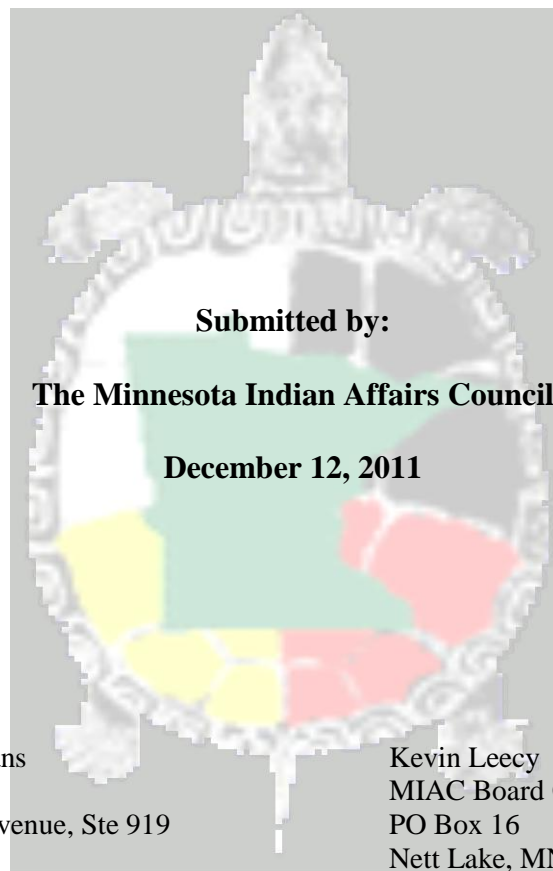


**Report to the Legislature in Compliance with Minnesota Statutes Section 3D.06
(Sunset Review)**



Submitted by:

The Minnesota Indian Affairs Council

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This document is intended for use by the Sunset Advisory Commission, established by the 2011 Minnesota State Legislature (MS, Chapter 3D). The document is intended to aid in the Sunset Advisory Commission's review of the Minnesota Indian Affairs Council executive branch agency (MS 3.922) and to make a determination as to whether or not the agency should continue to exist.

Table of Contents

Executive Summary.....5

Agency at a Glance.....7

Cultural Resources Program.....9

Community Services Block Grant Program.....10

Dakota and Ojibwe Language Revitalization Program.....12

Statutory Requirements.....17

 Agency Efficiency and Effectiveness.....17

 Agency Mission, Visions, and Goals.....19

 Identification of Additional Activities.....22

 Fee Assessment.....22

 Restrictions upon Agency.....22

 Jurisdiction of Agency Programs.....23

 Promptness of Agency When Dealing with Complaints.....23

 Assessment of Agency’s Rulemaking Process.....24

 Compliance with State and Federal Laws.....24

 Conflicts of Interest.....25

 Record Management Practices.....26

 Federal Intervention.....26

 Priority Based Budgeting.....27

Other Requirements

 Organizational Chart.....30

Organization’s Website.....30

Six Year Staffing History.....31

Six Year Funding History.....31

A list of Advisory Councils.....32

MIAC Statute 3.922.....32

Executive Summary: History of the Minnesota Indian Affairs Council

Historical records show that the State of Minnesota began addressing the needs of the American Indian population as early as 1926, when it formed the first Commission on Indian Affairs. In 1924, the federal Indian Citizen Act was passed, which likely led up to this concern and Commission. This Indian Citizen Act gave Indians throughout the nation full rights as American citizens, including the right to vote. Shortly after, the Commission was put into law (Laws of 1925, Chapter 291). The Indian Affairs Commission consisted of three appointments made by Governor Theodore Christianson and was passed during the 44th Legislative session (S.F. No. 1226). This law called for the Governor to appoint a commission of three individuals to examine the issue of money that was directly passed through the federal government to American Indian people and to determine whether or not intervention was necessary to handle the funds on behalf of the Indian people. Additionally, this commission was to negotiate with Congress for the transferring of any funds, lands, and other properties that were, at that time, held in trust by the United States Government for the Indians of Minnesota. The Commission was also charged with making a report of their proceedings and negotiations to the Legislature of the State of Minnesota at its next legislative session. At that time, the Commission addressed the issues in the primary areas of education, health, and welfare of Indian citizens in the state.

Almost 40 years later, in 1963, Minnesota became one of the first states in the nation to establish state department dedicate to issues concerning the American Indian population. The issues or concerns of the State that began to emerge following the

American Indian Citizen Act only continued to grow between the state and Tribal people and nations of Minnesota that led to the resulting agency that was established. This agency has continued to thrive and is now in its 48th year of existence. The Minnesota Indian Affairs Council (MIAC) remains the only executive branch agency created by the state to speak on behalf of the states eleven Indian tribal nations and people in Minnesota. The voices of the Indian people in Minnesota are many, as the 2010 Census reveals that Minnesota has one of the largest populations of Indian people in the nation.

The role that the Minnesota Indian Affairs Council (MIAC) plays in the state of Minnesota is a unique role in the state as well as the nation. For almost 50 years, many state leaders in Minnesota have recognized the detrimental history and past of this state and nation and have led the way to resolve some of the systemic critical and serious issues that have resulted with its American Indian citizens. Today, the Minnesota Indian Affairs Council maintains one of the largest and most unique boards of any state council or agency and continues to gather quarterly in its advisory capacity to the state to dialogue and resolve some of the most serious problems affecting the Indian tribal people of the state. The role that the Minnesota Indian Affairs Council plays as a liaison between the Tribes and the state cannot be understated in its importance. Though, the role of any liaison office is only as effective as its ability to work with and influence those who are able to change policies and procedures that inhibit its constituencies. A collaboration of the partners must be formed and the advice and counsel of Tribal Leadership who sit on the board must be taken seriously as the ultimate authority and voice for the tribal people of Minnesota.

In this report, one will find a detailed description of current programs as well as day-to-day activities that are provided in the offices of Minnesota Indian Affairs Council. The Minnesota Indian Affairs Council maintains two offices; one in Bemidji and one in St. Paul, Minnesota. Although staff composition is small, many programs have been developed out of the office and are now being implemented. The MIAC knows that its work is effective when partnerships are either formed or strengthened when improvements or outcomes are seen directly within our communities and throughout all of Minnesota. The MIAC recognizes that more work needs to be done and that the best way to solve some of the state's most serious issues with its American Indian population, who are also citizens of this state, is for the state of Minnesota to provide a liaison office and to remain in partnership with the Tribes in a government-to-government dialogue where advising, consulting, and implementing critical programs and policies is made possible and will result in a healthier Minnesota for all.

Agency at a Glance:

The Minnesota Indian Affairs Council (MIAC) was established in 1963 [MN Statutes Chapter 888, Sec. 2 \(3:922\)](#). With a mission to, “protect the sovereignty of the eleven Minnesota Tribes and ensure the well-being of the American Indian citizens throughout the State of Minnesota,” the MIAC acts as a liaison between the State of Minnesota and the eleven tribal Governments within the state. The Council provides a forum for and advises state government on issues of concern to the urban Indian communities, as well as, the Tribal Reservations. In addition to its liaison duties, the Council administers three programs: cultural resources, Dakota and Ojibwe language revitalization, and a federal community services block grant. Each program is designed to

enhance the economic opportunities and protect the cultural resources and history for the state's American Indian constituencies. The MIAC's vision is, "to strive for the social, economic, and political justice for all American Indian people living in the State of Minnesota, while embracing our traditional, cultural, and spiritual values."

Over the years, the original legislation has been adapted to the needs of the Indian Tribes and the State. Today, the Minnesota Indian Affairs Council continues in its **48th year** of existence of a state agency with a governing board of twenty eight. The board is composed of the following: the eleven Tribal Chairs or their designees, one member of the Governor's official staff, two members from the House of Representatives, two members from the State Senate, and the Commissioners of Education, Human Services, Natural Resources, Human Rights, Employment and Economic Development, Corrections, Minnesota Housing Finance Agency, Iron Range Resource and Rehabilitations, Health, Transportation, Veterans Affairs, and Administration, or their designees. In addition to its numerous duties, the MIAC plays a central role in the development of state legislation for the American Indian population and the entire state of Minnesota.

In 2007, following extensive internal review of the MIAC's statute and official duties, the legislature passed the newly revised MIAC statute, which was updated to more accurately portray the tribal leadership in their official roles on the governing board of directors and to create a more effective and efficient governing board and office. Revisions included the removal of language mandating tribal leaders to the eleven designated tribal board appointed seats by allowing the option to appoint a designee in the place of the Tribal Leader of the respective Tribal Nation. The MIAC also removed

the appointment of at-large members to the council. The council has an Urban Indian Advisory Board (UIAB) consisting of tribal members residing in the state of Minnesota advising the MIAC board on issues affecting the urban Indian populations of Minnesota. The MIAC saw the appointment of the at-large members to the board as inefficient and costly, as well as, duplicative in duties since the existing UIAB was the official voice in advising the larger board on the American Indian issues throughout the state.

Additionally, the new MIAC statute also includes a mandate for a yearly summit between the Tribal leaders of Minnesota and the Governor. Nothing like this ever existed in statute before in the state of Minnesota and has been a great success since implemented.

For the past five years, the MIAC has led the way in providing the state legislature with instruction and information on core topics and information crucial for working with the eleven tribal governments in public policy decision making. This free training was offered to all legislative leaders and staff, state and county employees, members of public entities, and the general public. Instructional information was provided by leading experts and scholars from both the American Indian and non-American Indian communities on such topics as tribal sovereignty, treaties and treaty rights, trust relationships, economics of Indian country, working with tribes, the welfare of Indian children, the disproportionately high disparities of American Indian people, and other like topics. Until the 2009-2010 legislative session, support for the instruction to state legislators was high and included the office of the Governor, and the House and Senate leadership.

Cultural Resources Program

The MIAC has a responsibility to protect the American Indian Burial sites across

the State. This responsibility was given to the Council in 1976 when the Private Cemetery Act (MN ST. 307.08) was amended to include the protection of all American Indian human remains and associated burial items buried more than 50 years ago outside of platted cemeteries. Under Minnesota Statute 138, the Field Archaeology Act, the Minnesota Indian Affairs Council must be consulted with and projects reviewed when large archaeological sites on public lands are to be impacted or possibly disturbed. Additionally, there is also a Federal Law that applies to the MIAC, the Native American Graves Protection and Repatriation Act, (NAGPRA), Public Law 101-601. These regulations pertain to the identification and appropriate disposition of human remains and associated burial items that under federal definition. These two laws give the MIAC statute authority in regards to remains which may be in their original burial places, those reinterred after removal from an original burial place, remains accidentally disinterred, remains authorized for disinterment, and remains currently held by individuals, agencies, or other institutions.

It is because of these State and Federal Statutes that the Minnesota Indian Affairs Council has developed a close relationship with the Office of the State Archaeologist and with the Archaeological communities within and outside of Minnesota. The MIAC works with the law enforcement communities throughout the state in regards to accidental unearthing of human remains, as well as, political subdivisions and with private landowners and developers.

Community Services Block Grant Program

Through a grant with the Department of Human Services, the MIAC also assists in monitoring many programs that affect the state's American Indian population and tribal

governments. The MIAC maintains an annual interagency agreement and funding grant from the Office of Economic Opportunity through the Department of Human Services. This program, the Community Services Block Grant (CSBG) provides information and technical assistance to the eleven Tribes in Minnesota.

The Community Services Block Grant (CSBG) provides federal monies each year from the Department of Human Services to the MIAC to assist with technical assistance for a wide range of programs and activities that impact the causes of poverty on reservation communities. The interagency agreement enhances the Council's relationship with tribal governments by promoting an understanding of programs, identifying problems, and recommending solutions to ensure the objectives of the respective programs are met. The Community Services Block Grant provides contracts and allocations for various programs are awarded to the eleven reservation tribal governments, based on the most recent census count. In most instances, these grant awards do not begin to meet the needs of most reservations. Base funding is also provided to each reservation grantee. For this reason, coordination of grant planning among Community Service administered grants is essential. Grants coordination includes those who receive grants from the Community Services Block Grant, the Minnesota Community Action Grant (Emergency Shelter Grant Program Supportive Services for Rural Homeless Youth, Transitional Housing Program, Emergency Service Program, and the Supplemental Nutrition Assistance Program.

This is the 26th year the CSBG has funded the position of Economic Opportunity Specialist/Tribal Liaison. After many years of a successful, thriving and growing program, the MIAC received a 15 percent reduction in the funding received by the

federal government. Regardless of the funding decrease, this program will continue with the available appropriation into the agency. The employee will continue to maintain office hours at the MIAC's office in Bemidji as well as at the Office of Economic Opportunity in St. Paul. The main focus is to educate and assist tribal families to achieve self-sufficiency. This continues to be of monumental importance.

Dakota and Ojibwe Language Revitalization Program

Minnesota's most enduring languages are in danger of disappearing. Without timely intervention, the use of Dakota and Ojibwe languages – like Indigenous languages throughout the globe – will decline to a point beyond recovery. In November, 2008 the voters of Minnesota approved a 3/8 % increase in sales tax to fund what has become known as the “Legacy Funds.” The MIAC was appropriated \$150,000 to convene a working group to conduct a feasibility report on Dakota and Ojibwe Language Revitalization in Minnesota. Released in February, 2011, this report focused on the importance of language revitalization, painting a reliable picture of the status of Dakota and Ojibwe languages, and of current efforts to revitalize Minnesota's Indigenous languages. The report also included the identification of best practices for addressing language revitalization, the identification of barriers to successful language revitalization in the two communities, and recommendations for action that can be taken by Tribal Governments, the Minnesota Legislature, the State Department of Education, and other individuals or entities committed to revitalizing the two languages in order to remove obstacles and advance the cause of language revitalization.

Several key findings were identified in the report-each unique and vitally important for language revitalization in the state. One obvious finding is that Dakota

and Ojibwe languages are in danger of disappearing from the face of this planet. The population of fluent and first speakers of these languages is small, and only a few first speakers live in Minnesota. Virtually nobody who speaks Ojibwe or Dakota as a first language has standard teaching credentials. The reason for the small pool of first speakers and first speaking teachers is that first speakers are very old and are not expected to live much longer. Additionally, successful language revitalization will require a leadership role from passionate and committed individuals from tribal governments, and a coordinated effort involving the Minnesota Department of Education, local school districts with significant populations of Dakota and Ojibwe students, and language activists.

More than 100 programs and activities in Minnesota provide exposure to or instruction in Dakota and Ojibwe languages, reflecting the importance placed on this effort by language activists, educators, tribal governments and the Minnesota Department of Education. Few of these programs, however, recognize the essential pedagogic requirements for language revitalization, which include a role for strong immersion programming and the leadership roles for fluent speakers. The language immersion programs that do exist are crippled by a lack of trained teachers, a dearth of curriculum materials, policies that adversely affect the licensure, training and availability of required personnel, and limited funding. Currently, only the University of Minnesota campuses in the Twin Cities and Duluth offer preparation for licensure for teaching across the curriculum in Ojibwe and Dakota languages. Neither, however, operates for teachers in grades 9-12 and subsequently languages are seldom taught formally at that level. A limited number of teacher preparation programs offer tracks toward licensure for

teaching Ojibwe and Dakota as world languages, and conflicting federal policies create a situation in which it is difficult to coordinate the varying expertise of fluent speakers, teachers licensed in subject areas, language teachers, and immersion teachers who are licensed to teach across the curriculum in Ojibwe and Dakota.

Most importantly, however, is that language revitalization has the potential to make a positive impact on efforts to bridge the educational achievement gap between Minnesota's Indian students and non-American Indian students, among other benefits. Successful models do exist for bringing Indigenous languages back from the brink of extinction. Hebrew is one such language brought back from near extinction in the mid-19th century.

The work of the Dakota and Ojibwe Volunteer working group members is far from over. They have made a few recommendations to further the revitalization of Minnesota's Indigenous languages. The working group has recommended that a 25-year strategic plan for language revitalization be developed. This will build the cooperative efforts needed among Tribal governments, Indigenous communities, state agencies, and educators to create immersion schools, teacher training programs, a repository of teaching materials and other resources. This Working Group will also recommend methods for applying world language proficiency standards to instruction in Dakota and Ojibwe; creating teaching materials in those languages for subjects across the curriculum, and addressing barriers to teacher recruitment. Additionally, continued appropriation of funds for grant support to programs and activities that are currently working in the field of Dakota and Ojibwe language instruction.. Moreover, an American Indian advisory group for the Department of Education should be developed to provide their perspectives

on policies throughout the Department including ways in which languages instruction can narrow the achievement gap between American Indian students and their peers.

During the 2011 Minnesota State Legislative session, funding was approved to continue the work of the Volunteer Working Group. The Working Group is now building on the foundation that has already been laid to develop a 25-year strategic plan for Dakota and Ojibwe language revitalization within the State of Minnesota that will build the cooperative efforts needed among Tribal governments, Indigenous communities, State agencies, and educators to create immersion schools, teaching training programs, a repository of teaching materials and other resources, and will recommend methods for applying world language proficiency standards to instruction in Dakota and Ojibwe. Additionally, the strategic plan will look at creating teaching materials in the Dakota and Ojibwe languages for subjects across the curriculum and addressing barriers to teacher recruitment.

The MIAC was also appropriated \$550,000 in FY 2010 and \$700,000 in FY 2011 for grants for programs to preserve Dakota and Ojibwe languages and to foster educational programs in the Dakota and Ojibwe languages. The MIAC board of directors designated members from the working group on Dakota and Ojibwe language revitalization to also work on the grant making process, a first time program to the Minnesota Indian Affairs Council. Prior to this date, the MIAC never conducted a grant program administering funds to the public.

The grant committee focused on the end goal for granting money, with the crucial question, "What is the best and most efficient way to distribute money for language revitalization efforts," remaining at the forefront of all the work. Monthly meetings

included discussions regarding funding possibilities and how the grants should be funded out, best practices for language revitalization, and testimony from language experts throughout the state and nation. In an effort to abide by all state laws and policies governing granting funds and grant contracts, the MIAC consulted heavily with the state of Minnesota Grants Management Division, the Small Agency Resources Team (SMART) Financial team and other granting organizations to learn about the process for creating an RFP and distributing grant money. The State's office of grants management was consulted numerous times and relied upon heavily for their expertise during the creation of the grant process, as well as, throughout the execution stages. The office of the attorney general was also sought in dealing with issues pertaining to copyright of grantees. Where questions or problems arose, the MIAC sought all resources available to secure the answer that would fully abide by all state laws and policies governing state agency granting processes.

Due to the closeness of the communities, as well as the limited amount of individuals and entities actually doing the work of language programs, the grant review process posed the greatest challenge of all. The MIAC carefully chose individuals to review and decide on the grant awards that were either language experts or experts in the grant making process and who were not affiliated with the individuals or organization requesting grant dollars. The reviewers were not involved in the application process in any way. Each grant reviewer signed the state's conflict of interest policy before reviewing and deciding on the best proposals to receive the FY 2010 grant money. The board and staff were not included in the final decision of the grant awards. Following the decision, notification of the awards was sent out and grant contracts were executed.

The MIAC remains heavily involved by monitoring grant programs and approving invoices. The due date for grant requests for the FY 2010 money was April 5, 2010. A total of sixteen grant proposals were received into the office, with a total request of \$1,197,597. Ten projects were funded with the entire \$550,000 appropriation for FY 2010 distributed statewide.

Statutory Requirements

(1) The Efficiency and Effectiveness with Which the Agency or the Advisory Committee Operates

The MIAC offices are located in Bemidji and St. Paul, Minnesota. The Bemidji location is home to two full time equivalent staff and the St. Paul location houses three full time equivalent staff. The number of staff employed has decreased in number over the years to reflect the dwindling budget due to various biennial budget cuts. Core staff within the MIAC and under the governing board with each operating and overseeing all duties and areas of the office discussed in the Agency at a Glance section of this report.

Since 1963, the state of Minnesota has recognized the importance of the agency as a liaison to the 11 Tribal Nations within Minnesota. Individuals living outside of the reservation boundaries frequently experience difficulties in communicating with individuals running key programs and agencies within the tribal nations. The office is an important connection, as well as, the only office of its kind for its constituents in Minnesota. The MIAC holds quarterly meetings in various locations throughout Minnesota, with all meetings being open to the public. Meetings between various Tribes and state government offices and officials has proven to be a successful way to bridge the gap of communication and often leads to successful working relationships, partnerships,

and the formation of necessary and successful programs. Each board member continually works for the betterment of all American Indian people residing in Minnesota.

Concurrently, it is always recognized that roughly half of the membership population from each tribe in the state reside outside of the reservation boundaries. Therefore, the state recognizes that the American Indian experience is not only restricted to living directly on the reservation.

Issues or concerns raised at the MIAC quarterly meetings are only those considered to be of the most important of the Tribal Nations and leaders. Some of those issues include, but are not limited to: the ongoing disparities of the Indian Child Welfare system; the education achievement gap; the health disparities of the American Indian population; epidemics in obesity, drugs, and alcohol to the devastation of the American Indian population; and public safety and corrections problems. These issues must be addressed and must be discussed as the situation for many individuals in the state of Minnesota seems to worsen even as the entire non-Indian population correspondingly seemingly gets better.

Over the past five years, there have been many successful partnerships between the MIAC and other State Departments and organizations. Some successful partnerships created over the past five years include: the first Tribal Veterans Services Office in the Office of Veterans Affairs; the producing and passage of the revised statute mandating a yearly summit for the Governor and Tribal Leaders; the first Dakota/Ojibwe Language Revitalization program; the partnership between the Minnesota Humanities Center and MIAC, later including the Smithsonian Institute's Nation Museum of the American Indian that was created by the legacy committee that produced the first ever traveling

treaties exhibit, **Why Treaties Matter**; and the first American Indian Museum Fellowship program with the MIAC, Minnesota Historical Society, and the Minnesota Humanites Center. Successful partnerships continuing over many years include the partnership with the state archeologist, the Hamline University's Forensic Anthropology Department; state colleges and universities; local American Indian operated businesses and the American Indian Chamber of Commerce; and local American Indian nonprofit organizations.

Some inefficiencies to highlight fall into the category of day to day duties and tasks and include, but are not limited to: the cumbersome nature of drafting contracts and hiring outside contractors; purchasing limitations (MIAC unable to shop around for the best deal, which could potentially waste a lot of money); little or no central computer support system other than through contracting and paying for services from outside contractors and vendors; and when the agency is forced to halt operations due to political problems such as the state shutdown.

(2) Identification of the mission, goals, and objectives intended for the agency or advisory committee and of the problem or need that the agency or advisory committee was intended to address and the extent to which the mission, goals, and objectives have been achieved and the problem or need has been addressed:

Mission

The mission of the Indian Affairs Council is to protect the sovereignty of the 11 Minnesota Tribes and ensure the well-being of American Indian citizens throughout the State of Minnesota.

Vision

To strive for the social, economic and political justice for all American Indian people living in the State of Minnesota, while embracing our traditional cultural and spiritual values.

The mission and vision of the MIAC remain at the forefront of all meetings and discussions pertaining to Minnesota's American Indian tribes and communities in Minnesota. Because of the history of this nation- treaty making, forced removal, and the resulting breakup of the core families and communities of American Indian people throughout Minnesota and the nation, the problems and needs that the agency is charged with addressing are many.

Those resulting issues that continue to create division among the American Indian and Caucasian communities continue today. For example, most recent statistics show that the state of Minnesota is doing well in graduation rates compared to other states in the nation. However, this high graduation rate does not accurately reflect or at all portray the graduation rate for American Indian students and in fact, the disparity in graduation rates between the two races is the highest in the Nation. Minnesota fails more than 50 percent of its American Indian high school students and the latest reports from board members include an astounding dropout rate of over 75 percent of all American Indian high school students in the Duluth area, alone. Other districts with a percentage of Indian people are also doing poorly, with an exception of only a few. Where some schools do have better success rates and should be congratulated for their unique situation and efforts, the situation for American Indian students throughout Minnesota is overall very bleak. Experts don't know all of the reasons for the poor educational outcomes of

American Indian students in Minnesota but the MIAC continually tries to recommend policies and programs that are known to work not only in our own communities but throughout the world. Simply put, the State of Minnesota seems to not always participate as a willing partner in recognizing that the education of all children matter, even the American Indian children, and fragmented efforts continue to be made to correct the situation. An effective model state is that of Montana, the state of “Indian Education for All.”

Montana officials and the state educational system understand the core importance of knowing the true history of the state and Nation and that in order to create a better society for everyone, the histories of the first people of this Nation must be taught about and understood. How each person arrived and came to occupy this land must not remain a mystery but must be understood in unfolding any history about this great nation that is shared. The effects for the entire state of Montana have been significant.

The MIAC board continues to address difficult societal issues such as the education disparity and continually works toward resolutions which include specific goals and likely outcomes. Government to Government partnerships are strengthened and enhanced through continual cooperative work. The MIAC puts forth many substantial legislative policy changes and positive results occur. The issues that continually plague the American Indian population in Minnesota persist, but progress can be made. Proper education will serve to solve many problems, such as those concerning discrimination, land issues, and problems with the economy. MIAC will continue to work in a government-to-government manner and press to its goal of making Minnesota a better place to live and work for every Minnesotan, Indian and non-Indian alike.

(3) An identification of any activities of the agency in addition to those granted by statute and of the authority for those activities and the extent to which those activities are needed;

The MIAC does not perform any activities outside the parameters of its legislative or statutory duties. All programs and resulting duties or activities that continually evolve or develop over time are in line with the statutory requirements or are made a part of the statutory requirements. All activities performed within the agency are in line with the Minnesota Indian Affairs Council's mission and vision.

(4) An assessment of the authority of the agency relating to fees, inspections, enforcement, and penalties;

Not applicable

(5) Whether less restrictive or alternative methods of performing any function that the agency performs could adequately protect or provide service to the public;

There are no known or comprehended restrictions on the MIAC's ability to perform any function of this agency. The MIAC can experience a change in direction or support for issues on the board and on the state level since many board members are either elected or appointed by the residing governor. The MIAC recognizes that its charge is to the people of Minnesota and that issues reach beyond any political situations or boundaries that might result with new elections and a new administration.

The MIAC agency remains the only government to government entity of its kind in Minnesota, provided by Minnesota. The agency believes that it is in the best interest

of the American Indian and non-American Indian constituents in Minnesota to maintain the office in order to provide the highest level of services of its kind to the public.

(6)The extent to which the jurisdiction of the agency and the programs administered by the agency overlap or duplicate those of other agencies, the extent to which the agency coordinates with those agencies, and the extent to which the programs administered by the agency can be consolidated with programs of other state agencies;

The duties of the MIAC board and council are not duplicated by any other agency. However, they are related because all issues are addressed on a government-to-government basis and American Indian programs throughout the state are often connected either by statute or relationship. The result is a close working relationship with other agencies throughout the state of Minnesota. However, the MIAC employees do not possess the expertise or specific job related duties that are sometimes necessary of partnership agency employees, such as those specializing in education, health and human services, human rights, transportation, or corrections and public safety, and represent any other department solely because of American Indian decent. The duties of the council are unique to the council and to the state.

(7)The promptness and effectiveness with which the agency addresses complaints, concerning entities or other persons affected by the agency, including an assessment of the agency's administrative hearing process;

The MIAC commits to making concerted efforts to address all complaints brought to the agency. Complaints tend to be from constituents and in the areas of service

delivery or discrimination problems. The MIAC always refers its constituents to the best sources for their answers. The MIAC also has a website that receives comments, questions, and concerns from constituents. The MIAC handles any correspondences immediately and to the best of their ability. The MIAC does not have an administrative hearing process.

(8) An assessment of the agency's rulemaking process and the extent to which the agency has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public;

The MIAC does not have statutory authority to make rules.

(9)The extent to which the agency has complied with federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals, and state law and applicable rules of any state agency regarding purchasing guidelines and programs for historically underutilized businesses;

The MIAC abides by all state and federal discrimination laws and those applicable to equality of employment. The specific charge or mission, however, is on behalf of the American Indian people of the state of Minnesota. With that in mind, the Minnesota Indian Affairs Council, when advertising for available positions, will continue to attract a wide pool of eligible applicants who are American Indian and to that extent, can and will continue to make a fair hiring decision based on qualifications of applicants, in line with federal and state law.

The Minnesota Indian Affairs Council has not posted and hired for any newly created positions within the agency for more than five years. Within the past six years, two positions, already in place, were filled within the agency. The MIAC has experienced staffing changes but no staff turnover since that time. During the past five years, a replacement was hired to fill in for the cultural resources employee who went out on leave due to long-term chronic and terminal illness but that employee has since recovered and is back to work. For budget reasons, the MIAC was unable to maintain the cultural resources staff person who filled in while this full time equivalent FTE staff person was out on disability leave. All employees are unclassified employees and partial MAPE union members. The MIAC has the authority to hire new positions without posting through the public state employment system. The Board of the MIAC has requested to oversee all new staff hires. The MIAC contracts with the SMART agency for human resources services at the department of Administration and in the case of employment and hiring, takes the direction from SMART and relies heavily on their expertise to interpret associating labor laws and practices of the state of Minnesota.

(10) The extent to which the agency issues and enforces rules relating to potential conflicts of interest of its employees;

The MIAC complies with all the State Employee Code of Ethics policy. The employees are expected to adhere to the Code of Ethics and have taken the required training for code of ethics with purchasing and contracts. With the development of its first grant program in Dakota and the Ojibwe language revitalization, the MIAC strictly adhered to all conflict of interest policies for distribution of grant contracts and funding throughout the state of Minnesota. The MIAC follows the direction and relies heavily on

the advice and expertise of the SMART agency. The MIAC held training sessions and signed all proper forms stating no conflict of interest violations occurred between the individuals residing on the granting board and recipients of grant dollars.

(11) The extent to which the agency complies with chapter 13 and follows records management practices that enable the agency to respond efficiently to requests for public information; and

The MIAC contracts with the Small Agency Resources Team (SMART) within the Department of Administration to manage all the agency's human resources and financial data. The MIAC works with, relies heavily upon, and acts accordingly to any requests made by SMART pertaining to budget and human resources information and requests. The MIAC does not collect or store confidential data. Under the current administration, the MIAC has not received any requests for public information. If there was a request for public information, the MIAC would consult with the department of administration in order to ensure the highest level of service and public accountability and to abide by all state laws and procedures pertaining to Chapter 13.

(12) The effect of federal intervention or loss of federal funds if the agency is abolished.

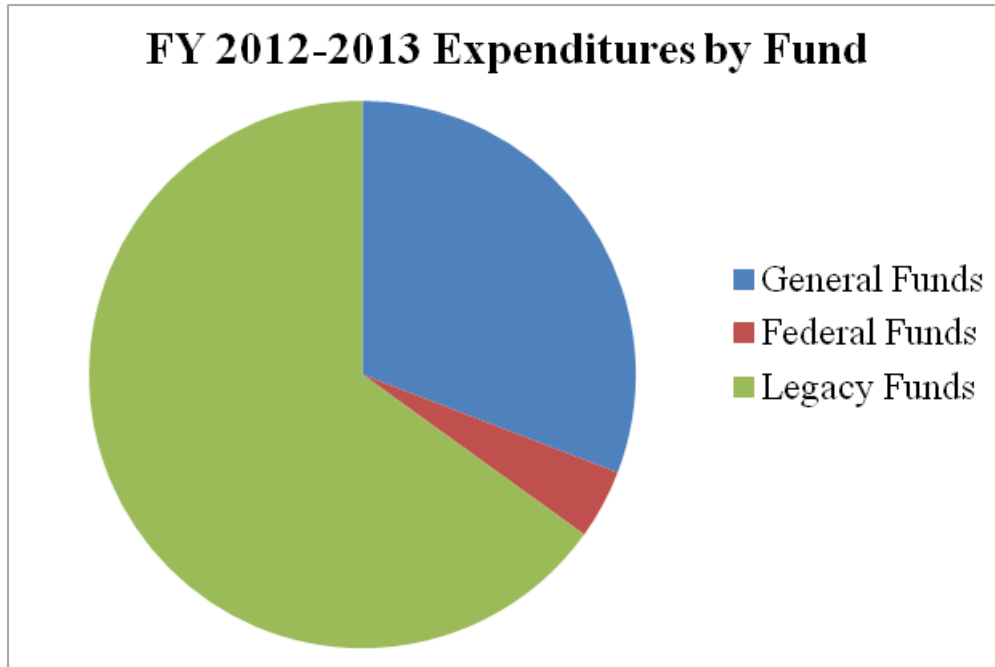
As highlighted in the above section entitled, "Agency at a Glance," the MIAC in partnership with the Department of Human Services has operated a successful federally funded position within the MIAC for approximately than 30 years. This position, which is supported largely by a federal grant through the department of Human Services, is to provide grant support to tribes for their work with the Office of Economic Opportunity. This working relationship would cease to exist but whether or not the program would

continue to operate is not known since the grant is directly received and distributed out of the Human Services department. Where the MIAC has been the recipient of any federal funding through grants from other departments, those grant dollars would cease to fund any programs developed by the MIAC.

The MIAC remains the only executive branch agency or office of its kind and an office that the state of Minnesota has always been considered a valuable service to its constituents. Even 48 years later, there is a tremendous amount of work to be done. The entire board and office remain committed to the vast population of American Indians and all non-American Indians in Minnesota and believe that dialogue and collaboration with its many partners is the very best way to achieve the successful outcomes that all are working toward.

(13) Priority Based Budgeting:

The Indian Affairs Council operates on three funds: the general operating budget fund, federal funds, and legacy fund dollars. These funds administer programs in the key areas of activity, which are the legislative and communications area, Cultural Resources and Reburial, Dakota and Ojibwe language revitalization, and the OEO grant outreach program.



From 2006 to the present, the majority of the budget was general fund budget money and a small revolving federal grant and remained at about \$500,000 per fiscal year. The general fund operating money and federal grant supported a five member staff, including, one executive director, one legislative staff, one cultural resources director, one cultural resources specialist, and one OEO grant specialist. During the 2010 and 2011 fiscal year, additional money was received and programs have been added to the Minnesota Indian Affairs Council. This was made possible through the Arts and Cultural Heritage Fund money, which enabled the Minnesota Indian Affairs Council to start the first program to revitalize two very important and endangered languages, the Dakota and Ojibwe Languages of Minnesota.

A crucial division within the Minnesota Indian Affairs Council is the area of Cultural Resources and Repatriation. The MIAC complies with Minnesota Statutes, section 307.08, which is the state of Minnesota's Private Cemeteries Act. Currently, the Minnesota Indian Affairs Council employs two full time staff to do the work of Cultural

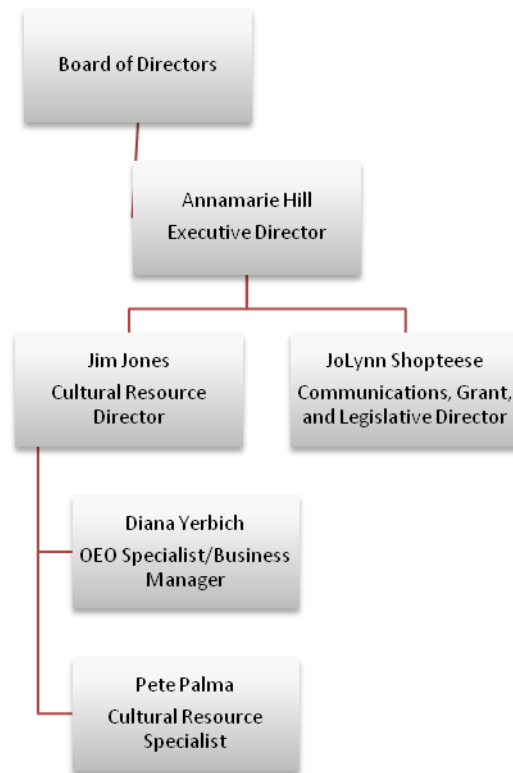
Resources. Prior to the budget cuts incurred by the MIAC in the 2012 and 2013 fiscal year, three employees were on staff for cultural resources. The Cultural Resources Director has recently received additional grant money to do the work of cultural resources. He has received a Minnesota Historical Society (MHS) grant and NAGPRA (federal) grant. The MHS grant was awarded to the MIAC to do the work of historical and cultural heritage projects. This project will provide a model of using archaeological data as it related to tribal communities within two cultural landscapes. One is the northern Ojibwe area within Cass/Crow Wing Counties, and the other within the Dakota homelands near the Red Wing location. Both of these landscapes are rich in archaeological data, most of which remains inaccessible to the public and have never been connected to the contemporary Native people. This grant will allow the MIAC to complete an updated inventory of the human remains that MIAC has had in its control since 1996 that are housed at Hamline University.

The \$60,000 federal fund that has been a part of the Minnesota Indian Affairs Council, for over 20 years has been a revolving federal fund that has gone through the Department of Human Services Office of Economic Opportunity to the Minnesota Indian Affairs Council to fund a position to do grant outreach within the OEO department. This federal fund offsets the cost of one full time employee under the entire general fund of the MIAC and is a shared position with the Department of Human Services.

The MIAC received a five percent cut to the general funding operating budget reduction for the 2012 and 2013 fiscal year biennium. In addition, the MIAC received only \$40,000 out of the \$60,000 federal fund appropriation from the Department of Human Services. Despite the cuts, the MIAC continues to operate at full capacity.

Additional Requirements

(1) Minnesota Indian Affairs Council Organizational Chart



(2) Link to the Organizations Website:

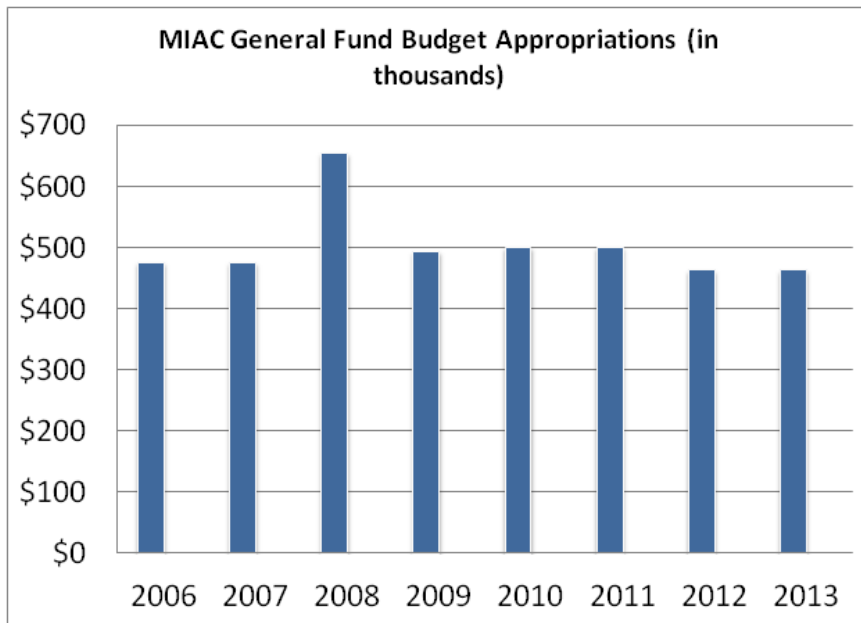
WWW.INDIANAFFAIRS.STATE.MN.US

(3) A Six Year History of Full Time Equivalent Staffing Levels:

| Fiscal Year | Full Time Equivalent Staff | Seasonal/Part time Staff |
|-------------|----------------------------|--------------------------|
| 2006 | 6 | 2 |
| 2007 | 5 | 0 |
| 2008 | 5 | 0 |
| 2009 | 5 | 0 |
| 2010 | 6* | 0 |
| 2011 | 6* | 3 |
| 2012 | 5 | 0 |

*One staff member was out on medical leave for most of the fiscal year

(4) A Six Year Funding History:



(5)A List of the Advisory Councils

The Urban Indian Advisory Board is an advisory board to the Minnesota Indian Affairs Council with representatives from four Minnesota cities with significant American Indian populations: Minneapolis, St. Paul, Duluth, and Bemidji. This six member board provides a forum for urban Indian communities, groups, and citizens to raise issues, discuss potential solutions, and request action regarding those identified issues that impact them. The Urban Indian Advisory Board meets quarterly in the urban areas and, when appropriate, presents its findings to the full Minnesota Indian Affairs Council for potential action or support. The chair of the Urban Indian Advisory Board attends and reports at the quarterly meetings of the full Council so as to allow direct communications between the Council and the Urban Indian Advisory Board.

(6)3.922 INDIAN AFFAIRS COUNCIL.

Subdivision 1. Creation, membership.

The state Indian Affairs Council is created to consist of the following members:

(1) one member of each of the following federally recognized tribes, designated by the elected tribal president or chairperson of the governing bodies of:

the Fond du Lac Band;

the Grand Portage Band;

the Mille Lacs Band;

the White Earth Band;

the Bois Forte (Nett Lake) Band;

the Leech Lake Band;

the Red Lake Nation;

the Upper Sioux Community;

the Lower Sioux Community;

the Shakopee-Mdewankanton Sioux Community;

the Prairie Island Mdewakanton Dakota Community;

(2) a member of the governor's official staff designated by the governor;

the commissioner of education;

the commissioner of human services;

the commissioner of natural resources;

the commissioner of human rights;

the commissioner of employment and economic development;

the commissioner of corrections;

the commissioner of the Minnesota Housing Finance Agency;

the commissioner of Iron Range resources and rehabilitation;

the commissioner of health;

the commissioner of transportation;

the commissioner of veterans affairs;

the commissioner of administration;

Each of the commissioners listed in this clause may designate a staff member to serve on the council instead of the commissioner;

(3) two members of the house of representatives, appointed by the speaker;
and

(4) two members of the senate, appointed by its Subcommittee on Committees.

Members appointed to represent the house of representatives or the senate shall no longer serve on the council when they are no longer members of the bodies which they represent and their offices shall be vacant. A member who is a designee of a tribal president or chairperson shall cease to be a member at the end of the term of the designating tribal president or chairperson. Only members of the council designated under clause (1) shall vote.

Subd. 2.

[Repealed by amendment, 2007 c 130 s 1]

Subd. 3. **Compensation; expenses.**

Compensation of members appointed under subdivision 1, clause (1), is as provided in section 15.0575. Because the council performs functions that are not purely advisory, the expiration dates provided in section 15.059 do not apply. Expenses of the council must be approved by two of any three members of the council designated by the council and then be paid in the same manner as other

state expenses. The chair shall inform the commissioner of management and budget in writing of the names of the persons authorized to approve expenses.

Subd. 4.Meetings.

Meetings may be called by the chair or at the written request of five members of the council. A majority of the voting members of the council is a quorum.

Subd. 5.Officers; personnel; authority.

The council shall annually elect a chair and other officers as it may deem necessary. The chair may appoint subcommittees necessary to fulfill the duties of the council. It shall also employ and prescribe the duties of employees and agents as it deems necessary at the direction of elected tribal leaders. The compensation of the executive director of the council is as provided by section 43A.18. All employees are in the unclassified service. Appropriations and other funds of the council are subject to chapter 16C. The council may contract in its own name. Contracts must be approved by a majority of the members of the council with the approval of elected tribal leaders and executed by the chair and the executive director. The council may apply for, receive, and spend in its own name, grants and gifts of money consistent with the powers and duties specified in this section. The council shall maintain its primary office in Bemidji. It shall also maintain personnel and office space in St. Paul.

Subd. 6.Duties.

The primary duties of the council are to:

(1) analyze and make recommendations to tribal elected leaders and to members of the legislature and the governor on legislation and information on programs, proposals, and projects of importance to tribal governments and nontribal Indian organizations;

(2) assist in establishing Indian advisory councils in cooperation with state agencies that deliver services to the federally recognized tribes in Minnesota and the urban Indian communities;

(3) assist state agencies in defining what groups, organizations, committees, councils, or individuals are eligible for delivery of their respective services;

(4) assist in ensuring the provision of resources and the delivery of services to the federally recognized tribes in Minnesota and the urban Indian communities;

(5) recommend to tribal governments and the state government the means to enhance the delivery of services to the members of federally recognized tribes in Minnesota by local, state, and national units of government;

(6) assist state agencies in implementing and updating studies of services delivered to the federally recognized tribes in Minnesota and urban Indian communities;

(7) provide, for the benefit of all levels of state government, a continuing liaison between state governmental bodies and elected tribal leaders;

(8) interact with private organizations involved with Indian people that develop and implement programs to assist Indian people, when such programs may affect state agencies and departments;

(9) develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for Indian persons who have been, are, or may be subject to prejudice and discrimination;

(10) review data provided by the commissioner of human services under section 260C.215, subdivision 5, and present recommendations to elected tribal leaders on the out-of-home placement of Indian children; and

(11) prepare a proposed agenda for the annual summit of elected tribal leaders, legislative leaders, and the governor.

Subd. 7.State officials and departments; cooperation.

In carrying out these objectives and to ascertain the needs of members of federally recognized tribes in Minnesota and urban Indian community members, the council shall have the right to confer with state officials and other governmental units and have access to records as necessary to obtain needed information. The council also shall have the right to call upon various state departments for technical advice and service as needed to fulfill its purposes.

Subd. 8.Advisory board.

An advisory board on urban Indians shall advise the council on the unique problems and concerns of Minnesota Indians who reside in urban areas of the state. The board must be appointed by the council at the direction of the elected tribal leadership and consist of six Indians residing in the vicinity of Minneapolis, St. Paul, Bemidji, and Duluth. At least one member of the board must be a resident of each city. The terms, compensation, and removal of members are as provided in section 15.059, but the expiration dates provided in that section do not apply.

Subd. 9.

[Repealed, 1997 c 7 art 2 s 67]

Subd. 10.Rulemaking.

Notwithstanding other law, the council does not have authority to adopt, amend, or repeal rules or to adjudicate contested cases or appeals. Rules adopted before July 1, 2001, may continue in effect until amended or repealed by law.

History:

1963 c 888 s 2 subd 2-4,6-8; 1965 c 888 s 7 subd 1,3; 1967 c 299 s 9; Ex1967 c 55 s 1,2; 1969 c 540 s 3; 1969 c 975 s 17; 1969 c 1005 s 1,2; 1969 c 1129 art 3 s 1; 1974 c 539 s 1; 1975 c 54 s 1; 1975 c 271 s 6; 1976 c 314 s 1; 1980 c 374 s 1; 1981 c 356 s 68; 1983 c 260 s 1; 1983 c 289 s 115 subd 1; 1983 c 299 s 3; 1983 c 301 s 59; 1984 c 654 art 5 s 58; 1986 c 344 s 1; 1986 c 444; 1987 c 186 s 15; 1987 c 312 art 1 s 26 subd 2; 1987 c 375 s 1; 1988 c 469 art 1 s 1; 1988 c 629 s 1,2; 1988 c 689 art 2 s 1; 1991 c 292 art 3 s 1,2; 1Sp1995 c 3 art 16 s 13; 1996 c 420 s 1,2; 1998 c 386 art 2 s 4; 1999 c 139 art 4 s 2; 2001 c 88 s 1; 1Sp2001 c 4 art 2 s 1; 2003 c 130 s 12; 1Sp2003 c 4 s 1; 2004 c 206 s 1; 2006 c 234 s 1; 2007 c 130 s 1; 2009 c 101 art 2 s 109