

Tribal Executive Committee
June 22, 2021
Special Meeting
Fortune Bay Resort Casino

A special Tribal Executive Committee meeting was called to order at 9:06 a.m. by President Chavers at Fortune Bay Resort Casino, Vermilion, Minnesota.

Invocation: Vern Adams

Present: Catherine Chavers, Chairwoman, Bois Forte; David Morrison Sr., Secretary-Treasurer Bois Forte; Melanie Benjamin, Chief Executive, Mille Lacs; Sheldon Boyd, Secretary-Treasurer, Mille Lacs; Ferdinand Martineau, Secretary-Treasurer, Fond du Lac; Faron Jackson, Chairman, Leech Lake; Arthur LaRose, Secretary-Treasurer, Leech Lake; Michael Fairbanks, Chairman, White Earth; Secretary-Treasurer Roy For, 0, Secretary-Treasurer, White Earth Via zoom: Chairman Dupuis For, 0, Chairman, Fond du Lac; Robert “Bobby” Deschampe, Chairman, Grand Portage; April McCormick, Secretary-Treasurer, Grand Portage.

Other: Joel Smith, Director of Administration, MCT; Phil Brodeen, Legal, MCT; Sally Fineday, Constitutional Delegate; Nora Benjamin, Emily Johnson, Frank Bibeau, Jolyn Donnell, Tammy LaRose, Enrollment, Leech Lake; Wally Storbakken, David Aubid, Micha Aubid, Steve White, Richard Jones, Lenny Fineday, Legal, White Earth; John Morrin, Committeeman, Grand Portage; Peter Boney, Rep., Bois Forte; Faith Algren, Niiji Radio; Wally Dupuis, Syngen K. via Zoom: Gary Frazer, Executive Director, MCT; Secretary-Treasurer Roy Fogarty, Superintendent, BIA-MN Agency; William “Bill” Meyer, Bruce Savage, Rep., Fond du Lac; Shane Drift, Rep., Bois Forte;

Constitutional Delegates:

A resolution was presented by Sally Fineday (herein referred to as ‘proposed delegate drafted resolution’), to put forth amendment to the constitution today. She read the ‘proposed delegate drafted resolution’ aloud. We need to get the Secretary of Interior out of our constitution. This resolution comes to you today and we need you to accept it.

Audience Comments about blood quantum.

Sally Fineday made a comment about adding Mille Lacs back in resolution.

A written statement from Mille Lacs delegates was read aloud they do not support resolution (‘proposed delegate drafted resolution’).

Carrie Day Aspinwall acknowledged that the Tribal Council is made up of many tribal members. Members off reservation need to speak through their delegation. The Tribal Council hosted the June 18th meeting to provide updates to our urban members. This delegation has worked on coming to a consensus. We have a process in order, to come to a consensus. We are grateful when are voices are included. Words matter, process matters. We are here to make

recommendations. This is not what we said, Mille Lacs wouldn't stand up here today, if this is what was said. We are in a position to give an update to what happened at the June meeting. We were not ready for what was presented today [with the 'proposed delegate drafted resolution']. We are here to make sure you know where the Tribal Council is at and content of the constitution delegations meeting [June 18th, 2021].

President Chavers stated that enrollment is such an important issue and it is time to move forward. We have been talking about enrollment issue for so long. When we saw the resolution circulating in email (herein referred to as 'proposed drafted delegate resolution'), we thought it was coming from constitutional delegates. The Minnesota Chippewa Tribe has over 40,000 members that need to decide about enrollment. We are elected to represent our members. We can address the enrollment issue by possibly passing a Referendum, where each band can determine their own enrollment. We are sovereign nations and Bois Forte wants to determine its own enrollment. The constitutional delegation has done a good job, but when looking at enrollment, the destination given to you is impossible. This can only be done by the members voting. Our membership gives us a direction to go, so we need to bring this enrollment issue to the membership. We can talk about this, but what we need is action. We are all one, we need to decide, and our membership has to vote on the enrollment issue.

Comments from the Tribal Executive Committee and Audience.

Topic presented - not on the agenda:

State of Minnesota agency permitted 'dewatering' of certain water bodies, as presented by White Earth, this dewatering permit negatively impacting lakes and wild rice. White Earth Tribal Executive Committee members asked the TEC for a letter to the Governor to cease, and urged a letter go out immediately. President Chavers stated there would be a special meeting before July regarding the dewatering issue. Audience members commented on the importance of water, niibi, wild rice, manoomin, and voiced support of the MCT writing a letter to stop the dewatering.

Constitutions delegates provided additional comments on the 'proposed delegate drafted resolution'. Grand Portage delegate Michele Hakala-Beeksma, stated she was at the twin cities meeting and wanted to clarify that there is some dissention among delegates on the 'proposed delegate drafted resolution' as presented to the Tribal Executive Committee.

Break:
Meeting resumes:

President Chavers stated they had some discussion and decided to issue a letter (read) immediately to Governor Waltz requesting rescinding water appropriation permit to go out immediately. Requested amotion to approve.

Motion by Chairman Fairbanks to approve letter to Governor Waltz resending water appropriation permit. Seconded by Secretary-Treasurer Roy. 8 For, 0 Against, 0 Silent. Carried.

Comments from audience.

President Chavers announces the topic of Referendum and calls on Phil Brodeen.

Phil Brodeen, as the Attorney for the Minnesota Chippewa Tribe, provided clarification to the process and purposes of a Referendum and of a Secretarial Election: Article XIV Referendum and Article XII Amendment, and read these sections aloud for the Committee and audience. Further clarifying: Essentially the purpose of the Referendum would be to engage voters on their desire to strike the membership criteria currently in Article II (including blood quantum) and allow the individual Bands to determine membership enrollment by an Ordinance developed by the individual Bands.

Secretary-Treasurer Martineau asked to explain a little more what was being proposed, you spoke of a vote requirement on a Referendum? Phil explained, this Referendum would be a preliminary gauge on how membership is feeling about leaving it up to the individual bands to determine enrollment criteria. There is no vote requirement on Referendum. If a positive vote occurs at a Referendum— then we will go into a Secretarial Election which then 30% is required.

Secretary-Treasurer Martineau summarized, so the Referendum would be a vote to see if the membership has interest in voting on this in a Secretarial Election? Phil stated, Correct, if the Referendum vote comes back negative, then we go back to the drawing board and trying something different. That's essentially what we are trying to accomplish, the Referendum process could be something along the lines of: should the Tribal Executive Committee authorize a Secretarial Election to make this proposed change to the enrollment criteria to move it to the individual bands?

Chairman Jackson asked for clarification on how many actual Secretarial Elections have we had, votes are required for Referendum and Secretarial Election, do you recollect how many we've had so far. Phil responded, that he was not aware if Referendums had been done prior to the questions being moved to the membership by Secretarial Election. For the most recent one, I don't believe there was a Referendum conducted.

Secretary-Treasurer McCormick asked, what is the purpose of Referendum – is it to define the question that voters would consider at a Secretarial Election or would the question already be defined? I'm trying understand what is the purpose of having a Referendum when the question could be equally defined at a Secretarial Election? In having the voters turn out and having that process be hosted by the BIA and Secretary of Interior. Can you define the purpose of Referendum? Phil explained that the Referendum would be to have the question be put to the people to see where they are at on it. For example, if we get 1000 votes for, which is about 12,000 votes less than what we need for a Secretarial Election, there will be a question on whether if we can get enough support from membership for the question to go whether it goes forward or not to a Secretarial Election. Or if it gets voted in the negative vote, then obviously you wouldn't go forward with it.

Secretary-Treasurer McCormick responded so the TEC would take the information from voters voting in the Referendum process to determine the next steps of a Secretarial Election, is what I hear being presented or proposed? Phil stated, Correct.

Chairman Dupuis stated this is confusing, further commented on the criteria for Article 12 and 14, including the purpose of the Secretarial Election. Comments from the audience. President Chavers reflected on the comments and encouraged the Tribal Executive Committee to take action.

The Tribal Executive Committee took action on the following motion and clarifications to that motion:

President Chavers called for a motion to approve a Referendum for all the Minnesota Chippewa Tribal members regarding the enrollment process, that the question we ask would be that it [Enrollment] be given to the each of the individual Bands to determine Enrollment for the tribal membership under the Minnesota Chippewa Tribe.

Further clarifications were added prior to the vote:

- Secretary-Treasurer Roy: The TEC is requesting a resolution be brought forward to call for a Referendum, so that the TEC can see the language prior to voting on the resolution.
- Secretary-Treasurer McCormick: The question will be clear and only in regards to enrollment, so that we can be most clear and defined for voters participating in the Referendum vote.
- Secretary-Treasurer McCormick: It must be very clear to voters that by participating to a Referendum vote that the outcome of the Referendum doesn't actually physically make the change that they are anticipating to Enrollment, we still have to go through the process under our current constitution and the way it's structured with the Secretary of Interior/Bureau of Indian Affairs hosting a Secretarial Election, in order to actually have Minnesota Chippewa Tribe voters ratify that change to Enrollment.
- Secretary-Treasurer Roy If a Referendum passes, and if a Secretarial Election passes, the outcome will be the elimination of blood quantum as a requirement within the constitution and that each Band by Ordinance will define its own enrollment criteria, and the Minnesota Chippewa Tribe will remain as an organization.

Motion by Secretary/Treasurer Roy, seconded by Chairman Jackson. Motion Carried: 10 for, 0 against, 1 silent (Chairman Fairbanks).

Chairman Fairbanks stated he was confused after the vote. President Chavers responded, direction from the Tribal Executive Committee varies answer from the people. It is up to the people. Chairman Jackson stated that each tribe and their membership should have the right to determine their own criteria. Chairman Fairbanks referred to a letter from delegates.

Comments from audience regarding tribal members identity, blood quantum history, constitution, support for the Referendum process, delegates can help voters know information.

Motion by Chairman Fairbanks to approve the Liquor License for Bones Inc. Seconded by Secretary-Treasurer Roy. 8 For, 0 Against, 0 Silent. Carried.

Clarification (information): Secretary-Treasurer Roy.

Secretary-Treasurer Roy stated the 30% criteria, summarized by asking for straight forward clarification on this issue today. Article 12 amendment, 30% entitled to vote means what? The only way we can amend the constitution is the same way it was created.

Read information provided. (attached)

Secretary-Treasurer Roy stated he does not agree with interpretations,

Discussion among Committee members and Legal at length on the topic.

[Chief Executive Benjamin left the meeting for a commitment which she announced earlier].

Motion by Secretary-Treasurer Roy for a roll call vote to reaffirm the 30% entitled to vote shall vote. Seconded by Secretary-Treasurer LaRose.

Secretary-Treasurer McCormick stated the constitution has the information out there. President Chavers responded, this motion is to vote to reaffirm the 30% entitled to vote shall vote. Secretary-Treasurer McCormick asked what is the purpose of this roll call vote?

President Chavers announced there is a motion and a second on the floor. Roll call vote:

Yes - Secretary-Treasurer LaRose, Secretary-Treasurer Roy, Chairman Fairbanks, Secretary-Treasurer Martineau, Chairman Dupuis, Secretary-Treasurer Morrison, President Chavers.

Silent – Secretary-Treasurer McCormick

7 For, 0 Against, 1 Silent (McCormick) Carried.

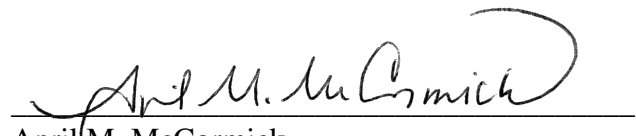
Secretary/Treasurer McCormick explained that she voted silent because she did not see a reason a vote was necessary in acknowledging this 30% entitled to vote, this can be a discussion on the matter resolved amongst the committee members by discussion.

Discussion among Committee members and Legal in regards to a question raised by Secretary-Treasurer Roy on the constitutionality of the act of ‘posing a question/language’ regarding the topic of 2005 Amendment A and B whether it is constitutional. Legal provided comments during the discussion. President Chavers described the process of developing it and bring it back to the Tribal Executive Committee and we can decide what to do with it, Tribal Executive Committee could determine by a vote.

Legal: Phil Brodeen

Phil informed the committee that information was provided on Hudson vs. Zinke and BIA information to blood quantum resolutions.

Motion by Secretary-Treasurer LaRose to adjourn the meeting at 1:13 p.m. Seconded by Secretary-Treasurer McCormick. 8 For, 0 Against, 0 Silent Carried.

A handwritten signature in cursive script, reading "April M. McCormick", written over a horizontal line.

April M. McCormick
Secretary, Minnesota Chippewa Tribe

Minutes Approved on October 29, 2021 at a Regular Tribal Executive Committee Meeting



June 25, 2021

THE MINNESOTA CHIPPEWA TRIBE

Summary from the Office of the Secretary, April McCormick, Tribal Executive Committee

RE: Action taken by Tribal Executive Committee regarding the topic of Enrollment/Membership

The Tribal Executive Committee (TEC) hosted a special meeting on June 22, 2021 called for by a memo from President Chavers. The Committee heard perspectives from the constitutional delegates present and discussion centered around changing Enrollment Criteria within the Minnesota Chippewa Tribe Constitution. Currently, the MCT Constitution requires that in order to be eligible for MCT membership, a person's combined blood quantum from their parents must be at least 25% in order to be eligible for enrollment.

During the TEC meeting, a motion was made to begin a process that would allow MCT members to weigh in on whether the Constitution should be changed to allow each of the six Bands to adopt their own Enrollment Eligibility Criteria, instead of being required to follow the 25% blood quantum. The motion was made and passed.

What this means for members is that the TEC would like all Minnesota Chippewa Tribe members whom are eligible to vote to participate in a referendum election. The purpose of this MCT Referendum will be to understand what members want to happen by asking members to answer a defined question. In this case, the defined question would be whether members want to be able to vote on whether to change the enrollment criteria in Article II of the current MCT constitution to allow the six sovereign Bands to determine tribal membership of their Band, possibly through Band Enrollment Ordinances.

It is important to be clear with our voters that participating in a referendum vote does not change the constitution. However, a referendum is the first step that will guide the TEC's decision about whether to request a Secretarial Election about changing the constitution (by an amendment). A Secretarial Election is the only way to make this change under our current constitution. The results of a Secretarial Election can change the constitution if enough MCT members vote to pass an Amendment. Referendums and Secretarial Elections are distinct and defined in Article XIV: Referendum and Article XII: Amendment, of the Minnesota Chippewa Tribe Constitution.

This will likely be a lengthy process and members should expect to receive more information about this topic in the future from their TEC members and the Minnesota Chippewa Tribe as we progress toward addressing membership and enrollment criteria together.

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