

Management Committee

For the Metropolitan Council meeting of July 24, 2019

Subject: Government-to-Government Tribal Relations Policy

Proposed Action

That the Metropolitan Council adopts the Government-to-Government Tribal Relations Policy

Summary of Committee Discussion/Questions

Manager of Public Involvement Michelle Fure presented the item to the July 10 meeting of the Management Committee. Ms. Fure provided background on the process to create the policy and changes in response to feedback from the Council, the Equity Advisory Committee and members of tribal communities, following the presentation of the information item to the Council on June 26. She also reiterated that the governor's executive order also calls for agencies to begin the consultation process with the 11 federally recognized tribes right away, in preparation for potential policy discussions that will begin in September.

Council Member Johnson asked how much consistency there is between the different tribal consultation policies, and how different agencies would coordinate with each other. Ms. Fure noted that the executive order clearly identifies the elements of a policy, so the policies will address the same issues, though the format may be different. As for coordination among agencies, Ms. Fure noted that is still an open question but appreciated how important that will be to assure both consistency and collaboration between governments.

Council Member Gonzalez asked who has been designated as the Council's tribal liaison, and Ms. Fure noted that the Government Affairs director is designated, with support from herself and the Community Relations manager.

Motion by Lilligren and seconded by Lee; motion carried.

Management Committee

Meeting date: July 10, 2019

For the Metropolitan Council meeting of July 24, 2019

Subject: Government-to-Government Tribal Relations Policy

District(s), Member(s): All

Policy/Legal Reference: [Executive Order 19-24](#)

Staff Prepared/Presented: Michelle Fure, Manager of Public Involvement (651-602-1545)

Division/Department: Regional Administration

Proposed Action

That the Metropolitan Council adopts the Government-to-Government Tribal Relations Policy

Background

Gov. Tim Walz issued Executive Order 19-24 in April 2019. This order provides that the identified agencies, including the Metropolitan Council, establish a tribal consultation policy. This policy should recognize the unique legal relationship between the State of Minnesota and the Minnesota Tribal Nations, respect the fundamental principles that establish and maintain this relationship, and accord Tribal Governments the same respect accorded to other governments. The policy must also designate a tribal liaison to assume responsibility for implementing the policy and serve as the point of contact for tribal nations.

Rationale

Meaningful and timely consultation with Minnesota Tribal Nations will facilitate better understanding and informed decision making by allowing for collaboration on matters of mutual interest and help to establish mutually respectful and beneficial relationships between Minnesota governments and Minnesota Tribal Nations.

The Council has been engaging tribal communities to create a formal tribal consultation policy since before the order from Governor Walz. Those communities are generally supportive of the Council's adoption of this policy and the clarity it provides.

Thrive Lens Analysis

This action will formally establish the responsibility for the Council to intentionally consult with Tribal Nations prior to decisions that impact those communities. It directly advances the Equity outcome of Thrive MSP 2040.

Funding

N/A

Known Support / Opposition

Individuals and organizations consulted have indicated support for the Council's action to establish a tribal consultation policy.

POLICY – GOVERNMENT-TO-GOVERNMENT TRIBAL RELATIONSHIP

Section/Number:	Total Pages: 2
Dept. Responsible: Communications	Effective Date:
Special Note:	Last Revision Date:
	Last Review Date:
	Revision No.

I. Policy

The Metropolitan Council as a public corporation and political subdivision of the state will engage in consultation, collaboration and cooperation with the 11 federally recognized Tribal Nations in Minnesota.

The Council recognizes that meaningful and timely government-to-government consultation between the Council and the Tribal Nations facilitates better understanding and informed decision making on matters of mutual interest.

The Council expects that council members, committee members and staff respect the following principles at all phases of studying, planning and developing regional projects, as well as providing essential services across the metro area.

- We will identify priority issues and intersections with the Council’s work through at least yearly consultation with each Tribal Nation.
- We acknowledge the Tribal Nation as the appropriate party to consult for policy decisions related to their people, land or other places of cultural significance.
- We honor tribal officials requests for consultation, and consider the nature of the activity, past consultation, available resources, timing and all other relevant factors.
- We consult in face-to-face meetings between the appropriate level staff and at a location and time determined by the Tribal Nation.
- We will consult with honesty, integrity and transparency, sharing information that will benefit and support shared decisions or positions.

II. Purpose of policy

To recognize that the United States and the State of Minnesota have a unique legal relationship with federally recognized Tribal Nations, as affirmed by the Constitution of the United States, treaties, statutes, and case law.

To recognize and support the unique status of the Tribal Nations and their right to existence, self-governance and self-determination, and to demonstrate a clear commitment to that sovereignty.

To create intentional, lasting, working relationships with Tribal Nations that build off a sound, actionable tribal policy.

To embody the Council’s commitment to the Thrive MSP 2040 outcomes of equity, stewardship, prosperity, livability and sustainability. Specifically, where equity connects all residents to opportunity and creates viable housing, transportation, and recreation options for people of all races, ethnicities, incomes, and abilities. Our region is stronger when all people live in communities that provide them access to opportunities for success, prosperity, and quality of life.

To acknowledge that the Twin Cities metropolitan area was first inhabited by the Ojibwe, the Dakota, and other tribes.

III. Background and reasons for policy

On April 4, 2019, Governor Tim Walz issued Executive Order 19-24 affirming the government-to-government relationship between the State of Minnesota and the 11 federally recognized Minnesota Tribal Nations. This revision to a 2013 Executive Order (13-10) issued by the previous administration recognized the Council’s role in government-to-government relationship with Tribal Nations.

The seven-county metropolitan area geographically includes property owned by two of the 11 federally recognized Tribal Nations in Minnesota – the Shakopee Mdewakanton Sioux Community and the Prairie Island Indian Community. While the executive order directly addresses the federally recognized tribes, the Council values the unique relationship with all tribal communities living in the Twin Cities metropolitan region, as well as those living outside the region who have a relationship with tribal land, and sacred or cultural sites. The work of the Council might also involve sacred lands and waters that are culturally and historically significant to Tribal Nations that extend beyond the geographic boundaries of tribal-owned land.

For example, the Dakota people hold deep historic and spiritual meaning in the confluence of the Minnesota and Mississippi rivers (the Bdote Minisota). There are also ceremonial sites, ancestral burial grounds, and village sites throughout the region that are still used and revered by tribal people, such as St. Anthony Falls, Minnehaha Falls and Coldwater Spring. Tribally significant lands like these are within the regional parks system, or are important to transportation or wastewater services.

IV. Implementation/Accountability

Council leadership and staff will consult directly with the appropriate level representatives to ensure appropriate communication and coordination between the Council and tribal officials prior to taking actions that may affect tribes or tribal interests.

Accountability:

- A. The Regional Administrator or designee is responsible for administering this policy.
- B. The Regional Administrator or designee will collaborate with the Director of Communications and the appropriate outreach and engagement staff to establish procedures to implement the policy and ensure that the procedures are necessary and consistent with this policy.
- C. The Metropolitan Council chair is responsible for any direct consultation or communication with a Tribal Council chair or president. Accordingly, Metropolitan Council members are responsible for direct consultation or communications with Tribal Council members.
- D. Division leadership and management staff are responsible for being aware of this policy and advising their staff accordingly.

Related policies and/or implementing procedures include:

- Thrive MSP 2040 Public Engagement Plan
- Guide to Respectful, Inclusive Language

Revision/Review Tracking

Date	Revision No.	Review Only – No changes
	1	