

**THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE**

Special Meeting
March 15, 2017

The special meeting of the Minnesota Chippewa Tribe Tribal Executive Committee was called to order by President Kevin Dupuis at 9:13 a.m. at Grand Casino Hinckley, Hinckley, Minnesota.

Roll Call: Kevin Dupuis, Chairman, Fond du Lac; Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Melanie Benjamin, Chief Executive, Mille Lacs; Carolyn Beaulieu, Secretary/Treasurer, Mille Lacs; Faron Jackson, Chairman, Leech Lake; Arthur LaRose, Secretary/Treasurer, Leech Lake; Steven Clark, Rep. sitting for Terrance Tibbetts, White Earth; Tara Mason, Secretary/Treasurer, White Earth; Catherine Chavers, Chairwoman, Bois Forte; David Morrison, Secretary/Treasurer, Bois Forte; Norman Deschampe, Chairman, Grand Portage; Dennis Morrison, Secretary/Treasurer, Grand Portage.

Absent: Terrance Tibbetts, Chairman, White Earth

Quorum present.

Others: Phil Brodeen, Legal, Minnesota Chippewa Tribe; David Aubid, Rep., Mille Lacs; Adam Valdez, Commissioner of Finance, Mille Lacs; Syngen Kanassategan, Legal Policy Counsel, Mille Lacs; Todd Matha, Solicitor General, Mille Lacs; Beth Baldwin, Attorney, Mille Lacs; Emily Johnson, Strategic Initiatives, Mille Lacs; Shelly Diaz, Urban Rep., Mille Lacs; Caryn Day, Legislative Communications Liaison, Mille Lacs; Shelly Day, Leg. Office Manager, Mille Lacs; Toni Pemberton, Assistant, Leech Lake; Tadd Johnson, Professor, UMD; MCT Staff and other interested parties.

Motion by Melanie Benjamin to approve the Agenda with additions. Seconded by Catherine Chavers. 10 For, 0 Against, 0 Silent. Carried.

MILLE LACS SELF GOVERNANCE PRESENTATION: Brad Harrington
Syngen Kanassategan

Individual asked why are questioned being raised now since this was in effect since Mille Lacs Self-governance has been in effect since 1983.

Tara Mason stated she had questions, she wasn't aware of three branches government at Mille Lacs. In December a memorandum was sent out that placed other members on the subcommittees. The question of whether Mille Lacs government was it constitutional? The memorandum was from the Mille Lacs Band Solicitor General stating that the band assembly resolution was non-binding. Mille Lacs passed interpretations to state the resolution was non-binding. How could it be non-binding? Don't want to get into anyone else's business, but would

appreciate more input from the Tribal Executive Committee. The list of federally recognized tribes in Federal Register, cite code the tribe is the Minnesota Chippewa Tribe. Look at every Minnesota Chippewa Tribe enrolled member.

Todd Matha, Solicitor General

The Governing body of Mille Lacs is not just band assembly. In the Constitution Section 5 Bylaws, no resolution defined the committees. There is a difference of opinion on Tribal Executive Committee.

Question asked if referred to as a Minnesota Chippewa Tribe Band member or Mille Lacs Band member?

Todd stated it's up to the individual bands to set forth in an Ordinance. Beth Baldwin, Attorney referred to Article VI Section 1 & 2. Each band, etc. has authority, White Earth put out.

Kevin Dupuis stated that the bylaws were never done, but the bylaws are finished now. Any government can have a 3 tier government as long as it conforms to the Minnesota Chippewa Tribe Constitution. When we sit here we represent all the people, petition process 5% Mille Lacs, Constitution 20%. If there are differences how can they sit here with different ordinance? Respect each ones government. Band Assembly resolution on who sits on sub-Committees. Melanie Benjamin stated that the Secretary/Treasurer doesn't have vote – all members vote in joint session. Kevin asked about the petitions.

Melanie responded on proposed issues brought to the Band Assembly. The 5% of members can propose a resolution to bring issue to band assembly table. Todd informed the Committee that Mille Lacs sets petition process lower to conform to the number of members; the 5% would be no problem to get, whereas the 25% would be a problem. Kevin stated the Secretarial Election 30% to vote, 30% of registered voters. What about the moratorium at Mille Lacs?

Todd referred to the Election Ordinance where appeals are brought to the band. Kevin responded we need to unite the way were supposed to unite. Don't like being compared to counties.

Audience questions why isn't there anyone here from Red Lake? Kevin responded Red Lake isn't a part of the Minnesota Chippewa Tribe.

Dale Greene stated his issues with elected Minnesota Chippewa Tribe Tribal Executive Committee; they need to recognize that Minnesota Chippewa Tribe members are filling this room. Dale requested that Kevin Dupuis to ask Gary Frazer did the Chief Executive select Article VI to put into Minnesota Chippewa Tribe Constitution structure. What is it that they ran for office for? He stated that Gary sent out Election Notices Article V Section 8.

Valerie Shagobe, Mille Lacs band member stated that she was Minnesota Chippewa Tribe and band member of the tribe. She stated not to expect anything from Trump Administration or the U.S. It's time to come together and work out differences. Are you prepared for anything Trump could order? Kevin responded no, we have no idea what's coming. Kevin informed that Committee that included was a letter from Mille Lacs regarding the MAST meeting to be held next week.

The letter to Kevin Washburn from Erma Vizenor was brought to the Committees attention regarding the Constitution. There is nothing that states you can go do what you want.

Valerie asked why elders aren't more included as part of these meetings.

Kevin responded that the Tribal Executive Committee meetings are open to everyone. Valerie asked for an invitation from the Minnesota Chippewa Tribe. Mille Lacs ALU (Adult Living Unit) doesn't feel like their being involved.

Catherine Colsrud stated for the record, trying to force the tribe/band and people in position they don't want to be in. Statement that maybe it's time for the Mille Lacs band to step away from the Minnesota Chippewa Tribe, it's not good for our band, people and reservation.

Irene Benjamin responded that she read separation of powers could be a good thing, but if abused it doesn't serve the people. Executive, Legislative and Judicial can be directed to different offices. People are not being served the way their supposed to be. Who has the control in these separate bands of government? Separation of powers was given Melanie Benjamin, Chief Executive the power to veto. Commissioners hold a lot of power, some commissioners elected over and over. Some Commissioners are not bringing any change to the reservation.

Melanie stated that the Chief Executive does have veto power, but hasn't used it; there are other steps to compromise. In Joint Session everyone is able to vote, so no need for veto.

People nominated for positions but don't make it. Band members talk to elected officials. Discussion goes on, on a regular basis. Everyone gets a vote.

Who on Mille Lacs certifies? Melanie stated that the background check is done by the Solicitor General then brought to the joint session to vote, all elected officials vote.

Question – does it follow the Minnesota Chippewa Tribe Election Ordinance?

Melanie responded there is one Constitution; Ordinance/resolution/statues are needed at band level.

Member stated that a copy of the Washburn letter is needed to view.

Melanie stated that the Mille Lacs Band didn't try to come up with a different Constitution.

Carolyn Beaulieu responded that the Mille Lacs band legislative branch certifies candidates; the Solicitor General has nothing to do with certification. There are Titles that govern the Executive Branch and Legislative Branch.

Member stated White Earth Upper Midwest American Indian Center Workshop: Who belongs? Kevin Washburn was there. The workshop was on Treaty rights, sovereignty as American people. Each tribe has a right to develop their form of government. Treaties have never been honored, this is our country our land.

Member stated that they worked with ICWA, they don't recognize other blood. The elected leaders need to review, Blood Quantum, Drugs and Historical trauma. The Committee needs to look at our own people. Support our children who have the right to be Indian people.

Leonard Roy stated that the Minnesota Chippewa Tribe Constitution needs to evolve. Consolidated and come together as one, bring Mille Lacs back in. The ICWA children are being taken out of homes. Bring together and consolidate.

Kevin stated that we need to take a 15 minute break. He agreed and stated we still need to be consolidated and change the constitution, than change would make it stronger. When are we truly going to unite? Consolidated-confederacy - we are consolidated.

Reconvene 11: 38 a.m.

Tara Mason asked about the authority of the body in regard to Interpretations 1-80 and 2- 80.

Motion by Tara Mason to hold a Constitutional convention. Seconded by Carolyn Beaulieu. 6 For, 0 Against, 3 Silent (Norman Deschampe, Dave Morrison, Catherine Chavers). Carried.

Norman stated that he supported the Mille Lacs Government, that's working for them. They can run their business as they want to. He was silent on the Constitutional Convention prior; one reservation did what their people wanted.

Kevin thanks the Mille Lacs band for their presentation.

Kevin stated to strengthen or change current constitution, there is no real support. There is funding available through the Bureau for Constitutional Convention.

Catherine expressed her appreciation for the Mille Lacs presentation. Tribal Nations do have opportunity to govern ourselves. We need to look at constitution and educate our members.

Draft OPT: Tadd Johnson

Tadd Johnson explained the reason for the Draft OPT and that it was written by 20 people. The Duluth City Council supported Sanding Rock and the City Council got attacked by Enbridge. Tadd stated that they would like to have staff review and give any comments to Gary Frazer within 10 days. Enbridge used as position on Line 3.

SECRETARIAL ELECTION: Gary Frazer

Gary informed the committee that anything received in regard to the Secretarial Election was put together in a timeframe, letters, emails, etc. Discussion on what does the Tribal Executive Committee wants to do. Kevin Dupuis stated this is a timetable over two years, waiver request 30% of registered voters. Norman Deschampe informed the Committee that the waiver was for polling places, on reservations polls. Gary stated that the last Constitutional Election was 30% votes with on reservations polls. Tara Mason responded that there was a change in the CFR on how to do Secretarial Elections, as a newly elected official she doesn't know what happened in the past. Didn't understand wording, orientation/information sharing would be helpful.

Member asked use own interpretation or do you use IRA Act, Interpretation 1-80, 2-80 binding to the tribe.

Kevin responded 1-80 and 2-80 didn't follow process for Constitutional Election.

Alan Roy asked was the Tribal Executive Committee not informed on, maybe we should table or hold discussion.

Kevin stated in November 2015, the Tribal Executive Committee was asked to eliminate the Solicitor from Secretarial Election process. Resolutions 31-15 and 32-15 brought forward for Secretarial Election. We need to make a decision today to rescind or wait; otherwise it goes to the membership for a vote in a Secretarial Election. The number of members would increase if this were to happen, we would add to our membership. The formula stated we wouldn't exist in 80 years.

Allen stated Amendment 1 of Constitution Sec. II, the first amendment out of compliance. Norman stated what does being an American Citizen has to do with being Indian. Allen responded we should follow the Constitution. The blood quantum, let's not forget about our own people.

Phil informed the Committee that we could rescind without having anything proposed, lets the BIA off the hook. Kevin responded that he would like to see action. Faron Jackson stated the Tribal Executive Committee flew out to Washington and pushed this. Don't sit back idly and let them dictate how and when to take action. He would like to see this move forward.

Motion by Melanie Benjamin to move forward with the Secretarial Election. Seconded by Faron Jackson. 9 For, 0 Against, 1 Silent (Carolyn Beaulieu). Carried.

Kevin requested a recess for lunch at 12:17. Dale Green discussed Article XIII, threshold number, protest member's rights. What are the reserved rights of members?

Motion by Carolyn Beaulieu to recess for lunch at 12:21 p.m. Seconded by Tara Mason. 10 For, 0 Against, 0 Silent, Carried.

Meeting reconvenes at 1:28 p.m.

Leonard Roy discussed the Election Ordinance, stating that PO Box doesn't count, must reside on his or her district for 1 year. Someone's interpretation restricts ones eligibility, physical residence address or the candidate uses two last names and only used one address. It's in conflict with the constitution.

Faron stated that just because it's not documented it doesn't mean it doesn't exist. There are candidate with no address.

Kevin stated Ordinances can be put in place to change document. Article X, of the Constitution states - accused can be heard, each reservation has right for petition to bring in witnesses. Residency in 2005 Secretarial Election voted one year residency on reservation to run for office, there is a resolution to carry out. A Constitutional violation can only be heard by the Tribal Executive Committee. The current Constitution is not at the strength it should be.

Ordinance – Interpretation 14 and 15, Censor and removal. Right for the accused to sit and be heard.

Faron stated that these are on-going issues not resolved, changes that will affect all of us.

Arthur LaRose referred to the Election Ordinance, mistakes can be corrected. In reference on elections in Mille Lacs, Section 1.3(C)(4) governing body will certify eligible candidates. In Section 1.3(C)(5) if a candidate fails to submit a complete Notice of Candidacy, Certification for Eligibility, or Authorization and Consent to Disclosure during the filing period, the Band governing body shall not certify the candidate as eligible for office.

Arthur LaRose referenced Article XIII – Rights of Members. The moratorium on Mille Lacs and Fond du Lac enrollment, do we have right to deny transfers. Article XIII is violated each day, talk about Bureau of Indian Affairs not acting when we need to fix our own problems such as the moratoriums.

Carolyn Beaulieu informed the Committee that the Mille Lacs Band does the certification of candidates; the Solicitor General received the background checks.

Irene Benjamin asked if the moratorium has a time limit. Carolyn responded that the moratorium is in place until removed by the governing body. Irene suggested this body have same dialogue. Carolyn stated not at this time, it's a band issue. Mille Lacs is not denying enrollment just denying transferring from one reservation to another.

Member stated that open enrollment means accepting more members.

A Felony can't be held against someone for the rest of their life, would like to discuss at next meeting. Kevin responded that it's downright hateful, run reservation as a state structure. You can retain rights, vote, run for office and bear arms.

Dale Green referred to Resolution 13-09 wording added to amendment re: felons. Why a Secretarial Election when we could change Constitution with interpretations? History of the Interpretation - would like to know why wording was added in 13-09.

Kevin stated a Constitutional correction request clarification today on Resolution 13-09. Once people worked on Secretarial Election it can't be changed. There were 5 interpretations done in short time and disbursed to members. Irene asked in the constitutional convention have a person in expertise to sit on committee.

MPCA Letter: Michael Northbird

Michael presented the MPCA letter request for signature of President or Tribal Executive Committee members. Tara stated that there is more strength in numbers,

Motion by Tara to have MPCA letter signed with all reservations signatures. Seconded by Catherine Chavers. 10 For, 0 Against, 0 Silent, Carried.

Michael presented two resolutions on the Cumulative Impact Statement. The original and one provided by Grand Portage.

Motion by Tara Mason to approve the original cumulative impact resolution. Seconded by Arthur LaRose. 3 For, 7 Against, 0 Silent.

Tara discussed the original resolution.

Motion by Catherine Chaver to approve Grand Portage suggested Cumulative Impact Resolution 72-17. Seconded by Norman Deschampe. 8 For, 1 Against, 1 Silent, Carried.

Beth Baldwin, Attorney, Mille Lacs Band provide information from an environmental stand point. Tara replied that the resolution was specific to the project. Beth explained that if you're sovereign the state has no right. Tara responded, look at how we are seated, Leech Lake and White Earth are half the population-we need your help. Norman responded that he supported this.

Kevin stated the wording separate tribe not separate band, supports the body, don't represent our reservations, but the 40 thousand members.

Melanie Benjamin stated that the Mille Lacs band supports other tribes on issues put in front of them. She stated that they are willing to support and will continue to do so.

LEGAL: Phil Brodeen

Phil discussed the letter drafted in January to the tribe directed by the Department of Interior to funnel all communications. New Secretary of the Interior opens lines of communication. Need to explained government-to-government communication.

Tara asked if this is normal practice.

Phil responded that he hadn't seen this before. We should have on going communication.

Member stated government-to-government, what objects to defend our diplomacy? Phil stated it affects our legislative and administrative future.

Member asked when individual bands became a government.

Kevin stated its time for structure; give the Tribal Executive Committee time to work on this. For the well-being of 40 thousand members, give us an opportunity, let's move forward.

Motion by Catherine Chavers to have President Dupuis sign letter on promoting open lines of government to government communications and hand carry to D.C. Seconded by Ferdinand Martineau. 10 For, 0 Against, 0 Silent, Carried.

Phil presented Resolution regarding Rule 10. Full faith and credit, tribal court, forums.

Member questioned as to who made tribal courts, who's laws are we enforcing. How are courts independent of RBC's, going by the Constitution. Need to understand Tribal Executive Committee/Reservation Business Councils need to work with the people.

Phil stated in the constitutional convention these issues could be discussed.

Member asked, what did the BIA do with Bois Forte before establishing a court?

Dale Green stated we have until the 17th to put forth. Table this, look at Indian civil rights act, "Wes Law" strongly oppose rule 10.

Tribal court recognition, The Supreme Court shot down and didn't recognize.

Phil stated that Rule 10 could be amended.

Member asked, would the Tribal Executive Committee allow lawyer to represent them on this case or any other of the 5 bands Attorneys. Erma Vizenor was funding the White Earth Cops - Tribal law and Order Act. Actually the money of the White Earth Band members was funding White Earth cops.

The State of Minnesota Supreme Court cases related to Duro fix, which was an amendment to the Indian Civil Rights Act in 1991.

Kevin calls for motion on Rule 10 Resolution. The Resolution died for lack of motion.

Phil presented Resolution 73-17 regarding Civics Curriculum.

Motion by Tara Mason to approve Resolution 73-17 regarding Civics Curriculum. Seconded by Carolyn Beaulieu. 10 For, 0 Against, 0 Silent, Carried.

Phil referred to the legislative/administrative agenda contained in the packet. He explained that there is a list of items and objective that he would be working on behalf of the Minnesota Chippewa Tribe.

Phil informed the Committee that the MOU for renewal with BIA to participate in the Division of Fee to Trust program would designate funds directly to fee to trust, not something for the Minnesota Chippewa Tribe. The individual bands might profit, there are four that participate, but no recommendation for the Minnesota Chippewa Tribe.

H.F. 2228: Tara Mason

Tara stated that H.F. 2228 relating to pipelines, prohibiting pipelines near Wild Rice waters, proposing coding for New Law in Minnesota Statutes. This information should be given to our lobbyist.

2018 Election Dates: Gary Frazer

Gary stated that a letter was sent out to inform bands the residency requirement starts on April 3, 2017.

Gary further explained the election information included in packet. In the information tab a letter from Mille Lacs regarding MAST meeting they would be hosting in Hinckley.

BIA independent Audit

Kevin Dupuis asked that if Committee had a chance to tour where our records are being stored by the BIA. There must be a better place for these records.

Motion by Norman Deschampe to adjourn the meeting at 4:11 p.m. Seconded by Tara Mason. 9 For, 0 Against, 0 Silent, Carried.