

WORK SESSION (COUNTY BOARD ROOM):

REVIEW RAB WORK PLAN

REVIEW REPORTING EXPECTATIONS

CALL MEETING TO ORDER

Board Chair Genny Reynolds called the meeting to order at 9:01 a.m. with the following commissioners present: Commissioners Whitcomb, Tellinghuisen, Reynolds, Bjornson, and Munson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

APPROVE THE AGENDA (ADDITIONS AND DELETIONS)

A motion was made by Commissioner Whitcomb seconded by Commissioner Bjornson and unanimously carried to approve the agenda as presented.

CONSENT AGENDA

A motion was made by Commissioner Whitcomb seconded by Commissioner Munson and unanimously carried to approve the agenda as amended with item 4.8 and 4.9 removed for discussion.

CONSIDER CY26 REGION 7E AMHI GRANT CONTRACT WITH ISANTI COUNTY

CONSIDER RESOLUTION 02-03-26-01: ESTABLISH ABSENTEE/UOCAVA/SAF BALLOT BOARD FOR 2026 ELECTONS

*Board of County Commissioners
Mille Lacs County, Minnesota*

Resolution No.: 02-03-26-01

ESTABLISHING AN ABSENTEE BALLOT BOARD AND UOCAVA/SAF BALLOT BOARD FOR 2026 ELECTIONS

WHEREAS, Mille Lacs County is required by Minnesota Statutes 203B.121, Subd.1 to establish an Absentee/UOCAVA/SAF Ballot Board effective February 3, 2026; and

WHEREAS, this board will bring uniformity in the processing of accepting or rejecting returned absentee ballot and UOCAVA/SAF ballots in Mille Lacs County; and

WHEREAS, the Absentee/UOCAVA/SAF Ballot Board would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy county auditors (Property Records and Taxation Specialists) trained in the processing and counting of absentee ballots.

NOW, THEREFORE, BE IT RESOLVED, that the Mille Lacs County Board of Commissioners hereby establishes an Absentee/UOCAVA/SAF Ballot Board that would consist of a sufficient number of election judges as proved in sections 204B.19 to 204B.22 or Property Records and Taxation Specialists to perform the task.

CONSIDER MILLE LACS COUNTY AND MINNESOTA GEOLOGICAL SURVEY AGREEMENT

CONSIDER PURCHASE OF CORWDSTRIKE FILEVANTAGE FILE INTEGRITY MANAGEMENT

REVIEW OF CVS WARRANTS

REVIEW OF ADMINISTRATOR WARRANTS

CONSIDER COMMISSONERS MILEAGE AND PER DIEMS – JANUARY 2026

CONSIDER APPROVAL OF NO-COST FACILITY CONDITION AND SPACE NEEDS ASSESSMENT

Public Works Director Wesley Davis presented the agenda item. Discussion took place regarding the details of the program and how this would benefit the County. A motion was made by Commissioner Whitcomb seconded by Commissioner Bjornson and unanimously carried to approve the no-cost facility condition and space needs assessment.

CONSIDER APPROVAL FOR THE ACCEPTANCE OF TOTAL LOSS SETTLEMENT – MAINTENANCE #4 PICKUP

Facilities and Fleet Operations Manager Noelan Lange presented the agenda item. Discussion took place on how the damage took place and if it's beneficial to investigate further how the incident occurred. A motion was made by Commissioner Tellinghuisen seconded by Commissioner Munson and unanimously carried to approve the acceptance of the total loss settlement – maintenance #4 pickup.

CONSIDER JANUARY 27, 2026 MEETING MINUTES

CONSIDER JANUARY 20, 2026 MEETING MINUTES

REGULAR AGENDA

LAND SERVICES OFFICE

CONSIDER PLANNING COMMISSIONER RECOMMENDATIONS

Zoning Administrator Keenan Hayes presented the agenda item. Discussion took place regarding the purpose of the rezoning of the parcels. Each parcel was requested to have a separate motion.

A motion was made by Commissioner Whitcomb, seconded by Commissioner Munson, and unanimously carried to approve Parcel 01-030-0405.

A motion was made by Commissioner Bjornson, seconded by Commissioner Munson, and unanimously carried to approve Parcel 11-009-0201.

A motion was made by Commissioner Munson, seconded by Commissioner Bjornson, and unanimously carried to approve Parcel 15-024-0106.

COUNTY SHERIFF'S OFFICE

COUNTY ATTORNEY'S OFFICE

COMMUNITY AND VETERAN SERVICES OFFICE

ADMINISTRATIVE SERVICES OFFICE

REVIEW JANUARY NEW HIRES AND LEAVES

Employee Relations Specialist Krystal Erickson presented the agenda item.

CONSIDER SPECIALTY FAMILY CHILDCARE OPPORTUNITY

Community and Organizational Development Manager Lainy Hoskins presented the agenda item. Discussion took place regarding the concern of the storage of assets at Ericksonville, and whether this is going to interfere with building additional storage, office space, or parking. Additional discussion took place regarding the number of children and hours of operation, and the need for childcare in the area. Commissioner Whitcomb stated that the location is ideal for a childcare facility as it is located near the school, and there is additional room for storage in the back lot. A motion was made by Commissioner Whitcomb, seconded by Commissioner Bjornson, and unanimously carried to approve the specialty family childcare opportunity.

CONSIDER RESOLUTION 02-03-26-02: FUND BALANCE TRANSFER

Chief Financial Officer Amy Anderson presented the agenda item. A motion was made by Commissioner Bjornson, seconded by Commissioner Munson, and unanimously carried to adopt resolution 02-03-26-02: Fund Balance Transfer.

Board of County Commissioners

Mille Lacs County, Minnesota

Resolution No.: 02-03-26-02

DITCH FUND TRANSFER

WHEREAS The County Board, acting as the ditch Authority, approved expenses for County Ditch #1, and;

WHEREAS County Ditch Fund #1 is short of \$162,500 and does not have sufficient funds to cover the expenses.

NOW, THEREFORE, BE RESOLVED, that the Mille Lacs County Board of Commissioners transfers from the General Fund to Ditch Fund 1 \$162,500 effective 12/31/2025.

CONSIDER PROPOSAL FOR FINANCIAL ASSISTANCE SERVICES

County Administrator Dillon Hayes presented the agenda item. A motion was made by Commissioner Whitcomb, seconded by Commissioner Bjornson, and unanimously carried to approve the proposal for financial assistance services from CLA for up to \$50,000.

CONSIDER RESOLUTION 02-03-26-03: MILLE LACS RESERVATION

County Administrator Hayes presented the agenda item. Discussion took place regarding whether this would result in any legal action. A motion was made by Commissioner Whitcomb, seconded by Commissioner Tellinghuisen, and carried with Commissioners Whitcomb, Tellinghuisen, Reynolds and Bjornson voting in favor, and Commissioner Munson voting opposed to adopt resolution 02-03-26-03: Mille Lacs Reservation.

Board of County Commissioners

Mille Lacs County, Minnesota

Resolution No.: 02-03-26-03

REQUESTING THAT THE DEPARTMENT OF INTERIOR VACATE SOLICITOR'S OPINION M-37032, OPINION ON THE BOUNDARIES OF THE MILLE LACS RESERVATION

WHEREAS, the Eight Circuit Court of Appeals vacated the District Court decision that the Mille Lacs Reservation had not been disestablished, and criticized both the lower court and the Department of Interior for failing to follow Supreme Court precedent in issuing opinions on the status of the Mille Lacs Reservation that were not subject to judicial review [Mille Lacs Band Ojibwe v. Madore, 128 F.4th 929 (2025)];

WHEREAS, the Department of Interior Opinion that was criticized by the Eighth Circuit was the Solicitor's Opinion M-37032, Opinion on the Boundaries of the Mille Lacs Reservation dated November 20, 2015;

WHEREAS a review of the history, treaties, Congressional Acts, agreements and judicial decisions all confirm that the Mille Lacs Reservation was disestablished over 150 years ago and that Solicitor's Opinion M-37032 issued during the Obama Administration is unsupported, creates confusion

regarding the status of the former Mille Lacs Reservation, is being used by Governor Walz and Attorney General Ellison to justify the State's changed position on the Reservation and must be vacated by the Department of Interior;

WHEREAS, the Mille Lacs Reservation, consisting of 61,000 acres along the southern and western shores of Lake Mille Lacs, was created by the 1855 Treaty with the Chippewa, 10 Stat. 1165 (the "1855 Treaty");

WHEREAS the 1855 Mille Lacs Reservation was ceded to the United States by both the 1863 Treaty signed on March 11, 1863, and the nearly identical and superseding Treaty signed on May 7, 1864, 13

Stat. 693 (“1864 Treaty”). In exchange, the Mille Lacs Band received certain payments and a larger reservation near Leech Lake;

WHEREAS, *an 1867 Treaty, 16 Stat. 719, replaced the reservation near Leech Lake with a larger reservation that was more suitable for farming that became known as the White Earth Reservation;*

WHEREAS, *because of a provision in the 1864 Treaty, Article 12, that the Mille Lacs Band would not be compelled to remove from the lands at Mille Lacs as long as they did not interfere with or in any way with the persons or property of the whites, the Band claimed a right to remain in Mille Lacs;*

WHEREAS, *Congress passed the Nelson Act in January 1889, 25 Stat. 642, which directed the President to appoint a commission to negotiate with the different bands or tribes of Chippewa Indians for the complete cession and relinquishment of all their titles and interests in and to all the reservations in the State of Minnesota except the White Earth and Red Lake Reservations, and the acceptance of such approval of such cession and relinquishment by the President shall operate as complete extinguishment of Indian title, Id.;*

WHEREAS *the Mille Lacs Band subsequently entered into an agreement pursuant to the Nelson Act in which it agreed to “hereby forever relinquish to the United States the right of occupancy on the Mille Lacs Reservation, reserved to us by the Twelfth Article of the [1864 Treaty].” H.R. Exec. Doc. No. 51-247;*

WHEREAS, *the Department of Interior would not grant the Mille Lacs Band allotments in Mille Lacs, but insisted that the Band remove to White Earth Reservation for allotments, and Congress passed two resolutions in 1893 and in 1898 that opened all the land at “the former Mille Lacs Reservation” to settlement and sale under the public land laws of the United States;*

WHEREAS, *to induce the remaining Mille Lacs Indians to remove to White Earth, Congress by the Act of May 27, 1902, 32 Stat. 245, provided payment of \$40,000.00 to the Mille Lacs Indians upon condition of their “removing from said Mille Lacs Reservation” to take allotments at White Earth or elsewhere;*

WHEREAS, *by agreement signed with the Mille Lacs Indians, now identified as the “Mille Lacs Indians occupying the former Mille Lacs Indian Reservation” the Band agreed to remove from the Mille Lacs Indian Reservation in exchange for the payment of \$40,000.00 [Minutes of Council of the Mille Lacs Indians at Mille Lacs (Aug. 30, 1902)];*

WHEREAS, *the United States Supreme Court in United States v. Mille Lacs Band of Chippewa Indians, 229 U.S. 498 (1913), reviewed the history of these treaties, Congressional acts and agreements and found that the Mille Lacs Band expressly consented to the provisions of the Nelson Act which operated as “an express relinquishment of the lands in the Mille Lacs Reservation.” The band signed the agreement “forever relinquish[ing] to the United States the right of occupancy on the Mille Lacs Reservation, reserved to us by the Twelfth Article of the Treaty of May 7, 1864.” United States v. Mille Band of Chippewa Indians, 229 U.S. at 502-5;*

WHEREAS, *in the United States v. Minnesota, 270 U.S. 181 (1926), the United States sued the State of Minnesota to cancel swamp land patents issued to the State for lands in the former Mille Lacs Reservation between 1871 and 1912, but the U.S. Supreme Court ruled in favor of the State of Minnesota because the Mille Lacs Reservation had been ceded by the 1863/1864 Treaties and relinquished to the United States under the Nelson Act. United States v. Minnesota, 270 U.S. 181, 197-199 (1926);*

WHEREAS *a 1935 Solicitor’s Opinion by the Department of Interior makes clear that the Mille Lacs Reservation had been terminated and that subsequent references to the “Mille Lacs Reservation” were references to lands later purchased and held in trust by the United States for a small group of Band members who remained in the Mille Lacs area beginning in 1916;*

WHEREAS, *the Constitution of the Minnesota Chippewa Tribe, adopted in 1936, recognizes that there are five reservations for the various other Chippewa Bands but no reservation for the Mille Lacs Band of Chippewa Indians;*

WHEREAS, *when the Mille Lacs Band brought suit against the United States which resulted in the 1913 United States Supreme Court decision, it argued in its briefs to the Court of Claims that it was entitled to compensation because the Mille Lacs Reservation was “extinguished as an Indian Reservation” ... “and the Mille Lacs Reservation as an Indian Reservation ceased to exist”;*

WHEREAS, these matters were heard by the Eighth Circuit Court of Appeals in *Mille Lacs Band of Ojibwe v. Erica Madore*, 128 F.4th 929 (Feb. 12, 2025) in which the Eighth Circuit of Appeals reversed and vacated the District Court decision which had held that the Mille Lacs Reservation had not been terminated or extinguished by noting that the Band's claim that the 1855 Reservation still exists as "never [been] resolved in the Band's favor for approximately 150 years." *Id.* at 942;

WHEREAS, Solicitor's Opinion M-37032 should likewise be vacated by the Department of Interior since, as the Eighth Circuit Court of Appeals noted, "it is not the province of an agency official and a lower federal court to construe Supreme Court opinions in a manner not subject to appellate review," which made it appropriate for the Eighth Circuit to vacate the District Court's Order;

WHEREAS Solicitor's Opinion M-37032 was made following the 2013 application by the Mille Lacs Band for the right to exercise federal jurisdiction under the Tribal Law and Order Act throughout the original 1855 Mille Lacs Reservation;

WHEREAS, Solicitor's Opinion M-37032, issued during the Obama Administration, was withheld from Mille Lacs County for months to allow the Mille Lacs Band to petition the Minnesota legislature to change the State's statute governing the exercise of state police powers so the Band would no longer be required to have an agreement with the Mille Lacs County Sheriff;

WHEREAS, Solicitor's Opinion M-37032 is contrary to the position taken by the United States for over 150 years, and was contrary to the 1935 Solicitor's Opinion regarding the status of the Mille Lacs Reservation;

WHEREAS, in its review of the history of the various treaties, Congressional Acts, agreements and Supreme Court decisions regarding the Mille Lacs Reservation, the Eighth Circuit found that in two opinions "the Supreme Court repeatedly used language 'precisely suited' to disestablishment in describing the effects of the 1863 and 1864 Treaties and the Nelson Act on the Reservation established in the 1855 Treaty. ... the holdings in these cases – that the Band was entitled to be paid the consideration it was promised, and that the State had retained its rights under land patents – were consistent with disestablishment." *Madore*, 128 F.4th at 951;

WHEREAS, while the Eighth Circuit did not ultimately determine the status of the Reservation because it held the case was moot on other grounds, the Court made clear its analysis, based on its review of the facts and history, as being consistent with disestablishment of the former Mille Lacs Reservation;

WHEREAS the Department of Interior's Solicitor's Opinion M-37032 fails to properly analyze the historical record, treaties, agreements, and acts of Congress and subsequent Supreme Court decisions and was appropriately criticized by the Eighth Circuit as misconstruing the two decisions by the United States Supreme Court;

WHEREAS, the overwhelming historical record and evidence, coupled with the Eighth Circuit's analysis in *Mille Lacs Band of Ojibwe v. Madore*, mandates that the Department of Interior vacate Solicitor's Opinion M-37032, Opinion on the Boundaries of the Mille Lacs Reservation (November 20, 2015).

NOW, THEREFORE, the County of Mille Lacs hereby resolves that the Department of Interior should review the decision by the Eighth Circuit Court of Appeals in *Mille Lacs Band of Ojibwe v. Erica Madore*, 128 F.4th 929 (2005), and carefully review the voluminous historical record, and upon such review revoke Solicitor's Opinion M-37032, Opinion on the Boundaries of the Mille Lacs Reservation (November 20, 2015), and readopt the 1935 Solicitor's Opinion finding that the Mille Lacs Reservation has long been disestablished.

The County Board recessed the meeting at 9:58 a.m., and re-opened the meeting at 10:07 a.m.

CONDUCT COUNTY ADMINSTRATOR 2ND ROUND INTERVIEWS

The Board conducted interviews with County Administrator finalists Doug Hansen, Camille Hepola, and Luke Van Horn. Discussion took place regarding the candidates among the County Board and Department Heads.

The County Board recessed the meeting at 12:46 p.m., and re-opened the meeting at 1:43 p.m.

County Administrator Hayes and Personnel Director Karly Feters presented the agenda item. A motion was made by Commissioner Munson, seconded by Commissioner Whitcomb and carried with

Commissioners Whitcomb, Reynolds, Bjornson, and Munson voting in favor, and Commissioner Tellinghuisen voting opposed, to approve extending an offer to Camille Hepola and coordinating with the Executive Committee to negotiate contractual details for consideration of an employment agreement at a subsequent meeting.

COMMITTEE REPORTS

Commissioner Reynolds attended the emergency services board. Munson attended the leadership team meeting and the Lakes and Pines meeting.

ADJOURN

A motion was made by Commissioner Munson, seconded by Commissioner Bjornson and unanimously carried to adjourn the meeting at 1:54 p.m.

WORK SESSION (COUNTY BOARD ROOM):

SAHA/HRA FUNDING

ATTEST:

Dillon Hayes
County Administrator

Genny Reynolds
County Board Chairperson