



Mille Lacs Band of Ojibwe Indians

Executive Branch of Tribal Government

Office of the Chief Executive

Via E-mail

November 12, 2024

Sheldon Boyd, Speaker of the Assembly
Carolyn Beaulieu, District I Representative
Wendy Merrill, District II Representative
Harry Davis, District III Representative

Re: Request for Resolution in Support of Band's Membership in Tribal Advisory Council on Energy and Appointing Band Representatives

Dear Band Assembly:

I am writing to request that the Band Assembly adopt a resolution supporting the Band's membership in the Tribal Advisory Council on Energy ("TACE") and supporting appointment of Band representatives to the council. TACE is an inter-tribal council of tribal nations located within the State of Minnesota formed for the purpose of promoting meaningful consultation, effective collaboration, partnerships, policies, and legislation, regarding tribal energy issues.

My recommended appointees are Commissioner of Community Development Tracy Burr as the primary representative and Commissioner of Natural Resources Kelly Applegate as the alternate. Please contact these Commissioners with any questions about TACE or the proposed resolution.

Miigwech,

A handwritten signature in blue ink, appearing to read "Virgil Wand", is written over a horizontal line.

Virgil Wand
Chief Executive

CC:

Kelly Applegate, Commissioner of Natural Resources
Tracy Burr, Commissioner of Community Development
Jared Miller, Legislative Counsel
Reen Reinhardt, Revisor of Statutes
Danielle Smith, Parliamentarian/Clerk of the Band Assembly

Enclosure: Proposed Resolution

RESOLUTION XX-XX-XX-XX

**A RESOLUTION SUPPORTING MEMBERSHIP IN THE TRIBAL
ADVISORY COUNCIL ON ENERGY AND APPOINTMENT OF BAND
REPRESENTATIVES**

WHEREAS, the Mille Lacs Band Assembly (“Band Assembly”) is the duly elected legislative body of the Non-Removable Mille Lacs Band of Ojibwe (“Band”), a federally recognized Indian tribe; and

WHEREAS, pursuant to 3 MLBS § 3(d), the Band Assembly is empowered to “adopt resolutions” to promote the general welfare of the people of the Band; and

WHEREAS, pursuant to 3 MLBS § 1(m), a “resolution” is defined as “a formal expression of the opinion, will, or intention” of the Band Assembly; and

WHEREAS, the Band Assembly is committed to energy innovation and independence, and seeks to promote a sustainable and secure energy future for tribes and their neighbors; and

WHEREAS, consistent with that commitment, the Band Assembly seeks appointment of individuals to serve as representatives of the Band on the Tribal Advocacy Council on Energy (“TACE”), which is an inter-tribal council of tribal nations located within the State of Minnesota formed for the purpose of promoting meaningful consultation, effective collaboration, partnerships, policies, and legislation, regarding tribal energy issues; and

WHEREAS, the Band Assembly believes that the Band’s participation in TACE is in the best interests of the Band, its members, and the tribal community; and

WHEREAS, the Band Assembly has reviewed and supports in substantial form the TACE Governing Structure (By-Laws), last revised during a June 6, 2024, work group meeting, a copy of which is incorporated herein as Appendix A; and

WHEREAS, the Band shall retain its sovereign immunity in all respects notwithstanding its TACE membership status and representative appointments.

NOW, THEREFORE, BE IT RESOLVED, that the Band Assembly lends its support to the Band’s membership in the Tribal Advocacy Council on Energy.

BE IT FURTHER RESOLVED, that the Band Assembly accepts and supports in substantial form the TACE Governance Structure (By-Laws) incorporated herein as Appendix A.

BE IT FURTHER AND FINALLY RESOLVED, that the Band Assembly supports appointment of Tracy Burr, Commissioner of Community Development, to serve as the Band's primary representative on TACE, and Kelly Applegate, Commissioner of Natural Resources, to serve as the Band's alternate representative on TACE, with both serving in those capacities until further action of the Band.

WE DO HEREBY CERTIFY that the foregoing resolution was duly concurred with and adopted at a special session of the Band Assembly, in Legislative Council assembled, a quorum of legislators being present, held on the XX day of MONTH, 2024, at Nayahshing, Minnesota, by a vote of ___ FOR, ___ AGAINST, ___ SILENT.

IN WITNESS WHEREOF, we, the Band Assembly, hereunto cause to have set the signature of the Speaker of the Assembly.

Sheldon Boyd, Speaker of the Assembly

OFFICIAL SEAL OF THE BAND

PROPOSED RESOLUTION

Appendix A

Tribal Advocacy Council on Energy (TACE)

Governance Structure (By-Laws) – Revised #4 from 6/6/24 workgroup meeting.

The mission: The Tribal Advocacy Council on Energy (TACE) is committed to bringing forward recommendations for improving Tribal energy on Reservations, Adjacent Territories, and Ceded Territories through meaningful consultation, effective collaboration, partnerships, policies, and legislation.

The goals and objectives:

1. Assess & Evaluate Common Tribal Issues and goals.
 - a. Identify & prioritize issues and goals.
 - b. Determine appropriate course of action for issues and goals.
2. Develop Statewide Policy and/or Legislation
 - a. Determine external stakeholders.
 - b. Gather input.
 - c. Gain TACE tribal consensus.
 - d. Inform and report to MIAC, as needed.
 - e. Submit to appropriate agency for approval/implementation, as needed.
3. Create Awareness & Educate on Issues and Goals.
 - a. Identify information resources.
 - b. Gather feedback on issues/topics of interest.
 - c. Identify & develop forums.
4. Identify & Promote Successful Practices
 - a. Develop process to identify, evaluate, and disseminate successful practices.
 - b. Identify resources & develop mechanisms to promote forums for successful practices.

- c. Share Tribal and State best practices.

The meeting agenda for the issues called for presentations, discussion and process for action using the following strategy:

1. Define the issues and goals.
2. State Reason for Importance.
3. Presentations.
4. Comments & discussion.
5. Determine course of action.
6. Update and/or revise TACE Bylaws, if needed, when appropriate.

Membership:

1. 11 Tribes (primary & alternate) – voting members/one vote per Tribal Nation
 - Boise Forte Band of Chippewa
 - Fond-du-Lac Band of Lake Superior Chippewa
 - Grand Portage Band of Lake Superior Chippewa
 - Leech Lake Band of Ojibwe
 - Lower Sioux Indian Community
 - Mille Lacs Band of Ojibwe
 - Prairie Island Indian Community
 - Red Lake Nation
 - Shakopee Mdewakanton Sioux Community
 - Upper Sioux Community
 - White Earth Nation
2. State Agencies – non-voting
 - Commerce Tribal Liaisons and DER Executive staff and/or key DER content staff.

- MnCIFA
 - MN DEED
 - PUC
 - MN DNR
 - MPCA
 - MN DOT
 - Minnesota Indian Affairs Council
 - Governor's Office – TSR Office and/or Energy Policy staff.
3. Federal Agencies – non-voting
- DOE – Office of Indian Energy Policy and Programs.
 - BIA – Minnesota division (the Division Administrator or designee).
 - USDA Rural Development
 - Others as identified by TACE members.
4. Tribal Servicing Agencies (invite only)
- MTERA
 - Others as identified by TACE members.
5. Others (invite only)
- Investor-owned Utilities and Utility Coops
 - Municipalities
 - Others as identified by TACE members.

Membership Considerations:

1. TACE members will be appointed by their respective Tribal Council, by Tribal resolution or an official letter from Tribal appointing authority.
2. Tribal resolution can include a term limit as determined by Tribal Council or Tribal appointing authority.
3. TACE members should/may possess authority to act, as determined by their respective Tribal Council in resolution or official Tribal appointment letter from appointing Tribal authority.
4. Voting allowed by primary or authorized alternates (only one vote per Tribe, either primary or alternate).
 - Each member tribe may designate voting representatives to serve as the tribe's TACE voting

5. Identify two tribal co-chairs
 - Commerce Tribal Liaison will assist co-chairs for creating agenda, identifying a meeting location & facilitating meeting.
6. Membership is voluntary
7. Members are expected to fully participate and identify an alternate when needed
8. MIAC representative or TACE co-chairs will inform or report to MIAC as needed.

Considerations:

Decision making shall occur through tribal consensus.

Members are expected to be present at meetings or attend remotely via face-to-face video conferencing.

Meetings conducted quarterly (Dates to be determined)

Meeting location will rotate.

Identify need for administrative support.

Identify Co-Chair Officers.

The Tribal Council on Energy concurs with the formalization and implementation of the formally established Tribal Council on Energy Bylaws and pledges to continue working together to effectively implement the mission and vision of this council.

Signatures of co-chairs