responded No, they are on hold, the TEC could rescind them but they are on hold, it doesn't matter either way once you get to the Secretarial Election.

Chairman Jackson we've been at this enrollment issue for over thirty years, acknowledging elder member of audience and TEC, and we can be respectful as we disagree remembering our seven grandfather teachings of respecting one another as we move forward.

FISCAL RECOVERY FUNDS BUDGET: Gary Frazer, Executive Director

Executive Director Frazer presented a Fiscal Recovery Funds Budget for the 1st year. He informed the Committee that this was brought to the Legislative Subcommittee which approved it for Tribal Executive Committee action.

Motion by Chairman Jackson to approve the Fiscal Recovery Funds Budget. Seconded by Secretary-Treasurer Morrison. 10 For, 0 Against, 0 Silent. Carried.

President Chavers stated Tribal leaders have talked about establishing a Tribal Energy Council.

UPDATE CONSTITUTIONAL REFORM: Cheryl Edwards, Sally Fineday

Cheryl – At July convention at Leech Lake – discussed same issue. The discussion is around who develops citizenship and who decides enrollment?

Sally – Request hold a Secretarial Election that has been talked about forever, where we want each reservation to make their own enrollment criteria. We all have our own resolutions, laws and ordinances, maybe every reservation has their own constitution.

Comments were heard from audience about sovereignty and self-determination of the Bands, Minnesota Chippewa Tribe an organization.

Sally explained that the meetings are open to everyone – next meeting in Bois Forte. Meetings are provided by zoom also.

Comments from audience regarding pipelines.

President Chavers established point of order.

Gary described the items are informational under New Business.

The next dates for quarterly meeting are:

January 27-28, 2022 hosted by Grand Portage.

President Chavers, Chief Executive Benjamin, Chairman Dupuis expressed support for traveling to Grand Portage despite January weather, because Grand Portage has been hit hard during the pandemic due to the border closure and restrictions.

April 28-29, 2022 hosted by Bois Forte.

Comments about enrollment, constitution, ordinances, and sovereignty were heard.

An audience member announced a topic not on the agenda: requesting a censure under Article 10. Calls on Chairman Fairbanks. Secretary-Treasurer LaRose interrupted the topic, stating this is a tribal matter and there is a process you have to honor, and you're not honoring the process to present this information. President Chavers reaffirms there is a process in place for this type of action, states she will acknowledge these documents and send them out to the TEC that are on ZOOM. It is an internal process that has to be brought to the White Earth Tribal Council. This would have to be sent out to the whole TEC. Question from the audience, are these documents open for public comment? President Chavers explained not at this time, the TEC members are on ZOOM are not able to see the documents that are being circulated so they don't know what you are talking about. Audience member comment about lateral violence and indigenous violence, historical trauma, and providing an understanding in how we treat each other could be very helpful at these meetings.

President Chavers call for a motion to adjourn.

Comment from audience about active petition among community for Chairman Fairbanks, asking question about the number of people required to file a petition in White Earth. Phil deferred to Gary. Gary explained that varies a little between deaths, births and enrollment, since the enrollment increase of 100 people today, estimated 550-570.

President Chavers described there is an invitation for tribal leaders contained in the TEC packet for information only for tribal leaders to decide if they want to attend – it's on the agenda – the TEC is not taking action on it to be clear.

Comments from audience about constitution, larger companies doing business on reservations, and a telecommunications business and past TEC resolution (2000?) to levy fees on that.

Secretary-Treasurer McCormick requested to make a point of clarification, asked TEC if we can all look at page 4 of June 22, 2021 meeting minutes in your packets. I will resend out just page 4 by email to the TEC. I want to make sure that the audience is aware that referendum process is regarding enrollment only. Further, Grand Portage is happy to host and welcome everyone to the next TEC meeting. I want to say that it will be conducted in the spirit of Grand Portage, which is to be respectful as we engage as tribal leaders with our tribal members/constituents and so as you are traveling here, bring a good positive energy as we meet together.

Motion by Secretary-Treasurer McCormick to adjourn the meeting at 12:11 p.m. Seconded by Chairman Jackson. 10 For, 0 Against, 0 Silent. Carried.