



## *Executive Council*

Central Council Tlingit & Haida Indian Tribes of Alaska  
May 26<sup>th</sup>, 2020 – 10 AM (Alaska Standard Time)  
IN-PERSON / TELECONFERENCE MEETING  
**DRAFT MINUTES**

### **CALL TO ORDER**

President Peterson assumed chair without objection and called the meeting to order at 10:03AM.

### **ROLL CALL**

Richard J. Peterson, President	Present
Yodean Armour, 1 <sup>st</sup> Vice President	Present
Jackie Pata, 2 <sup>nd</sup> Vice President	Present
Will Micklin, 3 <sup>rd</sup> Vice President	Present
Rob Sanderson, Jr. 4 <sup>th</sup> Vice President	Present
Ralph Wolfe, 5 <sup>th</sup> Vice President	Present
Catherine Edwards, 6 <sup>th</sup> Vice President	Present
Shawaan Jackson-Gamble, Emerging Leader	Present

Also present: Chief Financial Officer Theresa Belton, Chief of Project Development Will Ware, General Counsel Madeline Soboleff Levy, Tribal Operations & Compact Manager Helene Bennett, Special Assistant to the President Heather Gatti, Secretary to the President Carley Jackson, Recording Secretary Cara Gilbert and Executive Assistant to General Counsel Rebecca Lee.

### **INVOCATION**

4<sup>th</sup> Vice President Rob Sanderson, Jr. provided the invocation.

### **ADOPTION OF THE AGENDA**

A request to remove EC Res. 20-37 from agenda was presented for consideration. M/S 4<sup>th</sup> Vice President Sanderson moved to adopt the agenda with the removal of resolution 20-37. M/C

### **PUBLIC COMMENT**

Opportunity of public comment was given. No comments were provided.

## **REPORTS**

### President's Report

President Richard J. Peterson provided an oral report on recent activities. He attended the Alaska Federation of Natives (AFN) meeting where AFN voted to join the amicus against the U.S. Department of Treasury. Tlingit & Haida launched Lunch Time Chats on Facebook. The chats feature different departments and resources available to citizens. This week's focus will be on higher education. A future chat will feature the Executive Council.

4<sup>th</sup> Vice President Rob Sanderson, Jr. advised the Executive Council that the Southeast Alaska Indigenous Transboundary Commission has hired Fred Olsen as the successor Chief Operating Officer.

### General Counsel Report

General Counsel Madeline Soboleff Levy summarized her written report. In addition to orienting a new Executive Assistant, she continues to serve on Tribal Emergency Operations Center (TEOC). She also reported on the ongoing CARES Act litigation regarding the U.S. Department of Treasury's decision to distribute funds allocated to "tribal governments" to Alaska Native Corporations. General Counsel will continue to monitor the litigation and report back.

### Special Assistant's Report

Special Assistant Heather Gatti summarized her written report. She continues to serve as the Liaison to the TEOC. She also participated in the NCAI 2020 Census Round Table. There is a need to focus on the smaller Southeast communities. Data collection will end in October.

### Chief of Project Development Report

Chief of Project Development Will Ware provided an oral report. Sacred Grounds has opened an additional location in Bartlett Regional Hospital. Sacred Shine has seen an increase in business and services provided include a mobile shop. Smokehouse Catering has been preparing breakfast and will begin to prepare lunches for elders in the upcoming weeks. A gate to restrict access to the Cultural Immersion Park site will be installed due to the previously reported collaboration with neighboring property homeowners. A Tlingit Haida Tribal Business Corporation subsidiary is maintaining patrols of the property.

### Chief Finance Officer's Report

CFO Theresa Belton summarized her written report.

## **DISCUSSION ITEMS**

### Tribal Assembly

Tribal Assembly remains postponed until further notice. Discussion ensued regarding the options available to convene Tribal Assembly this year, both in lieu of the continuing and evolving nature of the pandemic and the parameters of the Tlingit & Haida constitution. For example, it was explained that the constitution mandates elections for the President and Vice Presidents in even numbered years. At the request of the Executive Council, General Counsel Madeline Soboleff Levy will provide a report at the next meeting presenting options for moving forward.

### Federal Communications Commission (FCC) Tribal Priority Window

The FCC Tribal Priority Window (TPW) makes tribes eligible for an allocation of radio broadband spectrum. The TPW will allow tribes to access spectrum without higher competing bids from large telecommunication companies. In addition to provided much needed service to Southeast communities, after two years the Tribe's spectrum will have the ability to be leased and could be very profitable. As part of the application there must be boundaries for the areas requested. Tenakee Springs has asked to be under Tlingit & Haida's allocation. Tlingit & Haida's intent would be to request allocation of all available spectrum for Southeast that is unclaimed by other tribes. The application window closes on August 3, 2020, but tribes are petitioning to delay the deadline by six months due to COVID-19. 3<sup>rd</sup> Vice President Will Micklin emphasized the importance of taking advantage of this opportunity and requested Tlingit & Haida partner with a telecommunications consultant to submit an application.

M/S 6<sup>th</sup> Vice President Catherine Edwards moved to hire a consultant to prepare application. M/C

### COVID 19: Funding Sources for Cultural/Religious/Mental Health Response

3<sup>rd</sup> Vice President Micklin presented a recommendation to pursue Federal Emergency Management Agency (FEMA) funds to hold a koo.éex' to support healing after the pandemic. In Juneau, such an event could be held at the Cultural Immersion Park site. FEMA funds could also go towards providing mental health programs. The intent would be to rely upon Tlingit and Haida culture to heal our people.

M/S 6<sup>th</sup> Vice President Catherine Edwards moved to pursue federal funding for cultural/religious/mental health response leading with mental health activities culminating with a koo.éex' after the pandemic utilizing Tlingit & Haida culture only.

### CARES Act Litigation

3<sup>rd</sup> Vice President Will Micklin presented a concern with the formula used to allocate CARES Act funds amongst the federally recognized tribes. The formula relies upon U.S. Housing and Urban Development numbers that do not accurately represent the population of Tlingit & Haida citizens. Consistent with a Harvard study, Tlingit & Haida would have received \$55 million based upon its actual number of enrolled citizens, far more than the Tribe is expected to receive. Vice President Micklin proposed to submit a declaration in the ongoing litigation to voice Tlingit & Haida's concerns regarding the formula.

M/S 6<sup>th</sup> Vice President Catherine Edwards moved to convey Tlingit & Haida's objection to the formula used to allocates CARES Act funds as inconsistent with tribal sovereignty use.

## **BUSINESS (ACTION) ITEMS**

### Resolutions

M/S 2<sup>nd</sup> Vice President Jackie Pata moved to adopt resolution 20-32 Authorization to Apply for the Native American Agricultural Fund Grant. M/C

M/S 2<sup>nd</sup> Vice President Jackie Pata move to adopt resolution 20-33 Limited Waiver of Sovereign Immunity for Native American Agricultural Fund Grant. M/C

M/S 3<sup>rd</sup> Vice President Will Micklin moved to adopt resolution 20-34 Authorization to Approve the 2020 THTBC Contract and Funding Source with amount of \$250,000 adjusted to \$300,000. M/C

M/S 2<sup>nd</sup> Vice President Jackie Pata moved to adopt resolutions 20-35 through 20-40. M/C  
20-35 Authorization to Apply for a Southeast Alaska Native TANF Child Welfare Case Management Initiative Grant  
20-36 Authorization to Apply for Village Public Safety Office Program Funding  
20-38 Authorization to Apply for Imminent Threat Indian Community Development Block Grant  
20-39 Certification of Public Notice for the Indian Community Development Block Grant  
20-40 Authorization to Apply for a Center for Disease Control Coronavirus Preparedness and Response Grant.

### **EXECUTIVE SESSION**

The chair called to enter to Executive Session at 12:00 pm. No objection, so moved.

Executive Session concluded at 12:32pm. No objection, so moved.

### **ADJOURN**

The chair called for adjournment at 12:33 PM. No objection, so ordered.