

**TRIBAL CONSTITUTION  
INTERPRESTATION NO. 5-84  
WAS RECIDED BY THE  
TRIBAL EXECUTIVE COMMITTEE  
ON NOVEMBER 7, 1996.**

TRIBAL CONSTITUTION  
INTERPRETATION NO. 5-84

WHEREAS, the Tribal Executive Committee of The Minnesota Chippewa Tribe did in Tribal Constitution Interpretation No. 1-80 find that the Tribal Executive Committee has the authority to make final interpretations of the Constitution of The Minnesota Chippewa Tribe; and

WHEREAS, the Fond du Lac Band has through its elected government requested the Tribal Executive Committee interpret Article VIII – Majority Vote which provides:

Section 1: at all elections held under this Constitution, the majority of eligible votes cast shall rule, unless otherwise provided by and act of Congress.

The questions to be decided are whether “majority of eligible votes cast” means a number greater than the total or if it means a preponderant quantity or share?

NOW THEREFORE, The Tribal Executive Committee opinion of Article VIII – Majority Vote, is that it means the preponderant quantity or share of votes. This means when there are more than two candidates for an office in an election, that the candidate receiving the most votes will have received the majority of votes cast as required under the provisions of Article VIII.

This opinion is consistent with the interpretations applied to Article VIII of the Constitution by the Tribal Executive Committee in past elections.

The Tribal Executive Committee has the authority under Article V – Tribal Elections, of the Constitution of The Minnesota Chippewa Tribe to adopt a uniform election ordinance to provide for primary elections when there are more than two candidates for an office and to provide that the two candidates receiving the most votes cast in the primary, shall then run in a general election for that office. The candidate then receiving the most votes would also receive over half of the total. Until such time as the Tribal Executive Committee decides to adopt a uniform election ordinance that provides for primary elections, majority vote shall mean the greater share of votes received.

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 8 for, 4 against, \* at a Special Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on March 12 & 13, 1984, at Cass Lake, Minnesota.

Darrell Wadena, President  
THE MINNESOTA CHIPPEWA TRIBE

ATTEST: Daniel Morrison, Sr., Secretary  
THE MINNESOTA CHIPPEWA TRIBE

\* Roll Call Vote

THE MINNESOTA CHIPPEWA TRIBAL EXECUTIVE COMMITTEE

REGULAR MEETING

The Minnesota Chippewa Tribal Executive Committee meeting was called to order by President Darrell Wadena at 10:18 a.m., January 24, 1984, at the Capitol Holiday Inn, St. Paul, Minnesota.

Roll Call; Members present: Darrell Wadena; Douglas Sam; Daniel Morrison, Sr.; James Hendrickson; Jerry Rawley; Alfred Pemberton; Cary Donald

Members Absent: Hartley White; Clarence E. Smith; Arthur Cahbow; William Houle; Norman Deschampe

Invocation: A Moment of Silence.

Others present: Urban Advisory Representatives: Nancy Swanaway; Nora Hakala; Mary Jane Anderson; Norby Blaker; George V. Coowin, Executive Director; Bernard Becker; Lis Ebbott, League of Women Voters; MCT Staff; RBC Staff

Art Cahbow arrives

Motion by Cary Donald to accept Minutes of November 3 & 4, 1983, with correction to page 4. Should read: "Seconded by Jerry Rawley." Seconded by Alfred Pemberton 7 For, 0 Against. Carried.

President Wadena announces agenda changes for today and tomorrow. First item will be the Indian Child Welfare Act legislation along with other legal issues.

Bernard Becker, attorney, begins with follow-up on the Dean Lake issue. The case was dismissed in December.

Becker reviews the Indian Child Welfare Act bill to be introduced to the State Legislature.

Hartley White arrives.

Further discussion on the Indian Child Welfare Act bill. Clarence E. Smith arrives.

William Houle arrives

Norman Deschampe arrives

Robert Aiken reads the Indian Child Welfare Act bill as amended.

Motion by Hartley White to approve Resolution 104-84 appointing Bob Aiken to serve on coordinating committee, as presented. Seconded by William Houle, 9 For, 0 Against. Carried.

Bernard Becker presentation ends at 11:40.

Further discussion on pending White Earth land claims. Bill in present form cannot be expected to pass.

Forest Gerard ends report on pending legislation and its effect on tribes at 12:30.

Recess until 1:30 p.m.

Resume at 1:50 p.m.

Discussion on Election Date. Motion by William Houle to set June 12, 1984, as the Election Day for positions expiring this year. All Chairmen and District III exception of Fond du Lac with District I also expiring. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Discussion on "Majority Vote." The Tribal Executive Committee has defined the meaning of Majority Vote as it pertains to Tribal Elections and not to be confused with Secretarial Ball Elections as defined in the Constitution & Bylaws of The Minnesota Chippewa Tribe.

Further discussion is postponed until tomorrow.

Meeting II recessed until 9 a.m. tomorrow.

Wednesday, January 25, 1984 - 9:10 a.m.

Meeting called back to order. Attorney General Hubert Humphrey discusses concerns and is willing to cooperate with the Tribe in matters of concern.

Mr. Becker reads Fond du Lac resolution requesting a formal interpretation of the "Majority Vote" issue.

William Houle makes a motion to accept Fond du Lac Resolution #18 regarding the Majority Vote. Seconded by Clarence E. Smith. A Roll Call Vote is requested. Jerry Rawley - NO; James Hendrickson - NO; William Houle, YES; Daniel Morrison, Sr. - SILENT; Cary Donald, NO; Alfred Pemberton, NO; Clarence E. Smith, YES; Douglas Sam, NO; Arthur Cahbow, NOT PRESENT; 8 NO, 2 YES, and 1 SILENT. Motion is Denied.

regarding those ineligible for enrollment into the Leech Lake Band. Seconded by Alfred Pemberton 11 For, 0 Against. Carried.

Motion by James Hendrickson to approve Resolution 99-84 regarding Economic Development Program proposal by William Houle. 11 For, 0 Against. Carried.

Motion by James Hendrickson to approve Resolution 90-84 regarding Minority Business Development. Seconded by Hartley White. 11 For, 0 Against. Carried.

Motion by Hartley White to approve Resolution 91-84 regarding Minority Business Development Funding with the State of Minnesota. Seconded by Daniel Morrison, Sr. 11 For, 0 Against. Carried.

Motion by Daniel Morrison to approve Resolution 92-84 regarding those eligible to be enrolled with the Bois Forte Band. Seconded by William Houle. 11 For, 0 Against. Carried.

Motion by Daniel Morrison to approve Resolution 93-84 regarding those not eligible to be enrolled into the Bois Forte Band. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by William Houle to approve Resolution 94-84 regarding those eligible to be enrolled into the Fond du Lac Band. Seconded by Clarence E. Smith. 11 For, 0 Against. Carried.

Motion by William Houle to approve Resolution 95-84 regarding those not eligible to be enrolled into the Fond du Lac Band. Seconded by Clarence E. Smith. 11 For, 0 Against. Carried.

Motion by James Hendrickson to approve Resolution 96-84 regarding those eligible to be enrolled into the Grand Portage Band. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by Jerry Rawley to approve Resolution 97-84 regarding those eligible to be enrolled into the Pembina Band of the White Earth Reservation. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by Jerry Rawley to approve Resolution 98-84 regarding those not eligible to be enrolled into the Pembina Band of the White Earth Reservation. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by Jerry Rawley to approve Resolution 99-84 regarding those whose parents were not on the 11 Roll. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by Jerry Rawley to approve Resolution 100-84 regarding those not eligible for enrollment into the Pembina Band for the reason that neither parent are enrolled in the Pembina Band. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by Jerry Rawley to approve Resolution 101-84 regarding Band Transfer Request for Clifford Monroe Skiway from the White Earth Band to the Mille Lacs Band. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by Daniel Morrison to approve Resolution 102-84 regarding supporting Uis Frite on Hazardous Waste Site. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by William Houle to approve Resolution 103-84 regarding support commission on victims of crime legislation. Seconded by Clarence E. Smith. 11 For, 0 Against. Carried.

Motion by William Houle to approve Resolution 104-84 regarding enrollment of Cynthia Marie Sirols and Jon Pierre Sirols. Seconded by Clarence E. Smith. 11 For, 0 Against. Carried.

Motion by Alfred Pemberton to approve Resolution 105-84 regarding support of HEF024, Chemical Dependency for the Indian Reservations of Minnesota. Seconded by Clarence E. Smith. 11 For, 0 Against. Carried.

Motion by Arthur Cahbow to approve Resolution 106-84 regarding Indian Health Training proposal to National Institute of Mental Health. Seconded by William Houle. 11 For, 0 Against. Carried.

Motion by Arthur Cahbow to approve Resolution 107-84 regarding Indian Mental Health Training Project to seek funding from Ordean Foundation. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by Gary Donald to approve Resolution 108-84 regarding Indian Health Training Project to seek funding from Burlington Northern Railroad. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by Jerry Rawley to approve Resolution 109-84 regarding Indian Health Training Project to seek funding from Duluth-Superior Area Community Foundation. Seconded by James Hendrickson. 11 For, 0 Against. Carried.

Motion by Alfred Pemberton to table the Liquor Permit request from LeRoy's Minnows Leech Lake Reservation area. Seconded by Cary Donald. 11 For, 0 Against. Carried.

Motion by William Houle to approve Out-of-state Travel for John Perrot to Chicago, IL, 01/10/84; Loula Therous in Chicago, IL - 02/01/84; Dean Brasgalla to Washington, D.C. - 01/30-02/03/84. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Motion by Cary Donald to adjourn. Seconded by Hartley White. 11 For, 0 Against. Carried.

THE MINNESOTA CHIPPEWA TRIBAL EXECUTIVE COMMITTEE SPECIAL MEETING

The Minnesota Chippewa Tribal Executive Committee special meeting was called to order at 4:10 p.m., April 13, 1984 at the Radisson Duluth Hotel by Vice-President Norman Deschampe.

Roll Call: Members answering roll call are: Cary Donald, Daniel Morrison, Sr.; Jerry Rawley; Norman Deschampe; Alfred Pemberton; Hartley White; Douglas Sam; William Houle; Clarence E. Smith.

Members Absent: Arthur L. Labow, Darrell Wadena; James Hendrickson

Also Present: George V. Coowin, Executive Director; Cary Fraser, Accounting Manager; Other tribal members in audience

Discussion on the election ordinance amendment. Motion by William Houle to accept amendment to the election ordinance, page 100, Section III (b), change "vacant" to "different." Seconded by Alfred Pemberton. (Motion is to be sent to all Reservation Business Committee members by Alfred Pemberton. YES; Norman Deschampe, YES; Daniel Morrison, YES; Cary Donald, NO; Jerry Rawley, NO; Clarence E. Smith, YES; Douglas Sam, NO; William Houle, YES; 9 YES VOTES. Motion is carried.)

Discussion on members requesting to review tribal records. George Coowin reads "Guidelines for Members to Review Tribal Records" previously adopted by the Tribal Executive Committee on May 21, 1982. Further discussion on Motion by William Houle to approve Constitutional Interpretation 6-84 and "Guidelines for Members to Review Tribal Records." Seconded by Alfred Pemberton. 8 For, 0 Against. Carried.

Summary Tribal Interpretation 4-84 - A Constitutional Interpretation passed by the Tribal Executive Committee on April 10, 1984 - regarding succession by tribal members properties and business transactions of the Minnesota Chippewa Tribe

Floyd Ballinger, an employee of the Mille Lacs Band requests that the Tribal Executive Committee seek legal opinion on his eligibility as to the boundaries of the reservation for voting or filing for office.

Motion by William Houle to request the Executive Director and Legal Counsel to respond to Mille Lacs and Floyd Ballinger's request as to the boundaries of Mille Lacs Reservation and be placed on the agenda of the Tribal meeting on April 24 & 25. Seconded by Douglas Sam. 8 For, 0 Against. Motion is carried.

Douglas Sam presents a resolution on distribution of Docket 105 and 106 to be acted upon at the next Tribal Executive Committee meeting.

Motion by Gary Donald to adjourn. Seconded by Hartley White. 8 For, 0 Against. Carried.

Adjourn at 7:10 p.m.

THE MINNESOTA CHIPPEWA TRIBAL EXECUTIVE COMMITTEE SPECIAL MEETING

The Minnesota Chippewa Tribal Executive Committee was called to order at 10:19 a.m., May 12, 1984, at the Tribal Chambers, Cass Lake, by President Darrell Wadena.

Roll Call: Members Present: James Hendrickson; Cary Donald; Jerry Rawley; Arthur Cahbow; Douglas Sam; Darrell Wadena; Norman Deschampe; Hartley White; Alfred Pemberton; Daniel Morrison, Sr.; William Houle.

Members not answering Roll Call: Clarence E. Smith

Also present: George V. Coowin, Executive Director; Kent Tupps, Legal Counsel; Mille Lacs SNA; BIA Staff; MCT Staff; Roger Aiken; Jack Fairbanks, BIA.

The purpose of this Special Meeting as announced by President Wadena is to review the 1986 BIA Budget for the Minnesota Agency. Other items, needing action will be presented tomorrow.

Jack Fairbanks begins the band analysis process with the Committee.

Dr. Earl Barlow, Area Director, BIA, addresses Committee and states that no reorganization will occur until Aiken is on board as the new Superintendent of the Minnesota Agency.

Other concerns are asked of Dr. Barlow such as indirect cost rates.

Dr. Barlow ends at 1:07 p.m.

Resume for Lunch

Budget process continues with reads, Arthur Cahbow requests a separate line item for Mille Lacs and requests 6.2 percent of the budget.

Motion by Arthur Cahbow to approve the allocation of 6.2 percent of the total budget to Mille Lacs. Seconded by Doug Sam. 3 For, 10 Against. MOTION IS DENIED. (Voting by show of hands.)

Motion by William Houle to approve the FY86 BIA Budget as amended. Seconded by Hartley White. 11 For, 0 Against. Motion is carried.

6-83 - Discussion on the majority vote in tribal elections. Motion by Norman Deschampe to approve Constitutional Interpretation 6-84. ROLL CALL VOTE: Jerry Rawley - YES; Arthur Cahbow - NO; Douglas Sam - NO; Daniel Morrison, Sr. - YES; Alfred Pemberton - YES; Hartley White - YES; Darrell Wadena - YES; Norman Deschampe - YES; James Hendrickson - YES; Cary Donald - YES; Clarence E. Smith - NO; William Houle - NO. 8 YES, 4 NO, Motion is passed.

Summary Tribal Interpretation 5-84 - A Constitutional Interpretation passed by the Tribal Executive Committee on March 12-13, 1984 - regarding terminology as to "majority vote," with the opinion that same means "the preponderant quantity of share of votes," that the candidate for election receiving the most votes will have received the majority or greater share of votes received.

William Houle leads discussion on the proposed Udal Bill on Amending Motion by William Houle to support the Udal bill. Seconded by Clarence E. Smith. 11 For, 0 Against. Carried.

Motion by Hartley White to approve Resolution 110-84 regarding liquor. Seconded by William Houle. 11 For, 0 Against. Carried.

5:17 p.m. - Recess.

OURSELVES 7

March 13, 1984

Meeting is called back in order at 11:37 a.m.

Simon Howard requests a few minutes to address the Tribal Executive Committee. Mr. Howard announces that he will be a candidate for Chairman of the Leech Lake Reservation Business Committee.

Motion by Douglas Sam to approve Out-of-state Travel for Luella Seeley and Willa Roy - Tulsa, OK - 3/27-29/84 Marilyn Oshie-Orr and George Laska - Chicago, IL 5/21-25/84 Dean Brasgalla - Denver, CO - 3/28-30/84 Dean Brasgalla - Nashville, TN - 4/19-20/84. Seconded by Hartley White. 11 For, 0 Against. Carried.

Motion by William Houle to approve Resolution 111-84, Fond du Lac Request for Forest Cultural Funds. Seconded by Clarence E. Smith. 11 For, 0 Against. Carried.

The issue of Indian Education Manager is tabled and referred to the Education Subcommittee.

Motion by Clarence E. Smith to approve Resolution 112-84 regarding Joe Big Bear. Seconded by William Houle. 11 For, 0 Against. Carried.

Bernard Becker discusses the status of the Indian Child Welfare Act. Motion by William Houle to authorize Bernard Becker to explore possibilities regarding the Act with the State of Minnesota. Seconded by Hartley White. 11 For, 0 Against. Carried.

Motion by Hartley White to approve authorization to Bernard Becker to begin the process of tribal court system, budget and time table. Seconded by William Houle. 11 For, 0 Against. Carried.

Motion by Hartley White to adjourn. Seconded by Alfred Pemberton. 11 For, 0 Against. Carried.

HOUSING DEVELOPMENT OFFICER INDIAN HOUSING PROGRAM

Assist in the administration and implementation of the Minnesota Housing Finance Agency's Indian Housing Programs. Coordinate and develop daily operations. Inform and train community administrators. Participate in program audits and ensure compliance with program and legal requirements. Assist Indian organizations in developing financial opportunities to improve housing.

The examination consists of: Experience and training rating (100 percent final score with points awarded as follows)

Education: Bachelor's degree in Housing, Economics, or Accounting, Finance, Business or Public Administration or closely related equals 2; years of A-level experience. 11 For, 0 Against. Carried.

A-level Experience: Professional experience in an Indian housing program. To be credited, experience must include (but is not limited to): providing technical assistance and/or explaining housing programs to the Indian community and conducting reviews and financial analysis of home improvement and home mortgage loans or originating, underwriting or closing mortgage loans. 11 For, 0 Against. Carried.

B-level Experience: Professional experience with other types of Indian housing programs (e.g., multi-family housing, professional experience conducting reviews and financial analysis of home improvement and home mortgage loans or originating, underwriting or closing mortgage loans. 11 For, 0 Against. Carried.

C-level Experience: Professional experience with other types of Indian housing programs (e.g., multi-family housing, professional experience conducting reviews and financial analysis of home improvement and home mortgage loans or originating, underwriting or closing mortgage loans. 11 For, 0 Against. Carried.

Application must be received in the Department of Employee Relations by 4:30 p.m. on May 14, 1984.

Current vacancy: Minnesota Housing Finance Agency, St. Paul. For further information, call Henry Wray (796-8500) or Dea Neal (796-9785) at the Housing Finance Agency.

Duration of eligible lists: 1 year, unless eligible are otherwise notified.

Further information: Minnesota Twin Cities Metropolitan area and other states call: 612-296-2616; Minnesota outside Twin Cities Metropolitan area call toll free 1-800-652-9747. Telecommunications Office for the Deaf (TDD) 612-296-4636.

NOTICE

The Cass Lake Indian Hospital will participate in a USDA Donated Food Distribution Program. No person, because of race, color, national origin, sex, religion, or handicap shall be excluded from admission, participation, or benefits of the program of the institution. An individual shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program limited by Federal law to individuals of a particular race, color, or national origin different from his.

SUMMARY OF MODIFICATION ONE TO FY'84 RURAL MINNESOTA CEP JOB TRAINING PLAN TITLE IIIA OF THE JOB TRAINING PARTNERSHIP ACT

This modification to the Rural Minnesota CEP Job Training Plan incorporates changes in funding levels and client enrollment only. Total planned expenditures will be \$1,273,433. Expenditures for youth will be \$1,209,373. Total client enrollment will be 3045. Total terminations will be 1863. There will be 1147 placements.

The program described by this modification serves residents of Becker, Beltrami, Cass, Clay, Clearwater, Crow Wing, Douglas, Grant, Hubbard, Lake of the Woods, Mahanomen, Marquette, Otter Tail, Pope, Stevens, Todd, Traverse, Wadena, and Wink counties. It can be viewed at the offices of Rural Minnesota CEP, Inc., 619 Lincoln Avenue, Detroit Lakes, MN 56501. Send requests for copies in that address also. Comments should be sent to the Governor's Job Training Office, 480 American Center Building, 140 East Killebrew Blvd., St. Paul, MN 55101.

AMERICAN INDIAN FIREFIGHTERS ASSOCIATION, Leonard Thompson

Leonard Thompson addressed the Committee with concerns he had regarding racism within the Minneapolis Fire Department. Leonard will be asking the individual reservations for financial assistance to hire an attorney to help him sue the City of Minneapolis.

NATIONAL INDIAN GAMING COMMISSION, Tom Foley

Mr. Foley gave a report on National Gaming issues. He feels that the 105th Congress will try to pass a lot of legislation related to gaming issues.

LEGAL, James Hamilton

Land Ordinance being redrafted.

Discussion regarding primaries for elections.

Motion by Robert Peacock approving primaries for elections. Seconded by David Matrious. 8 For, 0 Against. Carried.

Discussion regarding Interpretation 5-84 - Majority vote.

Motion by Clint Landgren rescinding Interpretation 5-84. Seconded by Robert Peacock. 8 For, 0 Against. Carried.

Discussion regarding Election Ordinance #5.

Motion by Eli Hunt rescinding Election Ordinance #5. Seconded by Clint Landgren. 8 For, 0 Against. Carried.

Motion by Eli Hunt adopting Election Ordinance #6 (amending #4 allowing primaries and no protests.) Seconded by Clint Landgren. 8 For, 0 Against. Carried.

Eli said Leech Lake would reset the dates of the election in order to comply with Ordinance #6. December 19 as the Primary and January 19 as the Leech Lake election date.

Motion by Peter Defoe stating that all future elections have to follow Ordinance #6. Seconded by Eli Hunt. 8 For, 0 Against. Carried.