

**TRIBAL CONSTITUTION
INTERPRETATION NO. 9-95
WAS RECINDED BY THE
TRIBAL EXECUTIVE COMMITTEE
ON AUGUST 8, 1996.**

TRIBAL CONSTITUTION

INTERPRETATION NO. 9-95

- WHEREAS, Article XIV of the Revised Constitution of the Minnesota Chippewa Tribe provides for a referendum process with regard to Reservation Business Committee resolutions or ordinances; and
- WHEREAS, Article XIV is silent on several issues, and further interpretation is needed concerning the circumstances in which the referendum process can be used; and
- WHEREAS, The Minnesota Chippewa Tribal Executive Committee is the governing body of The Minnesota Chippewa Tribe and has the authority to interpret the Tribal Constitution; and
- WHEREAS, There are certain responsibilities that are so fundamental to the operation and continuation of self-government that they cannot be affected by referendum; and
- WHEREAS, The Tribal Executive Committee has interpreted the Tribal Constitution so as to provide some guidance with regard to the use of the referendum process.

NOW THEREFORE BE IT RESOLVED, that Article XIV, Section 2, of the Revised Constitution of the Minnesota Chippewa Tribe is hereby interpreted as follows:

1. The right of reservation voters to petition for a referendum is limited to resolutions or ordinances of a Reservation Business Committee which have been finally enacted by the Committee.
2. The right of reservation voters to petition for a referendum is limited to legislative enactments by the Reservation Business Committee, and does not extend to the exercise of administrative and executive power of the Committee
3. The right of reservation voters to petition for a referendum does not extend to emergency enactments passed for the preservation of the public peace, health, and safety.
4. The right of reservation voters to petition for a referendum does not extend to enactments or appropriations necessary for the expenses, maintenance, and support of the reservation government and its institutions.

We do hereby certify that the foregoing Constitutional Interpretation was duly presented and acted upon by a vote of 9 For, 0 Against, 2 Absent, at a Regular Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on May 19, 1995, at Duluth, Minnesota.

Norman W. Deschampe, President
THE MINNESOTA CHIPPEWA TRIBE

ATTEST: Peter J. Defoe, Secretary
THE MINNESOTA CHIPPEWA TRIBE

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President Deschampe asked whether any action is being taken regarding the set-aside issue. Mr. Roy responded they have sent letters to the Congressional delegation disagreeing with the proposed action by the federal government.

LIQUOR LICENSES

Motion by Jerry Rawley to approve a liquor license for the Rainbow Resort on White Earth Reservation. Seconded by Darrell Wadena. 9 For, 0 Against. Carried.

Motion by Alfred Pemberton to approve a liquor license for the Sportsmen's Pizzeria on Leech Lake Reservation. Seconded by Daniel Brown. 9 For, 0 Against. Carried.

MEMORANDUM OF UNDERSTANDING - UST/LUST

A proposed Memorandum of Understanding regarding Underground Storage Tanks and Leaking Underground Storage Tanks between the Minnesota Chippewa Tribe, the State of Minnesota, and the United States Environmental Protection Agency was presented to the Committee for review by themselves and their legal counsel.

SELF-GOVERNANCE BREAKDOWNS

Motion by Gary Donald to adopt Resolution 131-95 establishing self-governance funding distribution breakdowns (of programs directly administered by the Minnesota Chippewa Tribe) for the four reservations that have not yet completed self-governance compacts. Seconded by Gilbert Caribou. 9 For, 0 Against. Carried. (A copy of the proposed breakdowns is attached to these minutes.)

Motion by Gary Donald to adopt Resolution 132-95 establishing self-governance funding distribution breakdowns (of programs directly administered by the BIA Minnesota Agency) for the four reservations that have not yet completed self-governance compacts. These programs include Administrative Services, Executive Direction, Forestry, and Realty. Seconded by Peter J. Defoe. Discussion included a formal statement by Darrell Wadena opposing the breakdown and his intention to file a grievance. 6 For, 2 Opposed, 1 Silent. Carried. (A copy of the proposed breakdowns is attached to these minutes.)

LEGAL ISSUES - James Schoessler

Tribal Interpretation 9-95

Tribal Interpretation 9-95, providing a formal interpretation of the Minnesota Chippewa Tribe Constitution, Article XIV, Referendum, was presented to the Committee for action. Motion by Peter J. Defoe to adopt Interpretation 9-95 with adjustments recommended by the Legislative Subcommittee on May 18. Seconded by David C. Morrison, Sr. 9 For, 0 Against. Carried.

Motion by Gilbert Caribou to adopt Resolution 30-97 regarding enrollment: White Earth Parent Not on '41 Roll. Seconded by Clint Landgren. 9 For, 0 Against, 0 Silent. Carried.

Motion by Gilbert Caribou to adopt Resolution 31-97 regarding enrollment: White Earth Transfer to Mille Lacs. Seconded by Clint Landgren. 9 For, 0 Against, 0 Silent. Carried

Motion by Gilbert Caribou to adopt Resolution 32-97 regarding enrollment: White Earth Relinquish to Sac & Fox Mississippi in Iowa. Seconded by Clint Landgren. 9 For, 0 Against, 0 Silent. Carried.

Kelly Smith, Fond du Lac enrollee addressed the TEC concerning a petition that was submitted to the Fond du Lac RBC. Kelly asked the TEC to act on the petition if Fond du Lac would not. Pete Defoe says it was a valid petition and there were enough signatures on it. Gilbert Caribou says that the petition should be brought back to Fond du Lac RBC. Discussion followed that if the TEC was not going to do anything then the MCT Interpretation 9-95 should be rescinded.

Motion by Clint Landgren rescinding Minnesota Chippewa Tribal Constitution Interpretation 9-95. Seconded by Peter Defoe. 9 For, 0 Against. Carried.

Motion by David Morrison to adjourn the meeting. Seconded by Gilbert Caribou. 8 For, 1 Against, 0 Silent. Carried.