

**THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE**

Special Meeting
December 18, 2018

A Special Tribal Executive Committee meeting was called to order at 8:39 a.m. by President Catherine Chavers at Grand Casino Hinckley, Hinckley, Minnesota.

Invocation: Lee Staples

Roll Call: Catherine Chavers, Chairwoman, Bois Forte; Dave Morrison, Secretary-Treasurer, Bois Forte; Norman Deschampe, Chairman, Grand Portage; April McCormick, Secretary-Treasurer, Grand Portage; Melanie Benjamin, Chief Executive, Mille Lacs; Sheldon Boyd, Secretary-Treasurer, Mille Lacs; Kevin Dupuis, Chairman, Fond du Lac; Ferdinand Martineau, Secretary-Treasurer, Fond du lac; Faron Jackson, Chairman, Leech Lake; Arthur LaRose, Secretary-Treasurer, Leech Lake; Terrance Tibbetts, Chairman, White Earth; Alan Roy, Secretary-Treasurer, White Earth.

Quorum

Others: Curt Kalk, Mille Lacs; Shena Matrious, Government Affairs Area Relations/Special Projects, Mille Lacs; Bridget Donahue, Dir. Real Estate, Mille Lacs; Wendy Merrill, Legislative Office Manager, Mille Lacs; Nora Benjamin, Special Events Coordinator, Mille Lacs; Shelly Diaz, Urban Rep., Mille Lacs; Eugene Tibbetts, Rep., White Earth; Mike LaRoque, Chief of Police, White Earth; Steve White, Rep., Leech Lake; Lenny Fineday, Legal, Leech Lake; Tammy LaRose, Enrollment Director, Leech Lake; Corey Strong, Executive Director, Bois Forte; Barb Brodeen, Realty Manager, Bois Forte; Bruce Savage, Rep., Fond du Lac; Marilyn Miller, U.S. Census; Gina Manly, Coordinator Chicago Office, US Census; MCT staff and other interested parties.

Motion by Secretary-Treasurer Roy to approve the agenda with additions. Seconded by Ferdinand Martineau. 11 For, 0 Against, 0 Silent. Carried.

RESOLUTION:

Motion by Chairman Deschampe to approve Resolution 32-19, NCAI delegates. Seconded by Chief Executive Benjamin. 11 For, 0 Against, 0 Silent. Carried.

U.S. CENSUS: Marilyn Miller, Gina Manly, Coordinator Chicago Office

Resolution for all tribes to collaborate. Update: Send message, looking for representation from the Tribes. Mille Lacs Band would host training in late January or February. Tribal Liaison (complete committee) Census can train individuals on importance of census 2020. Money follows the numbers. Planning sessions – need tribes to decide who will be on the committee.

Need update soon on representative for tribe. Chicago region lead census in 2010. Need to hire area/community to do the count.

LEGAL: Phil Brodeen

Phil discussed the petition and Censorship Ordinance. Written comments are to be provided to him. President Chavers stated we need a timeline for when comments are due by so we can get this accomplished. Suggested next quarterly for comments/suggestions/views. Phil would distribute memo requesting the comments. Secretary-Treasurer Martineau stated that it takes so long to go through the process, not completely clear. Had petition and it was not validated – another petition in September 2017 and one November 2018. The ordinance is in depth in some areas and unclear in others. Not an easy process. In the old days it was much easier. Chairman Dupuis stated in 2006, felon or lesser crime is procedure for removal. The removal process still goes into a petition. If an individual is found guilty, individual can still sit in office.

Secretary-Treasurer Roy stated comments in October/November – censure of Tribal Executive Committee members. Action of Tribal official should get them back on their duties. Felony level is different than misdemeanor. Reservation Tribal Council should be able to censure their own council members at their level. Due process, governing body finds you need to be relieved of duties – Fond du Lac member still did duties. Should be able to sanction Tribal officials.

Chairman Dupuis referred to Ordinance 91-14 – censorship issue, violates the constitution of the Minnesota Chippewa Tribe. Motion and seconded in 45 days – voting comes to one thing, 50 charges – doesn't state violation, not defined what violation is, not happening at this level. 91-14 violations are deemed as MCT constitution violation.

Phil responded that requirement is to provide proof, specific breakdowns. A Copy of Censorship Ordinance with markup - Fond du Lac had already provided three issues. Secretary-Treasurer Roy stated he supports the Chairman of Fond du Lac, the felony provision/issues keep repeating itself. Term – pass a law after the fact. Phil stated that ex post facto would have prospective application – doesn't go back to effect certifications that have already occurred. But previous convictions would preclude individuals from being certified now and going forward. Secretary-Treasurer Roy responded we can't turn back the clock on issues.

Phil responded not have a felony, no ex post facto, band bodies are not applying. Chairman Dupuis stated in applying for office, convicted. Indian Rights Act, ex post facto Secretarial Election the same, stealing – band governing body can look at as convicted of lesser crime – applicable law, putting into place, felony as state citizen you have the right to bear arms, etc. This ordinance according to the band follows you for the rest of your life.

Secretary-Treasurer Roy stated minors, etc. Tribal Executive Committee look at. Phil responded “ever been convicted”. Thomas A. stated pardon/expunged, legalese, and sovereign law. Referenced legalese, policies and statures. No felon - convicted of felony (actual law).

Secretary-Treasurer Roy asked for clarification from legal. President Chavers would like some discussion, define and clarify the ordinance. Tribal Executive Committee members take back to their legal departments. Secretary-Treasurer McCormick stated Phil’s report is schedule for review at the January meeting. Constitutional reform, provide clarity. Chairman Deschampe responded people working on the Constitution, do these people have to do this even if they don’t want to. Phil responded no, convention is citizen driven, no Tribal Executive Committee members involved.

President Chavers asked to provide input – time factor. Secretary-Treasurer Martineau sanction to put in place, person is not being paid during that time. Sanction nine months, cleared, than owned back pay. Employee re: Reservation Tribal Council members. Especially for a process that continues for a long time.

Phil responded that it is definitely something to look for, build in bylaws. Secretary-Treasurer Martineau, let people decide how to handle this. Deal with people stealing, convicted in tribal court/county court. Convicted of a crime, technically could not run for office. Doesn’t state as an adult or minor, doesn’t have to be felony, just an offence. Dale Greene responded that Constitutional Convention issues should be discussed there. Phil responded not elected to the Tribal Executive Committee. The only body that can talk about the Constitution is the Tribal Executive Committee. The Tribal attorney is not elected. Voter dispression, remind Reservation Business committee outlined in constitution. Looking for Constitution relevancy. If were going to have discussion include membership. Land transfer, meeting with Tim LaPointe, 2 options – administrative/legislative. Legislative – language defined, will distribute for feedback at January meeting. Support for legislation. Chairman Jackson aske how it affects services with six tribes. Explore with attorneys that work in land issues.

ICWA case

Texas court serious attack on ICWA. Band signed in on amicus brief, NARF brief would be circulating for signing on brief. President Chavers asked about timeline. Phil responded very soon, draft brief either this week or next it need to be delivered to the Native American Rights by January 15th.

Secretary-Treasurer Roy stated that recently White Earth and Leech lake Tribal leaders were in Hennepin County Court to testify, large turn over in ICWA staff. Phil responded the case in Texas brought up in case, stating ICWA is race base status. Chairman Dupuis stated race based status and unconstitutional – it only applies to us. Phil responded not dealing with race, political stature. Chairman Jackson responded it’s complicated when children are not enrolled. DNA

cases looking to crack system. Advocacy change – child ICWA – mother not enrolled anything to deny a process that would be their bases. Need to look at when determining enrollment. Phil authorized to proceed.

Phil requested a motion to proceed with Brackeen Case. Tax issues Leech Lake is working on a proposal to ensure that internet sales taxes are distributed uniformly to the six Bands of the MCT.

Motion by Chairman Dupuis to authorize Phil to proceed with Brackeen case. Seconded by Chairman Tibbetts. 11 For, 0 Against, 0 Silent. Carried.

Secretary-Treasurer Roy asked, do delegates deal with one issue at a time? Legal team and delegate to look at matter another time in regard to the Secretary of the Interior. The greatest threat to the people is their own government; I'd rather suffer the cold indifference of justice than pay for the benevolence of a good man. Everything comes to this table, want to work on courts, need to have laid out before Secretary of the Interior need to be narrowly defined in constitution. Delegates take the responsibility, the 2019 proposal is the Tribal Executive Committee vote that September 2019 we hold a referendum vote in July 2019 proposal for Court.

President Chavers stated that Constitutional reform; there are a lot of issues to deal with the Constitution. Huge issues that need reform, concern with the Secretarial of Interior removal, is an issue that needs to be addressed, are we rushing to fast. Does the Tribal Executive Committee want to let this go to the delegates.

Leonard Roy asked, has the Secretary of the Interior ever intervened, Article XV comes to review, when the Secretary of the Interior isn't doing anything.

Chairman Dupuis stated the removal principle; put some information – protection clause. To not have anything in place would be ludicrous.

Leonard Roy again stated the Secretary of the Interior has done nothing.

Chairman Dupuis responded turn issue over to the membership, have something to put into place before removing the Secretary of the Interior.

Chairman Deschampe stated that it is unique here, six reservations. Where would the court jurisdiction lie? Questions come up, if we rush would we be trying to fix forever. Talk about sovereignty, but do we want to get away.

The Secretary of the Interior intervened in the Washburn letter.

Wally Storbakken reflected on I-80 and 2-80. The Secretary of the Interior through Solicitor not authority – vote of membership. Authority lies with membership, amendment 3 – didn't have authority to establish courts – shifted positions – politics. Take the Secretary of Interior out because one time he tried to protect us. Rely on delegates and have faith in the people.

Secretary-Treasurer Roy stated request to remove the Secretary of the Interior and courts over to delegate for something next summer, try and have a goal. President Chavers responded yes, it needs to be looked at by the delegates. Secretary-Treasurer McCormick gave example of in any meeting there are a lot of opinions generated, it may take some time to process on how it should be formulated. If we are going to have a Secretarial Election, the membership needs the question posed to be clear and concise, don't want to be vague, so that voters can vote on the issue. If we are going through the process of a Secretarial Election we should maximize it, by adding the other issues that have been tabled, for example the resolutions previously put forth regarding recognizing other Chippewa in blood quantum/membership. Secretary-Treasurer Martineau responded we need something done, the Secretary of the Interior hasn't done their job. The Tribal Executive Committee has done things to make it better. Need to be left up to delegates. Would like the power generated from the people by the people and for the people. President Chavers stated Censorship handed to the delegates. Chairman Jackson stated that Leech Lake members want council not involved, advocacy for blood quantum. Delegates are taking notes; it's up to the people to vote on changes.

Native American Veterans: Secretary-Treasurer Roy

Secretary-Treasurer Roy presented a copy of the veterans' resolution passed by the White Earth Tribal Council. He stated that it's important that the Tribe adopt as well. Defined employment, disabled, active duty status and Purple Heart recipients. He asked Tribal leaders to take back to reservations for Tribal Leaders and the Minnesota Chippewa Tribe to adopt. Have resolution ready for the meeting in April. Resolution – annual review and proposing need to check a Tribal veteran's commission.

Secretary of Veterans Affairs to meet and discuss with tribes. White Earth would be great host. Veterans stand down; provide resources and help set up for April meeting.

President Chavers commends Secretary-Treasurer Roy for his strong adversary for veterans.

Wild Rice Taskforce: Michael Northbird, GAP Coordinator

Michael provided a summary of the Wild Rice Taskforce and a handout. He discussed the letter sent on behalf of the tribes regarding the Governor's taskforce selection. Eight of the people on Governor's taskforce work in industry as money makers. We need to deal with the issue of

sulfate, the State of Minnesota sulfate is 10 mg/l the standard since 1973 following the clean water act.

Motion by Secretary-Treasurer McCormick to approve the Wild Rice report. Seconded by Chairman Dupuis. 11 For, 0 Against, 0 Silent. Carried.

President Chavers stated this is our report, we have scientific data. Secretary-Treasurer McCormick responded awesome report, great job everyone who worked on it in such a short period of time. Michael intended to go to the legislature.

Letter – Governor Election- majority.

Chairman Dupuis discussed the Constitution Education. He stated we need to education membership, the Minnesota Chippewa Tribe members and schools.

Chief Executive Benjamin provided a handout. She is a part of Walz's 30-member transition team, including Shelly Buck, Cathy Annette. Update on the Governor elect and lieutenant governor elect, proposed hiring of their cabinet- over a thousand people applied for 480 Commissioner positions. The theme is one Minnesota, keep citizens engaged. There have been three meetings, yesterday was last meeting, copies of information discussed. Will send out comprehensive report also.

Secretary-Treasurer Roy introduced Leonard Roy. Leonard Roy provided an update on the delegate for each of the White Earth Districts, Iron Range, Leech Lake and metro area. The primary consensus is the danger of separation from the Minnesota Chippewa Tribe. The Pros and Cons of removal of Secretary of the Interior. Native blood considered in enrollment. The sovereignty and Federal regulations – how affected if broke away from the Minnesota Chippewa Tribe. At least 100 participants turned out, there is a lack of participation.

President Chavers informed the Committee that Red Lake has been doing Constitution reform for four years now and used grant funding. A four year process, numerous meetings, delegate should contact Red Lake for information and suggestions.

Executive Director Frazer informed the Committee a memo from the delegates, at their last meeting they made a request for monies. The Minnesota Chippewa Tribe would assist in the cost of the Meeting room, supplies and lunch. The delegates may have been receiving assistance from their respective reservation in regard to stipends, transportation and hotel rooms.

President Chavers asked if the Tribal Executive Committee or Reservation Tribal Councils are providing any assistance.

Chairman Dupuis stated that there was a grant available last year for Constitutional reform. Gary responded yes and he would pursue with the Bureau. President Chavers stated that Bois Forte is paying mileage for the Bois Forte delegates.

White Earth delegates meeting there was a big discussion on travel, Bois Forte, Grand Portage and Fond du Lac are a long way to travel. Most of the delegates are pay out of their own pockets and would prefer a more centrally located meeting place.

President Chavers suggested skyping the meetings also look at what the other tribes have done for educational purposes. Hopefully the other reservations will get their information in to the tribe.

Katie Draper, Mille Lacs, stated that they are screening delegates, posting flyers and encouraging participation in meetings. A total of seven people submitted letter to serve as delegates another circulation of flyers, in order for delegates to meet for the first time on November 8. Curt Kalk stated the first meeting is scheduled, Curt asked, are the bands doing the selection by resolution? We would like a consistent group of delegates moving in this process for the next few years.

President Chavers stated that Bois Forte didn't do a resolution, they are letting anyone who requested to be a delegate serve. Not all can participated at the same time due to events in their lives, medical leave, etc, or participate all the way through the process. She suggested that there could be one delegate from each reservation that can be the contact person, for example, Corey Strong, Bois Forte; Curt Kalk, Mille Lacs. Then they can communicate together through the process.

Executive Director Frazer asked to set meeting dates and locations for the next year so we can plan ahead.

Subcommittee meetings/Tribal Executive Committee meetings

January 29th/30th – White Earth

April 23rd/24th – Grand Portage

July 8th - Subcommittees meetings & TEC (1day) Leech Lake

July 8th — Subcommittees meetings & October 29th/30th – Fond du Lac

Information dates:

January 8th- Mille Lacs State of the Band

January 18th – Delegates Meeting – Hinckley

January 24th – Bois Forte State of the Band

February 21 – Delegates Meeting – Fortune Bay

Legislative Dinner – February 26, InterContinental St. Paul Riverfront

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Following this Tribal Executive Committee meeting there will be a land transfer meeting, request two delegates from each reservation attend.

Motion by Chief Executive Benjamin to adjourn the meeting at 11:26 p.m. Seconded by Chairman Deschampe. 11 For, 0 Against, 0 Silent. Carried.