

**THE MINNESOTA CHIPPEWA TRIBE
TRIBAL EXECUTIVE COMMITTEE**

Special Meeting
December 20, 2016

Invocation by President Kevin Dupuis at 9:20 a.m.

The special meeting of the Minnesota Chippewa Tribe Tribal Executive Committee was called to order by President Kevin Dupuis at 9:21 a.m. at Eddy's Resort, Onamia, Minnesota.

Roll Call: Kevin Dupuis, Chairman, Fond du Lac; Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Melanie Benjamin, Chief Executive, Mille Lacs; Carolyn Beaulieu, Secretary/Treasurer, Mille Lacs; Faron Jackson, Chairman, Leech Lake; Arthur LaRose, Secretary/Treasurer, Leech Lake; Terrance Tibbetts, Chairman, White Earth; Tara Mason, Secretary/Treasurer, White Earth; Catherine Chavers, Chairwoman, Bois Forte; David Morrison, Secretary/Treasurer, Bois Forte; Norman Deschampe, Chairman, Grand Portage; Marie Spry, Committeewoman sitting in for Dennis Morrison, Grand Portage.

Quorum present.

Others: Brandon Brenner, Rep., Bois Forte; Leroy Staples-Fairbanks III, Rep., Leech Lake; Tammy LaRose, Enrollment Coordinator, Leech Lake; Dale Greene, Legal, Leech Lake; David Aubid, Rep., Mille Lacs; Susan Klapel, Exe. Dir. Natural Resources, Mille Lacs; Shena Matrious, Mille Lacs; Caryn Day, Legislative Communications Liaison, Mille Lacs; Shelly Day, Leg. Office Manager, Mille Lacs; Joe Plumer, Legal, White Earth; Heather Reuter, Legal, Mille Lacs; Steven Clark, Rep., White Earth; Kathy Goodwin, Rep., White Earth; Vanessa Northrup, Rep., Fond du Lac; Winona Laduke, Honor the Earth; MCT staff and other interested parties.

Motion by Catherine Chavers to approve the agenda with additions. Seconded by Faron Jackson. 10 For, 0 Against, 0 Silent. Carried.

Motion by Norman Deschampe to approve the minutes of November 3, 2016, regular meeting and November 20, 2016 special meeting. Seconded by Arthur LaRose. 10 For, 0 Against, 0 Silent. Carried.

RFP Legal

Audience member requested a roll call vote on the stipends that are received by the Tribal Executive Committee members. Kevin Dupuis responded that he doesn't know how to do a roll call vote after the issue was already acted on at the last meeting. Audience member stated that she would like to get a \$300 stipend for transporting elders to meetings. Arthur LaRose asked if she was elected. Audience member responded no, Arthur LaRose responded that's part of the process. Audience member stated meetings should be part of job description. Irene Benjamin stated the Tribal Executive Committee is elected to do their job not get paid extra, get a stipend for being Chief.

Catherine Chavers reads the motion made at the last meeting regarding the stipends. Arthur LaRose responded for the past 30-40 years Tribal Executive Committee members were getting stipends (before gaming) to offset operating budgets. Kevin Dupuis stated that he raised the issue first and it has been voted on twice. Question from audience, if this was voted on twice, can't you re-vote since it was done before.

Dale Green suggested making a motion to direct staff as to the history of honorariums, a historical documentation.

Norman Deschampe asked if the Committee was going to deal with the legal counsel proposals and the two White Earth resolutions.

Kevin responded we are going to work on the RFPs right now.

Tara Mason discussed letter from Joe Plumer on legal approach, it's biased but doesn't create conflict. She presented two resolutions that were passed at White Earth. Is it in best interest of the people as a whole as there may be a conflict of interest if Minnesota Chippewa Tribe attorney works for an individual reservation? Norman responded that he only saw the White Earth resolutions this morning, what happens if there isn't consensus amongst the 6 reservation attorneys. Tara stated that she is concerned about that also. Kevin responded in his opinion the resolutions came in late, but we've passed resolutions before at the last minute. Where's the protocol on who make the decision on what attorney represents the individual bands? The Legislative Subcommittee needs a base or principle of what to do. Is there a selection committee for this process? Kevin asked what the process is; there is nothing in writing for the Legislative Subcommittee processes. Resolutions are coming from different bands. Kevin informed the Committee that he had asked former President and Executive Director if there is one document to follow, the answer was no.

Tara Mason asked what happened in the past. Norman responded that the Tribal Executive Committee did the hiring of legal counsel. Kevin Dupuis stated that according to everything we've discussed recently, the Legislative Subcommittee does the hiring. Gary responded that the Legislative Subcommittee recommends to the Tribal Executive Committee, recommendation for hire, last RFP.

Gary Frazer informed the Committee that Jacobson law firm got the contract in 2002. After that the Legislative Subcommittee made recommendation to extend every three years since then. Tara stated timeliness is the key we should have interview with the top three firms and make a decision. Kevin responded that we need a process though, that by not having a process its chaos, controlled chaos, any suggestions?

Tara Mason stated that White Earth has a letter and two resolutions because of this. She suggested reconvene before the 1st of January. Kevin stated we need a process, from 2002 to 2016 we went without an RFP, on Fond du Lac we are required to send out RFPs. What do we do if there is nothing in place – time constraint? Keep Attorney until then January/February any suggestions from Tribal Executive Committee. Carolyn suggested make selection for interviews. Kevin asked if there were any other suggestions, should we hire an attorney that benefits us and us only. Suggestion made that each reservation make a selection and interview from that. Norman stated that we are hiring a law firm, not an individual attorney.

Melanie stated there should be a rating for the top three. Catherine Chavers responded that she did a rating on her own to look at minority owned, cost, years of Indian law experience, etc. There will need to be a process included to find out how all law firms responding to the RFP interact with tribes.

Dale Green asked what does the Constitution state. Kevin responded Article V, hire legal counsel.

Gary informed the Committee that the recap on information pertaining to the RFPs, Jacobson Law Firm has 30 years in Indian Law, not 10.

Norman responded that we may be a month late in hiring but it is not the end of the world.

Kevin Dupuis asked would the RFP guidelines for contract be met. Tara stated create another contract in order to be legal, or extend contract. Melanie Benjamin made a motion to extend existing contract. Tara suggested submit top three recommendations for law firm or attorney. Catherine Chavers agreed with Tara.

Motion by Tara Mason to extend Jacobson Law firm contract to January 31, 2017. Seconded by Melanie Benjamin. 10 For, 0 Against, 0 Silent. Carried.

Dale Greene questioned the extended contract stating contract extended could be at a higher rate.

Tara stated that she hadn't seen copies of the last RFP or contract.

Melanie Benjamin stated that there may be conflicts with legal representation from each reservation if it conflicts with direction each band may be going. It would be helpful if all six reservation attorneys could get together and hash this out and come to a consensus on making decisions on the issues. We need representation, as in the pipeline resolution. Discussion done prior and have pros and cons on issues. There are emergencies that pop up.

Norman stated that not to be negative, but are we elevating lawyers to subcommittee level. Creating a committee of lawyers functioning as a subcommittee would be complicated.

Kevin responded that we are kind of doing that already, we take things back to our reservations, involve legal counsels and then make recommendations to the Tribal Executive Committee. Sometimes they conflict with another band. Norman stated that he agreed that we were already doing it.

Gary informed the Committee that the last time we changed the election ordinance and enrollment ordinance the attorneys got together and made recommendations to individual bands. In the packets is information he found pertaining to the Subcommittee structure. Legislative Subcommittee was created December 22, 1981, Resolution 50-82. The Legislative Subcommittee's responsibility included financial including business support services, Personnel, Trust Responsibility, Constitution Revision, and Legal Issues.

Kevin Dupuis asked would Finance Corporation be a business? It should not be a separate subcommittee. Gary responded that the Housing Corporation has been in place since 1973.

Kevin asked if the Legislative Subcommittee has authority to hire why not authority to fire. Tara Mason stated that hiring and firing should go hand in hand. Gary referred to the Minnesota Chippewa Tribe Personnel Policies.

Tara Mason stated that when you have a policy that (we're chasing our tail) authority comes from the Constitution (Legislative Subcommittee). Melanie Benjamin responded that the Legislative body was given administrative authority and makes recommendations to the Tribal Executive Committee.

Norman stated that the Legislative Subcommittee doesn't actually hire or fire employees. I don't get involved with Grand Portage employees or who they hire/fire. We have our appeals board of peers to hear those cases.

Question asked if there is anything in the Constitution on Subcommittees. Kevin Dupuis referred to Article V which states employ legal counsel under bylaws of the tribe. No one can tell me that nothing exists, but the packet I have contains documentation on subcommittees. We need proper structure to move forward and have procedures/bylaws that govern subcommittees. Kevin asked if he is violating the Constitution. How do you oversee a committee without bylaws? How do you pay someone? Deb Chase paid Tribal Executive Committee members from Operating to do what?

Tara Mason stated there are three proposed sets of bylaws from White Earth that are included in the packets for Legislative, Finance and Natural Resources. What are the procedures for Legislative Subcommittee? I have never seen a Minnesota Chippewa Tribe budget or personnel agenda.

When I first sat at the Legislative Subcommittee I asked why we are sitting here. I was told to handle budget and personnel issues, asked about funds, they were receiving monies. Members are communicating without getting direct answers. If we have responsibility to hire, why didn't we know the Tribal Operations position closed, we were not notified.

Norman informed the Committee that he likes the Subcommittee structures that were written by Tara Mason. Tara stated that after looking at the bylaws, there are some things that can be amended or added. Ferdinand Martineau requested time to review bylaws. Melanie Benjamin thanked Tara for the work she put into getting the bylaws for the subcommittees, but would like to take time to look at also. Tara responded, process and come back to the Tribal Executive Committee for final approval. Catherine Chavers stated that she is also a new member and would like to take back and look at for approval or are we approving today?

Tara Mason stated that she would like approval today. She stated no offense to Ferdinand Martineau, but she recognizes Norman as Legislative Subcommittee Chair and was very confused as to what happened at the last quarterly meeting. But once we have something in place, we won't have confusion.

Point of Order – Norman Deschampe is the Chair of the Legislative Subcommittee Mr. President. Kevin responded – Yes.

Melanie informed the Committee that Mille Lacs has a different governmental structure; it's a separation of power, different then RBC. There was a resolution presented from the Legislative Branch that the Executive Branch hasn't seen and needs to discuss at band level.

Kevin Dupuis stated that the Tribal Executive Committee and the Legislative Subcommittee are similar to Mille Lacs governmental structure.

Tribal member presented a question: is Mille Lacs still part of the Tribal Executive Committee? What action did the Tribal Executive Committee take to accommodate Mille Lacs in their self-governance? How do you run an election under the Minnesota Chippewa Tribe when you don't have an RBC structure? Did the Tribal Executive Committee at the time actually know what they were doing?

Irene Benjamin stated something was not followed in last election. Went under band structure and did not follow the Constitution. Don't know who or when we became self-governance. Melanie responded separation of powers in 80's, self-governance in the 90's. Irene asked if members were given a chance to vote.

Break called for by President Dupuis at 11:04 am.

Meeting reconvened at 11:12 a.m. by President Dupuis.

Kevin will respond to Wayne regarding governance.

Gary informed the Committee of the date of Wednesday, February 22, 2017 for the Legislative Dinner at Doubletree. Request to hold Legislative Dinner at Inter Continental in St. Paul if available. A Special Tribal Executive Committee meeting scheduled for January 23, 2017 at Northern Light Casino Hotel on Leech Lake. The next quarterly meetings will be schedule for February 7th and 8th 2017 at Bois Forte.

Melanie Benjamin discussed MAST, informing the Committee teams will visit staff, schedule for March 20th to be up the hill to discuss issues, need to get with lobbyist. Last week Melanie was in a listening session with Congressman Markwayne Mullin who recommended we educate them and raise issues. Donald Trump Jr. stated he don't know anything about Indians.

Kevin asked how the tribe approached Obama. The plan from Minnesota Chippewa Tribe is to get people to work in different positions; there are lots of talented people in State of Minnesota.

Arthur LaRose stated don't know if the President elect will do what people are saying. Melanie stated we need to educate and communicate. Kevin responded look at individual reservations; native staff needs to be pushed here.

Winona LaDuke discussed the Environmental Impact Statement (EIS) and line 3 abandonment, informing Committee that Enbridge owned part of the pipeline. Also demilitarized what's going on out there. Enbridge is currently not in a strong position; an updated report was handed out. Honor the Earth will put up 20K for hiring a firm to put together a formal EIS. She met with Levi Brown and Michael Northbird stating the first informative session is set for January 4, 2017 with first hearing February 1, 2017 in Cass Lake, MN. A draft State of Minnesota EIS is proposed for April, 2017. The Minnesota Chippewa Tribe has to hire, we will seek additional funding. A meeting is scheduled for February 11th and 12th 2017 in Duluth regarding Enbridge.

Kevin Dupuis asked doesn't the state have to be consulted? EIS needs to be culturally appropriate. Winona responded that the department of Commerce shouldn't be charged with doing the EIS. Tara commented that the State needs to come to us for consultation.

Leonard Thompson, White Earth, request to discharge Executive Director. I'm sure there are other college educated kids out there who would like to do this, we need new blood. There should be a four year position for Executive Director and Attorney. There are changes in the administration why not also in the structure. Kevin responded no, it's a hired position. The point of putting processes into place, we need bylaws that direct how we're operating.

Tara Mason stated she is trying to figure this out throughout meeting – everyone can't hear, we need speakers for everyone – identification – hear- copy of minutes-power point or transparent.

Motion by Tara Mason to live stream from members on radio stations (White Earth, Leech Lake, Bois Forte, and Grand Portage).

Catherine Chavers stated that Bois Forte live streamed their quarterly meetings. Kevin Dupuis responded that Fond du Lac has livestream capabilities. Control principal Niiiji radio has remote broadcast system.

Irene Benjamin asked if Mille Lacs self-governance be placed on the agenda to be rescinded at the next meeting and return them to Reservation Business Committee status.

Kevin Dupuis responded ok.

Norman asked what Kevin is referring to rescind Mille Lacs self-governance?

Kevin responded no, he was referring to providing information in regard to how Mille Lacs obtained their self-governance; this would be provided at the next quarterly TEC meeting.

Motion by Tara Mason to live feed on the Minnesota Chippewa Tribe website. Seconded by Carolyn Beaulieu. 9 For, 0 Against, 0 Silent. Carried.

The issues of Policies and Procedures is brought up. Arthur LaRose stated this was not included on the agenda, it wasn't added. Recommend visiting this at next meeting as one Tribal Executive Committee member is absent.

Motion by Norman Deschampe to adjourn the meeting at 12:12 p.m. Seconded by Faron Jackson. 9 For, 0 Against, 0 Silent. Carried.