

**THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE**

Regular Meeting
February 6, 2014

A regular meeting of the Minnesota Chippewa Tribe Tribal Executive Committee was called to order by President Norman Deschampe at 8:40 a.m. at Grand Casino – Mille Lacs, Onamia, Minnesota.

Invocation: Joe Nayquanobe

Roll Call: Norman Deschampe, April McCormick, Kevin Leecy, Dave Morrison, Carri Jones, Donald Finn, Karen Diver, Ferdinand Martineau, Melanie Benjamin, Curtis Kalk, Erma Vizenor, Robert Durant.

Quorum Present.

Others Present: Gary Frazer, Executive Director, MCT; Mark Anderson, Legal Counsel, Minnesota Chippewa Tribe; Steve Howard, Ex. Dir., Leech Lake; Nissa Peltier, Leech Lake; Brandon Benner, Dist. I Rep., Bois Forte; Ray Toutloff, Dist. II Rep., Bois Forte; Kevin Dupuis Sr., Dist. III Rep., Fond du Lac; Irene Auginaush, Dist. I Rep., White Earth; Terrance Tibbetts, Dist. II Rep., White Earth; Jerome Lhotka, Ex. Dir., White Earth; Joe Plummer, Legal, White Earth; Terry Janis, Constitutional Reform Manager, White Earth; Joe Legarde, White Earth; Elaine Smith, Legal, Mille Lacs; Nora Benjamin, Mille Lacs; Sheena Matrious, Mille Lacs; Patty Olby, Superintendent, BIA-MN Agency; Peggy Roy, Indian Elder Desk Coord. MN Board on Aging; Linda Aitken, MN DOT; Dennis Olson, MDE Director of Indian Education; Jill Doerfler, Asst. Prof, UMD; Dale Greene, Leech Lake; MCT Staff and other interested parties.

Motion by Erma Vizenor to approve the agenda. Seconded by April McCormick. 10 For, 0 Against, 0 Silent. Carried.

Motion by Karen Diver to approve the minutes of November 5, 2013 and December 11, 2013 with changes. Seconded by Robert Durant. 10 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS:

Motion by Kevin Leecy to approve Resolution 36-14 regarding enrollment: Bois Forte Eligibles. Seconded by Dave Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Kevin Leecy to approve Resolution 37-14 regarding enrollment: Bois Forte Ineligibles. Seconded by Dave Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Kevin Leecy to approve Resolution 38-14 regarding enrollment: Bois Forte "Not on 41' Roll". Seconded by Dave Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Kevin Leecy to approve Resolution 39-14 regarding enrollment: Bois Forte Removal False Information. Seconded by Dave Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Kevin Leecy to approve Resolution 40-14 regarding enrollment: Bois Forte Removal False Information II. Seconded by Dave Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Karen Diver to approve Resolution 41-14 regarding enrollment: Fond du Lac Eligibles. Seconded by Ferdinand Martineau. 10 For, 0 Against, 0 Silent. Carried.

Motion by Karen Diver to approve Resolution 42-14 regarding enrollment: Fond du Lac Ineligibles. Seconded by Ferdinand Martineau. 10 For, 0 Against, 0 Silent. Carried.

Motion by Carri Jones to approve Resolution 43-14 regarding enrollment: Leech Lake Eligibles. Seconded by Donald Finn. 10 For, 0 Against, 0 Silent. Carried.

Motion by Carri Jones to approve Resolution 44-14 regarding enrollment: Leech Lake Ineligibles. Seconded by Donald Finn. 10 For, 0 Against, 0 Silent. Carried.

Motion by Carri Jones to approve Resolution 45-14 regarding enrollment: Leech Lake Transfer to Bois Forte. Seconded by Donald Finn. 10 For, 0 Against, 0 Silent. Carried.

Motion by Carri Jones to approve Resolution 46-14 regarding enrollment: Leech Lake Transfer to White Earth. Seconded by Donald Finn. 10 For, 0 Against, 0 Silent. Carried.

Motion by Carri Jones to approve Resolution 47-14 regarding enrollment: Leech Lake Relinquish to Red Lake. Seconded by Donald Finn. 10 For, 0 Against, 0 Silent. Carried.

Motion by April McCormick to approve Resolution 48-14 regarding enrollment: Grand Portage Ineligibles. Seconded by Karen Diver. 10 For, 0 Against, 0 Silent. Carried.

Motion by Melanie Benjamin to approve Resolution 49-14 regarding enrollment: Mille Lacs Eligibles. Seconded by Curt Kalk. 10 For, 0 Against, 0 Silent. Carried.

Motion by Melanie Benjamin to approve Resolution 50-14 regarding enrollment: Mille Lacs Ineligibles. Seconded by Curt Kalk. 10 For, 0 Against, 0 Silent. Carried.

Motion by Melanie Benjamin to approve Resolution 51-14 regarding enrollment: Mille Lacs "Not on '41 Roll". Seconded by Curt Kalk. 10 For, 0 Against, 0 Silent. Carried.

Motion by Erma Vizenor to approve Resolution 52-14 regarding enrollment: White Earth Eligibles. Seconded by Robert Durant. 10 For, 0 Against, 0 Silent. Carried.

Motion by Erma Vizenor to approve Resolution 53-14 regarding enrollment: White Earth Ineligibles. Seconded by Robert Durant. 10 For, 0 Against, 0 Silent. Carried.

Motion by Erma Vizenor to approve Resolution 54-14 regarding enrollment: White Earth Transfer to Bois Forte. Seconded by Robert Durant. 10 For, 0 Against, 0 Silent. Carried.

Motion by Erma Vizenor to approve Resolution 55-14 regarding enrollment: White Earth Transfer to Leech Lake. Seconded by Robert Durant. 10 For, 0 Against, 0 Silent. Carried.

Motion by Erma Vizenor to approve Resolution 56-14 regarding enrollment: White Earth Relinquish to Fort Peck. Seconded by Robert Durant. 10 For, 0 Against, 0 Silent. Carried.

Motion by Erma Vizenor to approve Resolution 57-14 regarding enrollment: White Earth "Not on 41' Roll". Seconded by Robert Durant. 10 For, 0 Against, 0 Silent. Carried.

QUARTERLY REPORTS:

Brian Brunelle presented the Administrative Report.

Motion by Donald Finn to approve the report as presented. Seconded by April McCormick. 10 For, 0 Against, 0 Silent. Carried.

Joel Smith presented the Finance Corporation report.

Motion by Kevin Leecy to approve the Finance Corporation report as presented. Seconded by Carri Jones. 10 For, 0 Against, 0 Silent. Carried.

Jeff Brunelle presented the Economic Development Report.

Motion by Karen Diver to approve the Economic Development Report as presented. Seconded by Erma Vizenor. 10 For, 0 Against, 0 Silent. Carried.

Billy Annette presented the Education Report.

Motion by Melanie Benjamin to approve the Education report as presented. Seconded by April McCormick. 10 For, 0 Against, 0 Silent. Carried.

Linda Johnston presented the Human Services Report.

Contribution – Norman stated that Grand Portage would like to help but would like to know what everyone else is contributing.

Norman stated the Farm Bill cut Food Stamps – would SNAP Ed assist with that, this affects the Bands.

Motion by Melanie Benjamin to approve the Human Services Report as presented. Seconded by April McCormick. 10 For, 0 Against, 0 Silent. Carried.

RESOLUTIONS:

Resolution regarding the MCT Beneficial Interest Land Transfer. Melanie informed the Committee that if there are questions, she prefers to wait.

Motion by Karen Diver to Table Resolution MCT Beneficial Interest Land Transfer. Seconded by Melanie. 10 For, 0 Against, 0 Silent. Carried.

Joe Plummer explained the Resolution presented in regard to the 1855 Treaty. This resolution is to confirm the existence of off-Reservation gathering rights of Mississippi, Pillager and Lake Winnibigoshish Band members on public lands in the 1855 ceded territory.

Melanie Benjamin stated that she would like more information to present to their council before acting on.

Curt Kalk arrives 9:21 a.m.

Erma states that this resolution is strictly for support and would not do anything that may impact Mille Lacs.

Motion by Erma Vizenor to Table Resolution re: 1855 Treaty. Seconded by Carri Jones. 11 For, 0 Against, 0 Silent. Carried.

BIA MN Agency: Patty Olby

Patty Olby discussed the Labor Force reports. Gary informed the Committee that the Labor Force reports were incomplete and would be provided to Committee at a later date. Patty informed the Committee of the Vacancies in the Bureau.

Kevin Lecy asked when the 2nd Cobell payment would be processed.

Robert Lintelmann informed the Committee that he would be at a meeting next week to discuss the budget – forced to eliminate programs, if there is any information to be presented the Committee is to email Robert. The budget worksheet would be worked on.

Mark asked about the buy back program under the Minnesota Chippewa Tribe.

Norman discussed the Gypsy Moth – Grand Portage is on top of this, quarantined area.

Kevin Dupuis – collectively as Tribe – would it stop fractionation, Kevin Lecy – individual allotments going back to reservation – be done collectively. Gary responded that it would stop fractionations on land buying back – by bands or Minnesota Chippewa Tribe.

Mark – Cobell doesn't provide funding for fee interest.

LEGAL: Mark Anderson

Mark Anderson referred to yesterday meeting with Natural Resources/Environment Subcommittee. Letter to Pollution Control Agency – advise MPA – additional steps to protect Wild Rice waters, enhance protection.

Appraisal – everyone gets fair market value – doesn't have specific values – methodology discussed with Realty Specialist – questions call.

LIQUOR LICENSE:

Motion by Erma Vizenor to approve Liquor License for White Earth StarMart Convenience Store. Seconded by Robert Durant. 11 For, 0 Against, 0 Silent. Carried.

Mark – Article 10 Section 4. Gary Frazer reads information.

Marvin Manypenny and Ray Belcourt stated the Tribal Executive Committee needs to feel guilty before censoring.

They asked in regards to the White Earth Constitution and Erma Vizneor.

- Who's in charge
- correct constitution
- didn't get vote of people

Erma Vizenor asked to adjourn the meeting.

Kevin Dupuis – everyone has to honor Constitution – legitimate constitutional issues – only body to hear concerns is the Tribal Executive Committee.

Norman responded no one removed Constitution – no validation for censorship. Send information to Gary to provide to all TEC members.

Kevin Dupuis – censorship of Karen Diver and Ferdinand Martineau. Article IV B – Budget. Article 10 Section 2. Code of ethics. I-64

How do you go from vote – 2/3 vote – Ferdinand admitted violated vote of 2/3 vote, took right away RBC member and individual vote. Section 5 code of ethics – back to Article X, never posted budget to people – posted yesterday 2/5/14. I-64 = provide minutes of TEC meeting to members. Need to put in writing; attorney stated sitting in front of TEC is protection.

Hearing – are we allowed to be present at the Tribal Executive Committee meeting? Where does it go from here? Mark stated right to petition for censorship doesn't have bylaws – we don't have bylaws.

Kevin Dupuis– information can be presented in writing if needed – doesn't have minutes – not privileged to have minutes of RBC meetings.

Juanita Anderson stated that copy of tape where Ferdinand asked if budget was done. There is evidence on tape where he responded yes. Chairwoman knows the budget has not done in two years and won't release tape of November 21, 2014 Executive Session – minutes handed out to board members were not accurate. I am Ferdinand's sister.

Frank Bibeau stated this is my petition; blood quantum change in White Earth is this valid? Confounded by this issue, would help in my court case.

Kevin Dupuis – Article X Section 4 – I'm asking is this what Tribal Executive Committee wants in writing, let me know. But this isn't a petition hearing. Look at code of ethics (Old) Section 5. RBC shall – 2/3 vote applies to removal hearing. Apply to any violation to code of ethics.

Kevin Dupuis asked Karen Diver and Ferdinand Martineau did they not violate Article X.

Karen responded no. Ferdinand – violation 2/3 vote. Did talk about 2/3 vote. Kevin Dupuis asked again wasn't it talked about? Kevin Dupuis was told it applied to removal. Didn't vote yes opposed didn't sign.

Erma responded needs to follow due process

Kevin Dupuis – lives U.S. Constitution served and understands Constitution..

Kevin Leecy stated that he prefers written notice.

Kevin Dupuis – There is not a petition process.

Gary – Kevin Dupuis review minutes to make sure everything discussed is included.

Kevin Dupuis – need to establish protocol now, no different than petition process.

Guy Greene – no one forced anyone to run for positions – solicited votes. Those elected swear an oath – no one was forced to take the oath. Tribal members have right to bring issues to Tribal Executive Committee – remind those elected they do so by choice.

Michele Debolt – Ferdinand on tape he admitted he violated Constitution.

Kevin Dupuis – no petition process – 2/3 vote why, when it wasn't on petition, 2/3 vote is for removal.

Petition – interpretation of Constitution is by TEC. 2/3 vote takes away rights as member of MCT.

Code of Ethics Section 5 – what happens under process? (Original Code)

Robert Martineau, Fond du Lac member – Election fraud. Due process taken away – rights – tarnished. I am a nobody Just a man, grandfather - you are leaders of our children and grandchildren – you want paper – everyone's forgotten – should of brought tobacco – don't want to offend Erma or Melanie. Caught in a sophisticated way, why did you run for office? Violated Constitution – won't support. Problem – lawyer, why can't hunt legally. Protect yourself – protect Fond du Lac – motion to censor – fail – someone have the courage to make a motion – violated rules.

Norman – Grand Portage meetings are open for everyone. Respect – not an easy job – ran to represent the people.

Kevin Dupuis – 2/3 vote on that and not petition for removal hearing – refusal to comply with MCT Constitution and bylaw of tribe.

April – Tribal leaders – review facts – don't know as individual and challenging as a leader – I don't respond to attacks. Not ready to make an informed decision.

Irene Benjamin – haven't you already heard this information before? It was presented a year ago – why don't you know about it yet you still need more time.

April McCormick explained the issue is 1 sided and not a whole picture – need the whole picture.

Michele Debolt – written letters, how much more information is needed. Not what Code of Ethics is – no further information is needed I think.

Robert Martineau – Kevin Dupuis is doing his job.

Marvin Manypenny – These are not personal attacks.

Norman – these are public meetings, respect this.

Motion by Melanie Benjamin to schedule a Special meeting. Seconded by Kevin Leecy. 11 For 0 Against, 0 Silent. Carried.

Kevin Dupuis – does that become protocol.

Norman – Special Meeting.

Kevin Dupuis asked if he could be there. Norman responded yes.

Motion by Erma Vizenor to Adjourn the meeting at 10:20 a.m. Seconded by Kevin Leecy. 11 For 0 Against, 0 Silent. Carried.