COUNTY-TRIBAL RELATIONS COMMITTEE

Rick Peterson, Tribal Council Chair
Jeffrey Silbert, Bay. Co. Supervisor

Nathan Gordon, Tribal Council Vice-Chair
Steve Sandstrom, Bay. Co. Supervisor

Dear Committee Members:

This letter is written to inform you of the Bayfield County Tribal-County Relations Committee Meeting scheduled for Thursday, September 17, 2020 at 9:00am, this will be a virtual meeting via Webex.

https://redcliff.webex.com/webappng/sites/redcliff/meeting/download/db33d448b5044641b1491b4bddd0a5ae?siteurl=redcliff&MTID=m82281c456cfead00e81c6212ab42f055

or

https://redcliff.webex.com/redcliff/j.php?MTID=m82281c456cfead00e81c6212ab42f055

Meeting number (access code): 146 852 8024

Meeting password: sJ3Rdkbs4a7

If you have connection issues please contact Mark Abeles-Allison at markaa@bayfieldcounty.org.

The agenda for this meeting is as follows:

1. Call to Order;
2. Public Comment;
3. Motion to Approve Minutes of March 13, 2019, County-Tribal Relations Committee Meeting;
4. Communications review
5. Discussion and Possible Action Regarding Tribal County Law Enforcement Agreement for 2021.
6. Discussion and Possible Action regarding COVID-19 Planning
7. Discussion and Possible Action Regarding Land MOU and Land Repatriation.
8. Discussion regarding 2019 Senate Bill 886 Regarding DOT Transportation Aid Transfers to County’s with Tribal Headquarters
9. Future Meeting Date and Time;
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/dmb

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

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.
MINUTES OF THE:
Bayfield County Tribal Relations Committee
Wednesday March 13th, 2019 – 10:00 a.m.
Bayfield County Courthouse, Annex Building

Rick Peterson, Tribal Council Chair
Jeffrey Silbert, Bay. Co. Supervisor
Nathan Gordon, Tribal Council Vice-Chair
George Newago, Bay. Co. Supervisor

1. Call to Order:

The Bayfield County Tribal Relations Committee was called to order at 10:08 a.m. by George Newago. A roll call was taken by George Newago, as follows, present: Chairman Rick Peterson, Nathan Gordon, Jeffrey Silbert, George Newago. None absent. Total: 4 present, 0 absent. A quorum was present to conduct business.

Also present were: Bayfield County Administrator-Mark Abeles-Allison; Clerk III-Allison Radke; Bayfield County Sheriff- Paul Susienka; Red Cliff Police Chief-Kyle Cadotte; Red Cliff Tribal Attorney-Wade Williams; Bayfield County Veteran Service Officer-Kevin Johnson; UW-Extension Educator-Kellie Pederson; UW-Extension Area Director-Mary Pardee; Bayfield County Criminal Justice Coordinator-Barb Flynn; Bayfield County Health Director-Sara Wartman; Mike Soulier; District Attorney-Kimberly Lawton; Bayfield County Judge-Anderson; Jail Administrator-Kathleen Haiden.

2. Public Comment:

Mike Soulier shared concerns regarding complaint process, sovereign immunity, involvement of Federal Marshall, racial profiling, collusion, Accountability forum.

3. Motion to Approve Minutes of the December 5th, 2018 County-Tribal Relations Committee Meeting:

A motion was made by Gordon, Silbert to approve the minutes of the December 5th, 2018 County Tribal Relations Committee meeting. No edits or corrections. Motion carried.

4. Kevin Johnson, Bayfield County Veteran Service Officer Update:

Veterans Service Officer Johnson provided information about his position and the role he plays in Bayfield County. Informing veterans of their benefits. Service-connected disability and compensation. Veterans Service Officer Johnson does outreach to Red Cliff once a month and by appointment. Johnson hosted the 2017 CVSO-Wisconsin Spring Conference and incorporated
many Red Cliff veterans and tribal members throughout the conference. VA regional office in Milwaukee did a visit to Red Cliff in June 2018. Johnson participated in this event. Tribal Veteran Service Office, Red Cliff Band of Ojibwe is Ashley Poch. Poch and Johnson have different positions and different focuses. TVSO focuses more on community engagement and leadership within the veteran community. CVSOA-Wisconsin proposed logo change. 72 counties 11 tribes = 83 strong. Implementing vs proposed? There has been success in helping veteran inmates. From the jail cell to in-patient VA hospital. Healthcare- Red Cliff Healthcare Center. Veterans Choice vs Community Care. Question regarding President signing a bill. Should make improvements per Johnson. Johnson was congratulated and thanked for his work and dedication with the Red Cliff Tribal community and all veterans throughout Bayfield County. New van for veteran transport. VFW has 70 members, not all are Tribal members. 2017 Resolution in appreciation of Ojibwe Veterans. Travel for funeral, color guard responsibilities, 4th of July, etc. Poch and Shawn were also thanked for their work.

5. **Introduction of Kellie Pederson, UW-Extension Educator, Community Development and Mary Pardee, Area Extension Director discussing programming partnerships and summer intern possibilities:**

*Area Extension Director* Mary Pardee represents Douglas, Ashland, Bayfield and Iron Counties. Pardee provided an overview of Extension activities throughout the program areas in Bayfield County.

6. **County Tribal Efforts to Reintegrate Inmates into the Community after Jail; Paul Susienka, Bayfield County Sheriff and Barb Flynn, Bayfield County Criminal Justice Coordinator:**

*Sheriff* Susienka and Criminal Justice Coordinator Barb Flynn informed the committee about: employment, housing and addiction issues in Bayfield County. He shared information on new programming in the jail and the numerous partnerships and programs in place. He noted only through continued effort will things get better, issues are not going to go away on their own. The County offers Re-entry programs that help make us all better and stronger. The Sheriff shared 2018 Jail Statistics showing of the 676 inmates, 45% were Native. *Chairman* Peterson wants to see progress with program objectives and goals being met.

7. **County Tribal Law Enforcement Agreement, Paul Susienka; Kyle Cadotte, Red Cliff Police Chief:**

County Board approved the 2019 Tribal County at 100% distribution to Red Cliff after a special meeting in late 2018.

8. **Tribal County Health Report, Opioid and Meth Epidemic/Crisis Update, Sara Wartman, Bayfield County Health Director:**

*Bayfield County Health Director* Sara Wartman introduced herself. Wartman gave information about the numerous efforts that the Bayfield County Health Department is taking including collaborations with Red Cliff. In addition to the opioid and meth epidemic, the Health Department is working on water testing, lymes diseases. The Department is working on Improving infrastructure grants, living healthier lives.
9. **Strengthening Communication Methods;**

The Committee discussed meeting every couple of months, learning from the dialogue and maintaining an open door of communication.

10. **Discussion and Possible Action Regard Working Lands Initiative;**

A review of the Working Lands MOU was made noting the purpose was to “Agree to keep close contact with each other” and to share information.

11. **Reports:**

   a. **Bayfield County Mining Ordinance;**

      Bayfield County Zoning Department has been working on the Bayfield County Mining Ordinance. Both entities have a common interest in the environment. The tribe is opposed to any mine.

   b. **Cervid Study Committee;**

      County created Cervid Study Committee, chaired by Fred Strand, working on report and recommendation to the full board.

   c. **Employment: Promoting County and Tribal Job Vacancies;**

      Sharing of job vacancies was suggested to help fill positions.

12. **Future Agenda Items and Date and Time of Next Meeting;**

    It was decided to meet **Wednesday June 12th, 2019 10:00 a.m.**. The date will be determined through communication. Suggested agenda items included: open communication, unemployment issues, Wisconsin Counties Association, Agreements, Memorandums of Understanding (MOU’s), and potential mining Resolutions.

13. **Adjournment.**

    There being no further business to come before the Bayfield County Tribal Relations Committee, the meeting was adjourned by Chairman Peterson at **12:34 p.m.**

    *Motion by Newago, Gordon to adjourn the Bayfield County Tribal Relations Committee meeting. Motion carried.*

    Respectfully submitted,

    **Allison Radke**
    Allison Radke, *Clerk III*
    Bayfield County Clerk’s Office
MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding entered into this 31 day of January, 2017 by and between the Red Cliff Band of Lake Superior Chippewa Indians of P.O. Box 88385 Pike Road, Bayfield, Wisconsin, 54814, a federally recognized Indian Tribe exercising powers of self-governance (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.

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.
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 31 day of January, 2017

BY THE PARTIES:

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

Dennis Pocernich  
Chairman, Board of Supervisors  
Bayfield County
March 6, 2020 – Introduced by Senators BEWLEY, PETROWSKI, HANSEN, TIFFANY, SMITH, WANGGAARD and L TAYLOR, cosponsored by Representatives MURSAU, ANDERSON, EDMING, CONSIDINE, KERKMAN, B. MEYERS, MAGNAFICI, MILROY, PRONSchINSKE, L. MYERS, SWearingEN, TAUCHEN, TUSLER and VANDERMEER. Referred to Committee on Transportation, Veterans and Military Affairs.

AN ACT to amend 20.505 (8) (hm) 25. and 569.06; and to create 20.395 (1) (ag),
20.395 (1) (ak), 20.505 (8) (hm) 26. and 86.52 of the statutes; relating to:
transportation aid to counties and municipalities containing certain tribal
facilities and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Transportation to provide up to $125,000 in transportation aid annually to each county containing the headquarters of an American Indian tribe or band and a casino operated by the same tribe or band. The bill also requires DOT to provide up to $125,000 in transportation aid annually to be divided equally among the municipalities in those counties that contain the headquarters of the tribe or band or that border the municipality that contains the headquarters.

Under current law and Indian gaming compacts, Indian tribes make payments to the state to reimburse the state for costs relating to the regulation of certain gaming activities. Revenue from tribal gaming is estimated for each fiscal year based on projected tribal payments to the state. A certain amount of this money is appropriated to be transferred on an annual basis to several appropriation accounts. At the end of each fiscal year, unobligated funds from some of the programs that receive tribal gaming revenues revert to the appropriation account to which Indian gaming receipts are credited. This bill transfers to DOT the unobligated funds that were reverted in the prior fiscal year for the purpose of providing the transportation aid required under the bill. The bill also appropriates to DOT up to $2,500,000 of
tribal gaming revenue that exceeds the estimated revenue for a fiscal year for the purpose of providing the transportation aid required under the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.395 (1) (ag) of the statutes is created to read:

20.395 (1) (ag) Transportation aids, excess gaming revenue. From the general fund, all moneys received from excess gaming receipts, as provided under s. 569.06, for transportation aids under s. 86.52.

SECTION 2. 20.395 (1) (ak) of the statutes is created to read:

20.395 (1) (ak) Transportation aids, unobligated gaming revenue. From the general fund, all moneys transferred from the appropriation account under s. 20.505 (8) (hm) 26. for transportation aids under s. 86.52.

SECTION 3. 20.505 (8) (hm) 25. of the statutes is amended to read:

20.505 (8) (hm) 25. The amount transferred to s. 20.435 (2) (km) shall be $250,000 or the amount remaining in this appropriation after all other transfers under subds. 1c. to 24. and 26. are made, whichever is less.

SECTION 4. 20.505 (8) (hm) 26. of the statutes is created to read:

20.505 (8) (hm) 26. The amount transferred to s. 20.395 (1) (ak) shall be the amount of unobligated funds that reverted to the appropriation account under this paragraph in the previous fiscal year. The transfer under this subdivision shall be made before any transfers under subds. 1c. to 25. are made.

SECTION 5. 86.52 of the statutes is created to read:

86.52 Transportation aids to counties and municipalities from Indian gaming receipts. (1) Definitions. In this section:
(a) “Eligible county” means a county that contains the headquarters of an American Indian tribe or band and a casino operated by the same American Indian tribe or band.

(b) “Eligible municipality” means a city, town, or village located in an eligible county that contains the headquarters of an American Indian tribe or band or that borders the city, town, or village that contains the headquarters of an American Indian tribe or band.

(2) Amount of AIDS Payments. In addition to any other aids payable to a county, city, town, or village, the department shall annually pay the following amounts:

(a) To each eligible county, an amount equal to the amount calculated by dividing the total amount appropriated under s. 20.395 (1) (ag) and (ak) for that fiscal year by the number of eligible counties but not to exceed $125,000.

(b) To each eligible municipality, an amount equal to the amount calculated as follows:

1. Divide the amount remaining after making the payments under par. (a) by the number of eligible counties.

2. Divide the amount calculated under subd. 1. or $125,000, whichever is less, by the number of eligible municipalities in the eligible county in which the eligible municipality is located.

(3) AIDS Distribution. The department shall distribute transportation aids under this section on the first Monday in August. The payments shall be made from the appropriations under s. 20.395 (1) (ag) and (ak).

(4) Use of AIDS. All transportation aids distributed under this section shall be used for road and bridge improvements, as matching funds to qualify for other state transportation funds, or for other transportation needs.
SECTION 6. 569.06 of the statutes is amended to read:

569.06 Indian gaming receipts. Indian gaming receipts shall be credited to the appropriation accounts under ss. 20.455 (2) (gc) and 20.505 (8) (h) as specified under ss. 20.455 (2) (gc) and 20.505 (8) (h). Indian gaming receipts shall be credited to the appropriation account under s. 20.505 (8) (hm) in the amount necessary to make the transfers specified under s. 20.505 (8) (hm). In each fiscal year, any Indian gaming receipts that exceed the receipts estimate approved by the joint committee on finance for that fiscal year, as determined by the department, shall be credited to the appropriation account under s. 20.395 (1) (ag); except that the amount credited to the appropriation account under s. 20.395 (1) (ag) in any fiscal year may not exceed the amount calculated by subtracting the amount transferred to the appropriation account under s. 20.395 (1) (ak) for that fiscal year from $2,500,000. Indian gaming receipts not otherwise credited to appropriation accounts under this section shall be paid into the general fund.

(END)