

Tribal Executive Committee
March 8, 2018
Special Meeting

A Special Tribal Executive Committee meeting was called to order at 9:21 a.m. by President Kevin Dupuis at Shooting Star Hotel Casino and Event Center in Mahnomon, Minnesota.

Invocation: Merle Deegan, Rick Larson and White Earth Drum

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; Cathy Chavers, Chairwoman, Bois Forte; David Morrison, Secretary/Treasurer, Bois Forte; Faron Jackson, Chairman, Leech Lake; Arthur LaRose, Secretary/Treasurer, Leech Lake; Dennis Morrison, Secretary/Treasurer, Grand Portage; Terrance Tibbetts, Chairman, White Earth; Tara Mason, Secretary/Treasurer, White Earth.

Absent: Norman Deschampe, Chairman, Grand Portage

Others: Joel Smith, Director of Administration, MCT; Phil Brodeen, Legal, MCT; Kathy Goodwin, Rep., White Earth; Shannon Porter, Mille Lacs; Susan Klapel, Mille Lacs; Shelly Day, Legislative Office Manager, Mille Lacs; Steven Clark, Rep., White Earth; Diane Osceola, Leech Lake; Caryn Day, Legislative Communication Liaison, Mille Lacs; Michael Fairbanks, White Earth; Cheryl Jackson, Assistant, White Earth; Ken Fox, Executive Director, White Earth; David Aubid, Rep., Mille Lacs; Vanessa Northrup, Rep., Fond du Lac; Eugene Tibbetts, Rep., White Earth; Kathy Goodwin, Rep., White Earth; MCT staff and other interested parties.

President Dupuis informed the Committee that there would be no additions or deletions to the agenda at this point; requested a motion to approve the agenda.

Motion by Melanie Benjamin to approve the agenda. Seconded by Cathy Chavers. 10 For, 0 Against, 0 Silent. Carried.

President Dupuis stated that the charges against Chairman Terrance Tibbetts would be presented along with time for him to respond to the charges.

Phil Brodeen read the alleged violations with regard to the motion to censure Terrance Tibbetts, Chairman, White Earth Reservation, which was presented to the TEC on January 13, 2018.

Handout was provided of Chairman Tibbett's response to violations (*Attachment A, 49 pages*).

Chairman Tibbetts read his response/defense to the charges that were presented against him and denied all charges. Verbatim transcript of his response is attached; see pages 5-26.

** Although Roberts' Rules of Order advises against including any discussion in meeting minutes, the TEC's customary practice is to briefly paraphrase/summarize discussions for the purpose of compiling minutes for regular TEC meetings. Due to this meeting using a hearing format and the nature of the charges, the TEC Secretary was advised by counsel that rather than attempting to paraphrase/summarize the response or defense offered by either Terry Tibbetts or Tara Mason, it was appropriate to instead include the transcribed verbatim responses of Tibbetts and Mason as well as that of her witnesses and accusers. This is being done to protect the rights of the accused, to ensure the historical record accurately reflects the complete response/defense provided and hearing discussions, and to protect MCT against any potential allegations of defamation or slander that may result from attempts to paraphrase or summarize any person's responses to the charges.*

The complete verbatim response/defense provided by Terry Tibbetts to charges against him is provided in pages 5-26 of attached transcription of meeting.

Following the conclusion of Tibbetts' response, President Dupuis asked for any questions from the Tribal Executive Committee or comments for Terry himself or the general public.

Secretary-Treasurer Tara Mason requested to make a comment. President Kevin Dupuis clarified that each individual accused will have the opportunity to speak at a later point, and that the TEC members are being asked if they have any questions for Chairman Terrance Tibbetts (Terry), and renewed a call to the TEC for any questions.

Tara requested to ask a question, since she is a TEC member, which Kevin allowed; she began asking about the travel advance; Kevin requested a point of order, as the agenda states the accused would defend himself, followed by action of the TEC. Kevin again asked for questions from the TEC.

Tara asked if she would have a chance to ask her questions.

Kevin again made a point of order and discussed the process and agenda, which states that each individual will present their evidence followed by action by the TEC. He stated that the first motion and second were tabled for this meeting, which are currently being dealt with.

The District 2 Rep. from White Earth requested an opportunity to respond due to having been mentioned in Terry's statement.

Kevin discussed the last TEC meeting and what TEC members agreed upon with regard to taking questions from the public at the hearing, followed by a letter from one of the Chairmen stating that the procedure principles were wrong. He reminded the TEC that there was a motion and a second at the last meeting that were tabled and there is an agenda, some now want to go outside that agenda, which is why he asked for questions from the TEC.

Tara requested whether there would be any discussion at some point where she would be allowed to discuss some of what was just presented to the TEC.

Kevin responded that according to what we have approved for the agenda, no. He asked if there was a difference of opinion from the rest of the TEC; none responded.

Based on the agenda, Chairwoman Melanie Benjamin called for a question.

Attorney Phil Brodeen stated that he would like to reiterate Section 9.5 of Ordinance Implementing Constitutional Petition and Censure Processes: After considering an accused member's response to the allegations in a motion to censure, the Tribal Executive Committee shall, by official action, either exonerate the member or censure the member and refer the matter to the Band. Section 9.2.1 provides that the Tribal Executive Committee shall not censure a members unless it determines that there are sufficient facts upon which a reasonable person could conclude that a cause for removal enumerated in Article X, Section 2 has occurred. He stated that we currently have a motion before the Tribal Executive Committee that was submitted on January 24, 2018 to censure Chairman Terry Tibbetts.

Motion by Tara Mason to censure Chairman Terrance Tibbetts. Seconded by Carolyn Beaulieu. 1 For (Tara Mason), 8 Against, 1 Silent (Carolyn Beaulieu). Motion fails.

President Dupuis call for a 10 minute recess at 10:40 a.m.
Meeting reconvened at 11:05 a.m.

President Dupuis read the censureship of Secretary/Treasurer Tara Mason.

Joel Smith read the alleged violations with regard to the motion to censure Tara Mason, Secretary/Treasurer, White Earth. The information includes 5 pages of charges and 43 pages of exhibits; the documents are addressed to the Tribal Executive Committee from Terrance Tibbetts, Chairman, White Earth, on January 24, 2018.

President Dupuis requested clarification on date Chairman Tibbetts was sworn into office, which was 2016.

Phil Brodeen provided handout of Secretary/Treasurer Mason's response to violations (22 pages).

Secretary/Treasurer Mason stated that she had three questions before she starts her presentation. First, she asked to reiterate the motion that is made against her.

Joel read the motion from the last paragraph in a letter provided to Tribal Executive Committee January 24, 2018. Joel proceeds to read: "With a sound mind and heavy heart, and in defense of the Minnesota Chippewa Tribe Constitution and the I-65 By-laws, I now invoke Article X, Section 2 (e) Refusal to comply with any provisions of the Constitution and Bylaws of the Tribe and the Ordinance for implementing Constitutional Petition and Censure Processes (August 12, 2014), and I now formally make a Motion to censure and remove White Earth Secretary-Treasurer Tara Mason from Office at the Tribal Executive Committee and the White Earth Reservation Business Committee."

Tara asked whether it was the intention of the TEC or the intention of the motion to remove her, as it says; is removal an action we can take and intention of the TEC.

President Dupuis responded that removal is not an action the TEC can take and is not the intention; for clarification it was written for the statement, but what should have been done and what should be in the minutes is a motion to censure.

Tara stated that was her reason for requesting clarification. President Dupuis agreed that clarification is warranted because the TEC does not have the authority to remove. The censorship hearing and motion was to censure and have this hearing today.

There was agreement that there would be a working lunch rather than a lunch break.

Secretary-Treasurer Mason presented her response/defense to all charges that were presented against her and denied all charges. The complete verbatim transcript of her response is provided in pages 53-78 of the attached meeting transcript.

Following the conclusion of Mason's response, President Dupuis asked for any questions from the Tribal Executive Committee.

Cathy Chavers asked Tara if it was noted in the audit report that this fund was discussed at that point; Tara replied that it was not, but that they would ensure that this is included in the White Earth audit, noting there had been discussion with the auditing agency contracted.

President Dupuis asked for any other comments or questions by the TEC, stating that there is a motion and a second for censure on Tara Mason, Secretary/Treasurer, White Earth.

Motion by Terrance Tibbetts to censure Tara Mason, Secretary/Treasurer. Seconded by Faron Jackson. 5 For, 4 Against, 1 Silent (Arthur LaRose). Carried.

Motion by Cathy Chavers to adjourn the meeting at 12:25 p.m. Seconded by Melanie Benjamin.