

**TRIBAL EXECUTIVE COMMITTEE
REGULAR MEETING
October 23, 2024**

A Regular Tribal Executive Committee meeting was called to order at 8:36 a.m. Wednesday, October 23, 2024, by President Michael LaRoque at Northern Lights Casino, Leech Lake, Minnesota.

Invocation: Mike Smith Sr., Spiritual Advisor

Roll call: Michael Fairbanks, Chairman, White Earth; Mike LaRoque, Secretary-Treasurer; White Earth; April McCormick, Secretary-Treasurer, Grand Portage; Catherine Chavers, Chairwoman, Bois Forte; Tara Geshick, Secretary-Treasurer, Bois Forte; Bruce Savage, Chairman, Fond du Lac; Robert Abramowski, Secretary-Treasurer, Fond du Lac; Faron Jackson, Chairman, Leech Lake; Leonard Fineday, Secretary-Treasurer, Leech Lake; Virgil Wind, Chief Executive, Mille Lacs; Sheldon Boyd, Secretary-Treasurer, Mille Lacs.

Zoom: Robert Deschampe, Chairman, Grand Portage
Sheldon Boyd, Secretary-Treasurer, Mille Lacs

Others: Heidi Gordon, Superintendent, BIA-MN Agency; Gwen Johns, Probate Director, BIA-MN Agency; Caroline Beaulieu, Rep., Mille Lacs; Shena Matrious, Government Affairs Area Relations/Special Projects Mille Lacs; Dawn Jackson, Enrollment Director, Leech Lake; Richard Jones, Assistant, Leech Lake; Shane Drift, Rep., Bois Forte; Bobby Norby, Enrollment, Leech Lake; Shannon Heisler, Enrollment Director, White Earth; Toby Stephens, Rep., Grand Portage; Sally Fineday, Leech Lake; Kelly Applegate, Commissioner, Mille Lacs; Agatha Armstrong, Rep., Grand Portage; Roger Heger, OST, BIA-MN Agency.

AGENDA

President LaRoque announced that he had been contacted with requests to add items to the agenda under New Business: (1) Todd Thompson to discuss changes to the Corporate Charter; (2) Andy Augunaush, to discuss Article 13, Rights of MCT Membership.

President LaRoque asked TEC Members if they had other items requested to be add to the agenda under New Business; no requests were made. Irene Benjamin asked to discuss questions regarding meetings; President LaRoque announced he had been contacted in advance by Jean Skinaway asking to add Sandy Lake to the agenda. He noted that he asked her to limit her discussion to any updates, and would add her as an agenda item under Old Business.

President LaRoque stated that, in the future, he will not consider any requests for additions to the agenda unless they are emailed to him directly with an official request in advance of the meeting. Requests made by phone or text will not be considered.

Motion by Secretary-Treasurer Leonard Fineday to approve the agenda with additions under new business. Seconded by Chairwoman Cathy Chavers. 11 For, 0 Against, 0 Silent. Motion Carried.

MINUTES:

Motion by Chairwoman Chavers to approve in one motion the Minutes from the Regular Meeting of July 8, 2024, and the Special Meeting of July 12, 2024. Seconded by Secretary-Treasurer Leonard Fineday.

11 For, 0 Against, 0 Silent. Motion Carried.

RESOLUTIONS:

Enrollment Resolutions 01-25 through 16-25: Motion by Secretary-Treasurer Leonard Fineday to approve by consent Enrollment Resolutions 0-25 through 16-25. Seconded by Chief Executive Virgil Wind.

11 For, 0 Against, 0 Silent. Motion carried.

Resolution 17-25, a Resolution approving designation of MCT delegates to the National Congress of American Indians (NCAI): Motion by Chairwoman Chavers to approve Resolution 17-25. Seconded by Chairman Michael Fairbanks.

11 For, 0 Against, 0 Silent. Motion carried.

Resolution 18-25, a Resolution approving adoption of the MCT FY2025 Budget, brought forward by Legislative Subcommittee: Motion by Secretary-Treasurer Leonard Fineday to approve Resolution 18-25.

Discussion: Secretary-Treasurer Leonard Fineday noted that when the budget was discussed in the Legislative Subcommittee, Subcommittee members agreed that the next incoming MCT Executive Director will be asked to review the budget to identify whether any amendments are necessary, since the budget year began on October 1, 2024.

Motion seconded by Chairwoman Chavers.

11 For, 0 Against, 0 Silent. Motion carried.

Resolution 19-25, a Resolution establishing a Cost of Living Adjustment (COLA) for all MCT employees of 2.4%, to be applied across the board: Motion by Chairman Michael Fairbanks to approve Resolution 19-25. Seconded by Secretary-Treasurer Leonard Fineday of Leech Lake.

11 For, 0 Against, 0 Silent. Motion carried.

QUARTERLY REPORTS:

Administration Report: Joel Smith: 132 new MCT individuals were approved; 296 hard copy documents were prepped and scanned to Progeny. The Enrollment Review Committee heard seven (7) enrollment appeals. Two (2) appeals resulted in two minor children approved for enrollment. President LaRoque acknowledged receipt of the Administration Quarterly Report.

Education Report: Billie Annette, JOM Coordinator, submitted a written report. She noted that with the unfreezing of the student account for Johnson O'Malley (JOM) there are more students coming on. President LaRoque acknowledged receipt of the Education Quarterly Report.

Human Services Report: Evie Campbell, Human Services Director, submitted a written report. She discussed Suicide Prevention grants, noting that Grand Portage submitted a grant that was funded, and encouraged other Bands to apply for the grant. President LaRoque acknowledged receipt of the Human Services quarterly report.

BIA MN AGENCY: Heidi Gordon, Superintendent of the Minnesota Agency, provided a verbal report. She noted that she began her position in April, 2024, and has attended one meeting so far but was unavailable for the second.

Superintendent Gordon verbally summarized Agency work over the quarter:

- Partners in Action Conference: Over 700 signed up for the conference.
- Gordon received 3 responses to her letter offering to visit each of the Bands; she would like to learn about the priorities of each Band and encouraged other Bands to contact her to request a visit.
- The Agency has processed 16 land leases, 3 HEARTH Act leases, 10 recorded leases, cancellations and terminations. 21 NEPA documents have been requested.
- An audit was completed 3 weeks ago with some findings that are being looked into.
- Records are being combined for shipping to the National Archives in Kansas City.

Chief Executive Wind requested a report of progress to-date with Fee-to-Trust applications; Gordon affirmed that she can have a report pulled and share it with him.

Bureau of Trust Funds Administration (BFTA): Roger Heger, Fiduciary Trust Officer, Robbie Storbakken, Trust Accounts Administrator, and Gwen Johns, Legal Administrative Specialist provided a verbal update. As previously requested by the TEC, they attended to provide an overview of the option of tribes to purchase interest in highly fractionated land at probate that are held in trust by DOI for individual Indians.

- Tribal governments have an option to purchase at probate the interest of individuals in trust lands, so long as the person who passed away owns 5% or less of the interest in the land.
- After a person passes away, the BTFA compiles a family history and then sends to the Office of Hearings and Appeals (OHA) Judge in Minneapolis. If the deceased person owned 5% or less of the land interest, that interest can be purchased by the tribe during the probate process.
- After notification is made, if the land manager states the Band's intent the land, the judge will notify the BIA that there is a pending purchase and request a BIA land appraisal of the land interest.
- The OHA Judge will go through the process of determining whether heirs will consent to the purchase. This process has been in place since 2006.
- If the actual purchase goes through, the Band has 30 days to put the funds into a lock-box. If funds are not put into the lock-box, the purchase is cancelled by the Judge.
- Families are notified by OHA of the purchase.
- Gwen Johns is available to visit each Band and explain the process in more detail.

Secretary-Treasurer McCormick thanked Gwen for the report and requested a contact at the BIA who can help guide individuals through the probate process; Jill Graves stated that they try their best to contact everyone and explain the process in lay-person's terms, and that her phone number is included in the letter.

Roger Heger described *Purchase at Probate* process as a great success with the tribes and commended Fond du Lac.

FDL Land Manager Tim Crohn was asked to comment on the process from the perspective of a land manager. Crohn shared that FDL has been actively using the process and has had a positive experience with regard to the process being straight-forward, timely, and relatively easy to implement.

Voyageurs National Park, Superintendent Bob DeGross. DeGross described the park's size of 218,000 acres, extending from International Falls to Crane Lake. Park land and waters are in the ceded lands of the Bois Forte Band's Treaty of 1866. A total of 17 other tribes are "affiliated nations" with the Park, which means they have official status of being culturally associated with the park, including 7 closely associated Rainy Lake First Nations that have access to the lands and waters. DeGross announced that the National Park Foundation and other non-profits have provided "substantial support" that will enable Voyageurs to enter into a planning process with tribal nations for meaningful co-stewardship of the park. He encouraged participation in the co-stewardship planning process, anticipating that it may take 2-3 years to develop the co-stewardship plan. He will follow up with a letter to each of the 25 federally recognized tribes and First Nations to encourage participation.

Minnesota Interagency Council on Homelessness, Assistant Commissioner and Deputy Director Cathy ten Broeke. Assistant Commissioner ten Broeke discussed the work of the Council, led by Lt. Governor Peggy Flanagan. Commissioners from 15 state agencies are members of the Council. Its goal is to work across agencies to coordinate resources to better serve homeless Minnesotans. She offered that she along with Christina Olson (Minnesota Tribal Collaborative) and Jane Lorenz (Coordinator) are always available to visit each Band to discuss homelessness. Current state funding comes from grants from the Department of Human Services (DHS) and Minnesota Housing Finance Agency (MHFA). To date, tribes and non-profits have served as fiscal agents for the grants, which is a burden on the tribes. The collaborative just received its first federal grant from HUD and a private grant from the McKnight Foundation; they are seeking tribal support to change its legal status in order to continue to seek out grant funding to provide Continuum of

Care (COC) services. They are working with the Jacobson Law Group to become a political subdivision of tribal government as a separate legal entity performing essential tribal governmental functions, sharing the same tax status and sovereign immunity as the tribes. A 9-member commission is proposed, with members to be appointed by the tribes. This would enable the Collaborative to receive tax deductible contributions without needing a 501(c)3 status.

In response to a question about whether they are seeking a letter of support from the TEC, ten Broeke replied that the attorneys are working on a resolution for each tribe to consider adopting, and they will visit every tribe that would like to discuss the resolutions further.

Resolution regarding Health Impact from Mining, presented by Commissioner Kelly Applegate, Mille Lacs Band of Ojibwe: Commissioner Applegate read a resolution as passed by the Natural Resources Subcommittee calling on the state to require Health Information Assessments for projects and programs that affect tribal nations and members; calling on the state to consult with potentially affected tribal nations regarding any policies or programs that involve environmental review.

Motion by Secretary-Treasurer McCormick to adopt Resolution 20-25.

Discussion: TEC members discussed expanding the resolution to include other activities like helium extraction and exploration. Applegate affirmed that language would be broadened out with TEC approval.

Motion seconded by Chief Executive Wind.

11 For, 0 Against, 0 Silent. Motion carried.

Pipestone Boarding School project update by Lisa Bellanger, AIM Director. The National Park Service/Pipestone National Monument has requested to enter into consultation with approximately 23 tribes, predominantly western tribes. Many more tribes were impacted by their children being sent to the Pipestone boarding school than just the western tribes. Names of children from Minnesota and Wisconsin tribes were on the student roster; Minnesota tribes are an affected party. Under NEPA, the Monument is required to determine which parties will be affected by the project, so the project has to be stopped until they include all affected parties in consultation. Bellanger is seeking support to request the project be halted until all impacted tribes can be included in the project.

Constitutional Reform Update: President LaRoque requested that any delegates from each of the six reservations who are here today provide an update, because the TEC needs to hear from each of the six Bands membership. He is requesting that the delegate groups from each Band provide their reports in January.

Fond du Lac Delegation, presented by Cheryl Edwards: Edwards reported that engaging the community has been a challenge. People are primarily interested in determining citizenship. She stated that Resolution 32-15 should be rescinded because it created mistrust and encourages a genocidal practice. Progress made by FDL delegates includes nearing completion of educational curriculum; close to resubmitting a Bush grant; have made progress with document writing, a local constitution and the Alliance; have created surveys, held community meetings and submitted articles.

Leech Lake Delegation, presented by Sally Fineday: Fineday read aloud her report (submitted for record). The report honors the Leech Lake representatives who adopted a proclamation on August 5, 1996, establishing a provisional government in response to addressing corruption in Band government. Fineday noted that the provisional constitution from 1996 is the foundation of the constitution being written for Leech Lake today. Fineday referenced research by Mille Lacs proving that the MCT is not a tribe, but an organization. The Leech Lake delegation requests more assistance from the RBC to write a constitution that meets the needs of Leech Lake, including assistance to increase participation in the process, more assistance with lodging and assistance with legal representation. Leech Lake is calling for a formal resolution from the RBC that alleviates concerns about reprisal against Band Members for participating in the process.

Grand Portage, presented by Michelle Beeksma: The Grand Portage delegation has been providing input for the Alliance document; she noted it is not intended to be a constitution, but it will work in concert with local Band constitutions, which will have autonomous authority. The delegation is working with a Band member attorney, who is researching different models of constitutions to find something that might work for Grand Portage. Challenges include outreach; many Band members live out of state. Consensus model among the 6 Bands has been challenging; we have digital platforms but creating awareness among Band members has been hard. Funding for the Alliance is also a concern, funding for elections, and the 30% voter turnout election requirement.

Mille Lacs Delegation, presented by Danielle Smith: Smith reported that MLB delegates have been holding bi-weekly meetings for MLB communities. Zooms are not as successful as they would like. MLB is taking preliminary steps to draft a constitution for MLB and researching how other tribes handle enrollment. MLB delegates strongly disagree with many sections of the Alliance Document, and believe that all sovereignty and authority belongs with each Band.

Bois Forte: No delegates available to provide presentation.

White Earth, presented by Patti Straub. The delegation held a constitution education event on 9/25, including attendance from Niib Aubid, John Morin and Eugene Stevens. They appeared on a live listen segment in September on NIJII radio, and are trying to get on more information on the radio. They met with Phil to address issues including removing the Secretary from election; they have done outreach with elder groups. They requested that the TEC proceed with Resolution 32- 25 in July. The delegation supports the Bush grant application, but do not support the Alliance document right now. They do not support separation of the MCT due to federal recognition concerns and do not support separate constitutions for each Band until a secretarial election has been held on the two issues. White Earth is not working on a new constitution; that work was previously completed by two different groups. White Earth is strongly opposed allowing each band to decide enrollment and believe it should be uniform across the MCT. They do support removal of the Secretary from elections.

President LaRoque discussed future meetings, and the need for the TEC to be in touch with their delegates when making decisions as TEC members, which is why the TEC needs to hear from each of the Bands. Delegations from each Band will again be requested to provide their updates along with Sally and Cheryl at the January meeting.

President LaRoque called for a 10 minute break in the meeting.

Meeting resumed at 11:28 a.m.

LEGAL: MCT Attorney Phil Brodeen. Brodeen discussed MCT's support for White Earth in their efforts to open a new frontier for environmental litigation involving water rights. White Earth has been sued by farmers regarding tribal regulation of water. The TEC previously approved working with the U of M on an amicus brief, but White Earth attorneys believe our amicus brief is better suited for federal court. No additional authority is needed. Instead, Brodeen proposes creating a TEC resolution in support of what White Earth is trying to accomplish that will address how land tenure works with White Earth and how the MCT fits in, and confirm and support the authority and jurisdiction of White Earth to enact ground and surface water ordinances to implement and enforce on non-tribal members within reservations. Brodeen read the draft resolution.

Motion by Chairman Michael Fairbanks to approve Resolution 21-25, seconded by Chairwoman Cathy Chavers.

11 For, 0 Against, 0 Silent. Motion carried.

Brodeen stated he would not go through all the other amicus briefs, but noted that the MN Indian legal field has good process for obtaining signatures on amicus briefs and we should use as much of our power in state and federal courts to get our point of view heard regarding these jurisdictional issues. Emails will be sent directly to Band attorneys.

Old Business:

Sandy Lake Update, provided by Jean Skinaway. Skinaway stated that a resolution was sent to the BIA in 1996 stating the Band was petitioning the BIA for federal acknowledgement. No response was provided. A recent FOIA request was made regarding that issue. Skinaway stated that on August 20, 2024, Chair Skinaway Lawrence was advised that the file was being placed in active status and being worked on. Sandy Lake met with Patina Park, who works with Governor Walz and provided historical background to discuss state recognition process, and desecration of a gravesite in Little Falls. She stated that a written request was provided to Mille Lacs for a meeting last week to meet with the Band Assembly. Sandy Lake discussed need for a working session special meeting to discuss the Sandy Lake Band.

President LaRoque directed Skinaway to work with the new Executive Director on this matter after that position is filled.

Chief Executive Virgil Wind stated that he did not receive a meeting request and this is the first time he is hearing about a meeting request with Mille Lacs. He noted that he state during the campaign that he is willing to look into this, and informed the TEC that he has asked the Sandy Lake Chairwoman to provide a list of Mille Lacs Band Members affected one way or another in starting these conversations, they must be respectful, and he is open to learning the history, but has also reviewed other resources. He referenced the TEC resolution of support regarding Sandy Lake and the understanding that Sandy Lake has to proceed on its own accord. He is not stating that MLB will not help or aid, but his job is to make decisions on behalf of MLB members. Wind requested that the TEC provide him with time to address this issue internally. He stated that if there were promises by past elected officials, he needs to figure out what that is and be fair so he can proceed in the best interest for enrolled Band Members.

Jean Skinaway spoke about past restoration efforts, stating that the MCT put a stop to those efforts, and claimed that tribal lobbyists in D.C. will not allow Sandy Lake to continue. Tashina Perry stated that Sandy Lake does not have any MLB members and are no threat. She also stated Sandy Lake does not include Rice Lake Band Members.

President LaRoque noted that the TEC previously provided Sandy Lake with three steps to obtain recognition and the only update the TEC needed was where Sandy Lake is at with those three steps.

New Business

Todd Thompson, questions regarding Corporate Charter. President LaRoque stated that the TEC is sticking to its agenda, and Thompson's issue for discussion is related only to questions regarding the Corporate Charter. Thompson announced that he changed his mind and wished to discuss a police raid on his shop. President LaRoque informed him that when he requested time on the agenda, Thompson agreed to limit his discussion to questions regarding the Corporate Charter. Thompson began arguing with and speaking over President LaRoque, who informed Thompson he was out of order, and that his issue is a local criminal issue involving Mahnomen County and White Earth and does not belong in front of the TEC. Thompson continued arguing with and speaking over President LaRoque. Thompson was asked to turn over the mic and refused to do so. Irene Benjamin also began shouting over President LaRoque; argument and other TEC members; Security officers approached the table and disorderly behavior continued. Secretary-Treasurer McCormick, as the MCT Secretary, called for a Point of Order and restated President Laroque's request of Thompson to focus on the agenda topic, and was shouted over by Thompson and Benjamin. The meeting further disintegrated and Secretary-Treasurer April McCormick said twice she would make a motion to adjourn the meeting if order was not restored. Thompson and Benjamin continued with disorderly shouting over the President and Secretary. President LaRoque stated that there was a motion by Secretary-Treasurer McCormick to adjourn the meeting and requested a second; Chairwoman Cathy Chavers seconded the motion.

11 For, 0 Against, 0 Silent. Motion carried.

The meeting was adjourned at 12:03 p.m.