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**Bayfield County Administrator**

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Mark Abeles-Allison, *County Administrator*  
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**BAYFIELD COUNTY  
COUNTY-TRIBAL RELATIONS COMMITTEE**

Bryan Bainbridge, co-chair  
Nathan Gordon

Brian Goodwin, co-chair  
Jeff Silbert

Dear Committee Members:

This letter is written to inform you of the Bayfield County Tribal-County Relations Committee Meeting scheduled for Thursday, March 2, 2017 at 10:00am, at the Emergency Operations Center (EOC), Bayfield County Annex Building, Washburn, WI. The agenda for this meeting is as follows:

**AGENDA**

1. Call to Order;
2. Public Comment
3. Motion Regarding Minutes of the November 3, 2016 County-Tribal Relations Committee Meeting;
4. Discussion and Possible Action regarding Land Working Initiative
  - a. Bayfield County Owned Parcels
  - b. Parcels reverting to Bayfield County
  - c. Transfer Options
5. Reading and review of Indigenous Peoples Day resolution
6. Discussion and Possible Action regarding future Joint meeting and agenda topics
7. Bayfield County Department Reports.
8. Tribal Department Reports:
9. Future Agenda Items and Date and Time of Next Meeting(s)
10. Adjournment

Should you have any questions in the meantime, please do not hesitate to contact my office.

Sincerely,

**Mark Abeles-Allison**

Mark Abeles-Allison

Bayfield County Administrator

MAA/kak

*Any person planning to attend a Bayfield County meeting that has a disability requiring special accommodations should contact 373-6100, 24-hours before the scheduled meeting, so appropriate arrangements can be made.*

cc: Scott Fibert, Bayfield County Clerk  
Bayfield County Board of Supervisors  
County Department Heads

**Minutes of the Bayfield County Tribal Relations Committee Meeting**  
**9:00am, Thursday, November 3, 2016**  
**Red Cliff Health Center, Bayfield, WI**

Members Present: Jeff Silbert, Bryan Bainbridge, Nathan Gordon, Brian Goodwin

Others Present: Mark Abeles-Allison, Dave Ujke, Ellen Kwitkowski, Chad Abeles, Wade Williams, Judge Anderson, Paul Susienka, Kay Cederberg, Judge Boulley, Wade Williams, Judge Topping, Jan Victorson, Mercy Gordon.

Called to order at 9:00am by Bryan Bainbridge.

Roll Call: All present

**Public Comment:** None Received

**Minutes of June 16, 2016:** Motion Silbert, Gordon to approve minutes of the June 16, 2016 meeting. Motion Carried.

Item 4: Video Conferencing and Tribal / County Court:

Judge Boulley noted that Bayfield County will not be holding court in Red Cliff. The Judge noted the possibility of Video Conferencing between Washburn and Red Cliff.

Judge Anderson noted that Bayfield County has held court in the Red Cliff court facilities for a decade. This opened communication between the two courts but also addressed the transportation issue between Red Cliff and Washburn. Holding court in Red Cliff addressed many of these conflicts by reducing non-appearances and warrants. Recently however non-appearances in Red Cliff have increased.

Bayfield County is unable to hold court in Red Cliff as a result of the paperless, e-filing initiative being adopted by the State in 2017. CCAP connectivity is a requirement and this is not available in Red Cliff.

Bainbridge inquired about the cost to make the Red Cliff system compatible. The Tribal Attorney, Dave Ujke noted the magnitude of the system. Bainbridge urged continuation of the existing system.

Judge Anderson suggested that Red Cliff share a letter of interest with him he will share that with CCAP. He also noted that the video conferencing will allow more frequent appearances from Red Cliff.

Clerk of Court Cederberg noted that Judge Anderson has access via other counties. She also noted that with the beginning of e-filing figuring out how Red Cliff filings will be addressed.

Silbert inquired about the timeline. Judge Anderson noted that it is operationally at present. He anticipated a last visit date in February.

Judge Topping noted that video conferencing around the state would benefit the Tribe in youth cases. This could be helpful for visitation also due to distances.

Bainbridge expressed appreciation for the years of cooperation between the two agencies.

Goodwin expressed support for the Tribal Attorney to draft a letter for CCAP.

Chief Mertig inquired about the Tribal Case Management system underway and whether they will be compatibility between the systems.

Judge Anderson suggested that the Tribe consider having a meeting with CCAP and the County regarding these issues in the Summer of 2017.

#### Item 5: Tribal County Law Enforcement Agreement

The Committee reviewed the agreement in the packet. The current agreement provides for funding to go to Red Cliff. Mertig noted that the Red Cliff department has increased activity over the past six years, impacting the need for the Sheriff Office involvement.

Mertig noted that over the past six years they have lost 16 officers to other entities.

Goodwin clarified that the Tribe can maintain 3 officers in 2017.

*Goodwin made the motion to approve the 2017 Agreement, seconded by Silbert (noting amendment of current officer level from five to four).* Silbert asked how many full time staff are required for 24/7 coverage. Mertig responded 9 officers. Williams and Ujke inquired about the 50% funding loss and noted this is counter to the intent of maintaining a Red Cliff Police Department. Goodwin and Silbert stressed the importance of cooperation between the parties. Bainbridge proposed modified language of “50 percent of **remaining** funding allocated”, motion to amend made by Goodwin, Silbert expressed concern about this language and urged more cooperation, Silbert agreed to the amendment seconded. All in favor, 4-0, motion carried. (10:31am)

Item 6: MOU For Tribal Lands: Ujke made the recommendation to support the MOU. *Silbert moved to approve the MOU, second by Gordon. Motion carried (4-0).*

#### Item 7: Land Option Scenarios:

Ellen Kwiatkowski summarized actions taken. Due diligence on Bayfield County lands on the Red Cliff reservation. Red Cliff received a grant to do that due diligence from ILTF. Red Cliff will research chain of ownership on county lands.

The Tribe has identified a grant program through USDA, Community Forest Program. County Forestry and Red Cliff are exploring a 50% land acquisition grant program.

The group is also working to identify alternate county properties the county could acquire. There are properties located in the Cornucopia Lost Creek areas, these are in the county forest blocking. Approximately 300 acres are in this area owned by two companies. Total county acreage is 1400.

Silbert praised the work identifying properties and grant funding and supported a transfer of 400-600 acres.

Kwiatkowski noted the importance of generating support for the land transfer.

Chad Abel noted work with another funding source for a land purchase for an 80-acre parcel recently managed by the county off Blueberry road. Abel inquired about a land purchase as opposed to a swap. The Committee expressed support for this. Abel will continue to explore GLRI grant funding. This is the headwaters of Frog Creek adjacent to the national park.

Goodwin and Silbert noted action by the County Forestry Committee supporting continued exploration of a trade or purchase. Public access and value of the swap at a minimal value also were raised.

Goodwin asked for a list of those potential properties that could be swapped or purchased.

Abel asked for permission to proceed with the grant, the committee supported this general direction.

Kwiatkowski noted alternate Trust of Historic Lands review process.

Item 8: Wade Williams discussed the discussions with Planning and Zoning. Fee simple parcels and enforcement issues were key topics of discussion with Linda Coleman, Wade and Rob Schierman. The group agreed to examine each other's code. Research continues. Williams noted efforts to create options.

Item 9: Jan Victorson reported that updates to the Hazard Mitigation Plan are underway. Jan will speak with Will Tillmans on this as directed by Tribal Chair and Vice Chair.

Item 10: Child Support cases have been transferred.  
Chad raised the issue of

Item 11: Future agenda items.

IT Issue for Courts  
Zoning MOU / Overlay District  
Land Transactions  
Lands Initiative

TAD and Red Cliff

February meeting: Red Cliff / Join.

Adj: 11:30.

**Next Meeting:** JANUARY, date to be set.

**Next Full Board / Council Meeting:** The next County Board-Tribal Council meeting date is tentatively being planned for either November 8 or 15th, 2016.

Motion Silbert, Gordon to adjourn. Meeting adjourned at 12:00pm

## MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between the Red Cliff Band of Lake Superior Chippewa Indians of 88385 Pike Road, Bayfield, Wisconsin, 54814, a federally recognized Indian Tribe exercising powers of self-government (hereinafter "Red Cliff Tribe") and County of Bayfield of Post Office Box 878, 117 East Fifth Street, Washburn, Wisconsin, 54891, a body corporate, organized under the laws of the State of Wisconsin (hereinafter "Bayfield County").

### RECITALS

Whereas, the Red Cliff Tribe and its reservation exists within the geographic boundaries of Bayfield County, and there is a historic working relationship between Bayfield County and the Red Cliff Tribe that recognizes the governmental authority of one another; and

Whereas, the Red Cliff Tribe and Bayfield County have strived to work together cooperatively, have sought to avoid conflicts wherever possible, and have sought mutual solutions to common issues that benefit the citizens of the Red Cliff Tribe and Bayfield County alike; and

Whereas, the Red Cliff Tribe and Bayfield County held their first ever joint full County Board and Tribal Council meeting in December of 2015; and

Whereas, the Red Cliff Tribe's reservation land base consists of approximately 14,000 acres, about only 7,000 of which are actually held by the Red Cliff Tribe or its members; and

Whereas, the Red Cliff Tribe originally possessed all of its reservation land base as part of the original reservation boundary, held by the United States in trust for the Red Cliff Tribe; and

Whereas, since establishment of the original reservation boundary in 1854, the Red Cliff Tribe has lost a majority of its lands; and

Whereas, recovery and retention of Red Cliff Tribal lands is vitally important to the economic and cultural well-being of the Red Cliff Tribe and its members; and

Whereas, in 2000 the Red Cliff Tribe initiated the Tribal Land Recovery Project for the purpose of returning lands within the original reservation boundary back to tribal and/or federal ownership and control; and

Whereas, Bayfield County recognizes the central importance of land, its underlying role in the Red Cliff community, and supports the Red Cliff Tribe's efforts; and

Whereas, Bayfield County owns approximately 1400 acres of land on the Red Cliff Reservation, the majority of which is in County Forest Law Designation; and

Whereas, Bayfield County relies on County Forest proceeds to reduce tax payer obligations; and

Whereas, all Bayfield County lands are open to the public and have offered recreation and hunting opportunities to residents and visitors alike over the decades; and

Whereas, repatriated tribal lands may not necessarily include open public access and no presumption is made as to the future use of repatriated tribal lands; and

Whereas, Bayfield County is subject to exercising reasonable business judgment in the conveyance of real estate; and

Whereas, the Red Cliff Tribe is interested in preserving and enhancing Red Cliff Tribal lands for generations to come;

Whereas, one of the County Tribal Relations Committee goals is to facilitate the repatriation of lands to the Red Cliff Tribe while fostering mutual respect and cooperation;

Now therefore be it resolved, that the parties hereby agree as follows on the following three items:

- A. Bayfield County and Red Cliff pledge to work with each other to seek a suitable land exchange, trade or other conveyance of lands.
- B. **Historically parcels have reverted to Bayfield County as a result of tax delinquency. Bayfield County and Red Cliff** agree that they will maintain close contact with each other regarding tax delinquent properties on the Red Cliff Reservation.

If a parcel within the reservation boundaries is taken back by Bayfield County through tax foreclosure, the County will make contact with Red Cliff to ensure the Tribe is aware. Furthermore, Bayfield County will not offer the parcel for sale until six months (180 days) have elapsed from the time of taking title by tax foreclosure. During this 180-day term, Red Cliff Tribe and Bayfield County may engage in good faith negotiations over the terms and conditions upon which such parcel(s) may be returned to tribal/federal ownership.

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C. The Parties hereby agree to establish a Tribal Lands Working Initiative to further the intent of this MOU. At each Tribal County Relations meeting a standing agenda item entitled, Tribal Lands Working Initiative shall be included to discuss Bayfield County-owned parcels or parcels that may soon become owned by Bayfield County, within the Red Cliff reservation boundary and options for transfer that may benefit the Red Cliff Tribe.

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The parties hereby pledge that they will strive to find mutually satisfactory solutions that take into account both the needs and interests of Bayfield County residents as well as the long term land goals of the Red Cliff Tribe as it relates to Bayfield County owned land in the Red Cliff reservation, including but not necessarily limited to the following:

1. Participation in the Tribal Lands Working Initiative; and
2. Negotiation over the terms and conditions upon which lands identified may be exchanged reflecting Tribal / County interests.

#### **ADDITIONAL TERMS**

1. This Memorandum of Understanding shall continue in force and effect for an initial term of five (5) years, and shall automatically renew for an additional five (5) year term, unless thirty (30) day advance notice of termination is provided by either party.
2. This MOU is not intended to alter the existing authority, rights, or claims of any party, and parties acknowledge legal limitations under Wisconsin Statute 75.69 or other statutes that may apply.
3. This instrument contains the entire agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified or altered except in writing, signed by the parties, and endorsed on this agreement.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2016

BY THE PARTIES:

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Bryan Bainbridge  
Tribal Chairman  
Red Cliff Band of Lake Superior  
Chippewa Indians

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Dennis Pocernich  
Chairman, Board of Supervisors  
Bayfield County