

TRIBAL CONSTITUTION

INTERPRETATION NO. 6-84

WHEREAS, the Tribal Executive Committee of The Minnesota Chippewa Tribe did in Tribal Constitution Interpretation 1-80 find that the Tribal Executive Committee has the authority to make final interpretations of the Constitution of the Minnesota Chippewa Tribe, and

WHEREAS, the Legislative Subcommittee of the Tribal Executive Committee has requested the full Tribal Executive Committee to issue a formal interpretation of Section 4, (b) of the By-laws of the Revised Constitution of The Minnesota Chippewa Tribe, which provides:

Section 4 (b); keep and maintain, open to inspection by members of the Tribe or representative of the Secretary of Interior, at all reasonable times adequate and correct accounts of the properties and business transactions of the Tribe.

The questions to be decided as to what records of the Minnesota Chippewa Tribe are included to be open to inspection to members of the Tribe or representatives of the Secretary of the Interior under this section.

NOW THEREFORE BE IT RESOLVED, that the Tribal Executive Committee of The Minnesota Chippewa Tribe is of the opinion that Section 4 (b) is limited in its application to only certain records of The Minnesota Chippewa Tribe. It specifically refers to allowing members of the Tribe or representatives of the Secretary of the Interior to inspect at reasonable times, "adequate and correct **accounts of the properties and business transactions** of the Tribe."

This section makes no reference to other types of records or accounts. The Tribal Executive Committee is of the opinion that properties refers to such tangible items as real property, timber, equipment and other tangible property owned by the Tribe. It is the further opinion of the Tribal Executive Committee that business transactions refers to transactions that are in the nature of business and not governmental in nature.

Such records do not include the personnel records of the employees of the Tribe or expenditures for meetings of the Tribal Executive Committee or of the costs of operating Tribal government as examples of records not covered by this section.

It is the opinion of the Tribal Executive Committee that the clear intent of the meaning of Section 4 (b) is to allow Tribal members or representatives of the Secretary of Interior to inspect accounts of the physical assets of the Tribe and of its business activities in order that both Tribal members and representatives of the Secretary of the Interior can be kept aware of the transactions that might effect both the trust properties of the Tribe or its economic well-being from business transactions.

Tribal government could be brought to a standstill by demands to inspect all of its records including its governmental operation records. This interpretation does not prevent the Tribal Executive Committee from adopting, by ordinance, resolution, or guidelines, provisions to allow members to examine or inspect other records than those covered by this interpretation. The purpose to be served by this interpretation is to establish that the Revised Constitution and By-laws of The Minnesota Chippewa Tribe does not provide for inspection of **all** of the records and accounts of The Minnesota Chippewa Tribe.

We do hereby certify that the foregoing Constitutional Interpretation #6-84 was duly presented and acted upon by a vote **8** For, **0** Against, **0** Silent, at a Special Meeting of The Minnesota Chippewa Tribal Executive Committee, a quorum present, held on April 10, 1984, at Duluth, Minnesota.

Darrell Wadena, President
The Minnesota Chippewa Tribe

ATTEST: Daniel Morrison Sr., Secretary
The Minnesota Chippewa Tribe

GUIDELINES FOR MEMBERS TO REVIEW TRIBAL RECORDS

The following guidelines shall serve to provide direction for staff in the handling of requests for records reviewing:

1. Only enrolled members may review Tribal records. Requests of corporations, associations, partnerships or groups will not be honored.
2. All requests from enrolled Tribal members must be in writing and state specifically what documents they desire to review. The request must describe the document and its date or period it covers. Requests to review documents must state the purpose of the review. The Tribal government could not function if all of its records were constantly being reviewed. The Tribal administration could be harassed by excessive, unreasonable requests that would bring Tribal government to a standstill. Consequently, any request to review Tribal records must be reasonable and related to a reasonable purpose. The Tribal Executive Director may grant the written request if it meets all of these guidelines. The Tribal Executive Director shall refer all denials and questionable requests to the Tribal Officers at their next meeting and they may affirm the action taken by the Executive Director or overrule his decision and allow the request on such terms as they see fit and their decision shall be final.
3. The Tribal Executive Director shall, if a request to review records is honored, set aside a room or space for such a review. A Tribal employee shall be directed to remain with said records at all times. Said records may not be removed from the designated space. Only one enrolled Tribal member shall be allowed to examine Tribal records at a time.
4. The Tribal Executive Director shall not allow records to be removed or examined at any time when to do so could affect or interfere with any ongoing audit or inspection by Tribal or other auditors.
5. All inspections of Tribal records shall be done at a time that is convenient for the Tribe's administrative staff to release said records and not to interfere with their day-to-day work or at least with a minimum disturbance.
6. There shall be allowed a maximum of one-half hour for any enrolled member to examine Tribal records in any one day so as to minimize the interference with Tribal business and administration. There shall be allowed for any one request a total of one-half hour to review Tribal records.
7. Any enrolled member's request to copy Tribal records that complies with these guidelines shall be made in writing and shall specify the document to be copied. Any request for copies shall be accompanied by the payment of a fee of fifteen cents (15¢) per page to be copied. Said payment shall be by cash, money order or cashier's check sufficient to pay said copy fee.
8. Privacy of Tribal members and employees shall be protected. Tribal employee records such as employment applications, health records, employment reprimands, tax deductions and other individual personal data shall not be released to anyone without the written permission of the employee or member whose records are being sought. Individual employee's salaries or pay shall not be disclosed without their written consent. The pay scale for a job position may be released.

9. No information relating to births, deaths, marriages, divorces, adoptions or information relating to the financial status of an employee or enrolled member shall be released without their written consent.
10. Confidential litigation or proposed litigation reports and other correspondence from attorneys representing the Minnesota Chippewa Tribe or its constituent Bands shall not be released to enrolled members. To do so could allow it to be obtained by opposing legal counsel or adversaries and jeopardize the outcome of a pending court case or proposed litigation.
11. Requests to examine Tribal records shall not be construed to include constituent Band records in the possession of the Tribe.
12. The right to review or examine Tribal records may be revoked for any enrolled member who creates a disturbance or conducts him or herself in such a manner as in the judgement of the Tribal Executive Director or his authorized representative is disturbing or interfering with the operation of the Tribe's administrative office.
13. Tribal employee time shall not be used to interpret, analyze or give opinions relating to Tribal records.
14. The right to examine or inspect Tribal records does not extend to non-tribal members or to persons representing enrolled Tribal members absent express written authority from the Tribal Executive Committee.
15. The right of any enrolled member to review or obtain copies of Tribal records may be suspended or revoked by the Tribal Executive Director, Tribal President or Tribal Executive Committee if they determine an enrolled member is merely acting on behalf of a non-eligible person or organization to obtain Tribal records. Any eligible Tribal member whose rights are so suspended or revoked may appeal the decision in writing to the Tribal executive Committee within ten (10) days of being notified in writing by the Executive Director, the Tribe's President or the Tribal Executive Committee. They may grant a hearing to such person and their decision is final.

* Adopted at Tribal Officer's Meeting – May 21, 1982

** Adopted at Tribal Executive Committee Special Meeting – April 10, 1984

THE MINNESOTA CHIPPEWA TRIBAL EXECUTIVE COMMITTEE

REGULAR MEETING

The Minnesota Chippewa Tribal Executive Committee meeting was called to order by President Darrell Wadens at 10:10 a.m., January 24, 1984, at the Capitol Holiday Inn, St. Paul, Minnesota.

Roll Call; Members present: Darrell Wadens; Douglas Sam; Daniel Morrison; Sr.; James Hendrickson; Jerry Rawley; Alfred Pemberton; Gary Donald

Members Absent: Harley White; Clarence E. Smith; Arthur Gahbow; William Houle; Norman Deschampe

Invocation: A moment of Silence.

Others present: Urban Advisory Representatives: Nancy Stanaway; Nora Hakkala; Mary Jane Anderson; Norby Blake; George V. Goodwin, Executive Director; Bernard Becker; Liz Ebbott, League of Women Voters; MCT Staff; ABC Staff

Art Gahbow arrives.
Motion by Gary Donald to accept Minutes of November 1 & 4, 1983, with correction on page 4. Should read: "Seconded by Jerry Rawley." Seconded by Alfred Pemberton. 7 For, 0 Against. Carried.

President Wadens announces agenda changes for today and tomorrow. First item will be the Indian Child Welfare Act legislation along with other legal issues.

Bernard Becker, attorney, begins with follow-up on the Bean Lake issue. The case was dismissed in December.

Becker reviews the Indian Child Welfare Act bill to be introduced to the State Legislators.

Harley White arrives.

Further discussion on the Indian Child Welfare Act bill.

Clarence E. Smith arrives.

William Houle arrives.

Norman Deschampe arrives.

Robert Atken reads the Indian Child Welfare Act bill as revised.

Motion by Harley White to approve Resolution 88-84 appointing Bob Atken to serve on coordinating committee, as presented. Seconded by William Houle. 7 For, 0 Against. Carried.

Bernard Becker presentation ends at 11:40.

Further discussion on pending White Earth land claims. Bill in present form cannot be expected to pass.

Forest Gerard ends report on pending legislation and its effect on tribes at 12:20.

Recess until 1:30 p.m.

Resume at 1:50 p.m.

Discussion on Election Date. Motion by William Houle to set June 12, 1984, as the Election Day for positions expiring this year. All Chairmen and District III exceptions of Fond du Lac with District II also expiring. Seconded by Norman Deschampe. 11 For, 0 Against. Carried.

Discussion on "Majority Vote." The Tribal Executive Committee has defined the meaning of Majority Vote as it pertains to Tribal Elections and not to be confused with Secretary held elections as defined in the Constitution & Bylaws of The Minnesota Chippewa Tribe.

Further discussion is postponed until tomorrow.

Meeting is recessed until 9 a.m., tomorrow.

Wednesday, January 25, 1984 - 9:10 a.m.

Meeting called back to order. Attorney General Hubert Humphrey discusses concerns and is willing to cooperate with the Tribe in matters of concern.

Mr. Becker reads Fond du Lac resolution requesting a formal interpretation of the "Majority Vote" issue.

William Houle makes a motion to accept Fond du Lac Resolution 41-84 regarding the Majority Vote. Seconded by Clarence E. Smith. A Roll Call Vote is requested. Jerry Rawley; NO; James Hendrickson; NO; William Houle; YES; Daniel Morrison, Sr.; SILENT; Gary Donald; NO; Alfred Pemberton; NO; Clarence E. Smith; YES; Douglas Sam; NO; Arthur Gahbow; NOT PRESENT; 8 NO, 2 YES, 0 SILENT. Motion is Denied.

Motion by Douglas Sam to request legal counsel to draft an interpretation of "Majority Vote" to be acted on at the next meeting. Seconded by Norman Deschampe. 10 For, 0 Against. Carried.

Motion by William Houle to accept the gambling Ordinance #17 as presented seconded by Harley White. 10 For, 0 Against. Carried.

Summary. Ordinance #12 - Passed by The Minnesota Chippewa Tribal Executive Committee on January 25, 1984 - regarding the licensing and regulation of bingo as the latter affects the selling and distribution of bingo cards and gambling devices; license fees; background checks on license applicants; license revocation; hearings on revocation or license suspension; liability bonding; common law (non-Indians doing business) on two or more reserva-

tion.

Motion by Harley White to approve Resolution 85-84 regarding support for Roger T. Aiken as Superintendent of the Minnesota Agency. Seconded by Gary Donald. 10 For, 1 Silent. Carried.

Motion by Jerry Rawley to approve Resolution 86-84 regarding Chemical Dependency Program at International Falls. Seconded by Harley White. 11 For, 0 Against. Carried.

Motion by Alfred Pemberton to approve Resolution 87-84 regarding those eligible for enrollment with the Leech Lake Band. Seconded by Harley White. 11 For, 0 Against. Carried.

Motion by Harley White to approve Resolution 88-84 regarding those eligible for enrollment into the Leech Lake Band. Seconded by Alfred Pemberton. 11 For, 0 Against. Carried.

Members Absent: Arthur Gahbow; Darrell Wadens; James Hendrickson

Also Present: George V. Goodwin, Executive Director, Gary Frezer, Accounting Manager, Oliver Wibel, members in audience

Discussion on the election ordinance amendment. Motion by William Houle to accept amendment to the election ordinance, page two, Section III (d), change "vacant" to "different" seconded by Alfred Pemberton. (Copies to be sent to all Reservation Business Committee members by Alfred Pemberton. YES; Norman Deschampe, YES; Daniel Morrison, YES; Gary Donald, NO; Jerry Rawley, NO; Clarence E. Smith, YES; Douglas Sam, NO; William Houle, YES; & YES VOTES. 1 NO VOTES. Motion is carried.

Discussion on members requesting to review tribal records. Gary Goodwin reads "Guidelines for members to Review Tribal Records" previously adopted by the Officer's Constitutional Interpretation #84. Further discussion on Motion by William Houle to approve Resolution 89-84 and "Guidelines for members to Review Tribal Records." Seconded by Alfred Pemberton. 8 For, 0 Against. Carried.

Summary Tribal Interpretation #84 - A Constitutional Interpretation passed by the Tribal Executive Committee on April 10, 1984 regarding interpretation of Tribal members and representatives of the Department of Interior of the properties and business transactions of The Minnesota Chippewa Tribe

Floyd Ballinger, an employee of the Mille Lacs Band requests that the Tribal Executive Committee seek legal opinion on his eligibility as to the boundaries of the reservation for voting in filing for office

Motion by William Houle to request the Executive Director and Legal Counsel to respond to Mille Lacs and Floyd Ballinger's request as to the boundaries of Mille Lacs Reservation and be placed on the agenda of the regular meeting on April 26 & 27. Seconded by Douglas Sam 8 For, 0 Against. Motion is carried.

Douglas Sam presents a resolution on distribution of Dockets 105 and 180 to be acted upon at the next Tribal Executive Committee meeting.

Motion by Gary Donald to adjourn. Seconded by Harley White. 8 For, 0 Against. Carried.

Adjourn at 7:10 p.m.

Members not answering roll call: Clarence E. Smith

Also Present: George V. Goodwin, Executive Director, Kent Tupper, Legal Counsel, Mille Lacs State, BIA Staff, MCT Staff; Roger Atken; Jack Fairbanks, BIA.

The purpose of this Special Meeting as announced by President Wadens is to review the 1986 BIA Budget for the Minnesota Agency. Other items meeting agenda will be presented tomorrow.

Jack Fairbanks begins the band analysis process with the Committee.

Dr. Earl Barlow, Area Director, BIA, addresses Committee and states that no reorganization will occur until Roger Aiken is on board as the new Superintendent of the Minnesota Agency.

Other concerns are asked of Dr. Barlow such as indirect cost rates.

Dr. Barlow ends at 1:07 p.m.

Recess for Lunch.

Resume at 2:37.

Budget process continues with each Arthur Gahbow requests a separate line item for Mille Lacs and requests 6.2 percent of the budget.

Motion by Arthur Gahbow to approve the allocation of 6.2 percent of the total budget to Mille Lacs. Seconded by Doug Sam. 2 For, 10 Against. MOTION IS DENIED. (Voting by show of hands).

Motion by William Houle to approve the FY86 BIA Budget as amended. Seconded by Harley White. 11 For, 0 Against. Motion is carried.

4:49 - Discussion on the majority vote in tribal elections Motion by Norman Deschampe to approve Constitutional Interpretation #84. ROLL CALL VOTE: Jerry Rawley; YES; Arthur Gahbow; NO; Douglas Sam; NO; Daniel Morrison, Sr.; YES; Alfred Pemberton; YES; Harley White; YES; Darrell Wadens; YES; Norman Deschampe; YES; James Hendrickson; YES; Gary Donald; YES; Clarence E. Smith; NO; William Houle; NO; 8 YES; 4 NO; Motion is passed.

Summary Tribal Interpretation #84 - A Constitutional Interpretation passed by the Tribal Executive Committee on March 12, 1984 regarding terminology as to "majority vote" with the opinion that same means "the proportional equality or share of votes," that the candidates for election receiving the most votes will have received the majority or greater share of votes received.

William Houle lends his assistance on the proposed Udall Bill on gambling. Motion by William Houle to support the Udall bill. Seconded by Clarence T. Smith. 11 For, 0 Against. Carried.

Motion by Harley White to approve Resolution 110-84 regarding liquor. Seconded by William Houle. 11 For, 0 Against. Carried.

5:17 p.m. - Recess

OURSELVES 7

Meeting is called back to order at 10:27 a.m.

Simon Howard requests a few minutes to address the Tribal Executive Committee. Mr. Howard announces that he will be a candidate for Chairman of the Leech Lake Reservation Business Committee

Motion by Douglas Sam to approve Out-of-state Travel for Lurita Selye and Willa Roy - Tulsa, OK - 1/27-29/84 Marilyn O'Neil-Dover and George Jackson - Chicago, IL 5/21-25/84

Dean Braggiola - Denver, CO - 1/18-20/84 Dean Braggiola - Nashville, TN - 4/18-20/84 Seconded by Harley White. 11 For, 0 Against. Carried.

Motion by William Houle to approve Resolution 111-84, Fond du Lac's Request for Forest Cultural Funds. Seconded by Clarence E. Smith. 11 For, 0 Against. Carried.

The issue of Indian Education Manager is tabled and referred to the Education Subcommittee

Motion by Clarence E. Smith to approve Resolution 112-84 regarding Joe Big Bear. Seconded by William Houle. 11 For, 0 Against. Carried.

Bernard Becker discusses the status of the Indian Child Welfare Act. Motion by William Houle to authorize Bernard Becker to explore possibilities regarding the Act. 11 For, 0 Against. Carried.

Motion by Harley White to approve authorization for Bernard Becker to begin the process of tribal court system, budget and time table. Seconded by William Houle. 11 For, 0 Against. Carried.

Motion by Harley White to adjourn. Seconded by Alfred Pemberton. 11 For, 0 Against. Carried.

HOUSING DEVELOPMENT OFFICER INDIAN HOUSING PROGRAM

Apply in the administration and implementation of the Minnesota Housing Finance Agency's Indian Housing Programs. Coordinate and develop study operations. Inform and to work with tribal administrators. Participate in program audits and ensure compliance with program and legal requirements. Assist Indian organizations in directing financial opportunities to improve housing.

The examination consists of Experience and training rating 100 percent final scores with points awarded as follows:

Education: Bachelor's degree in Housing, Economics, Accounting, Finance, Urban or Public Administration or closely related equals 3 years of A-level experience. Degree program will be granted for partial completion of degree program.

A-level Experience: Professional experience in an Indian housing program. To be credited, experience must include (but is not limited to) providing technical assistance and/or explaining housing programs to the Indian community and conducting reviews and financial analysis of home improvement and home mortgage loans or originating, underwriting or closing mortgage loans (1st year equals 40 points; 2nd equals 30; 3rd equals 20; 4th equals 10).

B-level Experience: Professional experience with other types of Indian housing programs (e.g., multi-family housing). Professional experience conducting reviews and financial analysis of home improvement and home mortgage loans or originating, underwriting or closing mortgage loans (1st year equals 40 points; 2nd equals 30; 3rd equals 20; 4th equals 10).

Applications must be received in the Department of Employee Relations by 3:00 p.m. on May 14, 1984.

Current vacancy Minnesota Housing Finance Agency, St. Paul, for further information, call Henry Walker (296-8800) or Dee Neal (296-9793) at the Housing Finance Agency.

Duration of eligible lists 1 year, unless eligibles are otherwise notified.

Further information: Minnesota Sioux Cities Metropolitan area and other states call 612 296-4616; Minnesota outside Sioux Cities Metropolitan area call toll free 1-800-612-9247; Telecommunications Device for the Deaf (TDD) 612 296-4696.

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NOTICE

The Cass Lake Indian Hospital will participate in a USDA Divided Food Distribution Program. No persons, because of race, color, national origin, sex, religion, or handicap shall be excluded from admission, participation, or benefits of the program of the institution. An individual shall not be deemed subjected to discrimination by reason of his race, color, or national origin if a program limited by federal law to individuals of a particular race, color, or national origin different from his.

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SUMMARY OF MODIFICATION ONE ON

FY84 RURAL MINNESOTA CEP JOB TRAINING PLAN TITLE II A OF THE JOB TRAINING PARTNERSHIP ACT

This modification to the Rural Minnesota CEP Job Training Plan incorporates changes in funding levels and client enrollment units. Total planned expenditures will be \$1,273,433. Expenditures for youth will be \$1,308,177. Total client enrollment will be 6415. Total terminations will be 164. There will be 1167 placements.

The program described by this modification serves residents of Becker, Beltrami, Cass, Clay, Clearwater, Crow Wing, Douglas, Grant, Hubbard, Lake of the Woods, Mahanoma, Morrison, Otter Tail, Pope, Stevens, Todd, Traverse, Wadena, and Wilkin counties. It can be viewed at the offices of Rural Minnesota CEP, Inc., 819 Lincoln Avenue, Detroit Lakes, MN 56501. Send requests for copies to that address. Comments should be sent to the Governor's Job Training Office, 48W American Center Building, 140 East Kylling Blvd., St. Paul, MN 55101.

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THE MINNESOTA CHIPPEWA TRIBE EXECUTIVE COMMITTEE

The Minnesota Chippewa Tribal Executive Committee special meeting was called to order at 4:10 p.m., April 10, 1984 at the Radisson Duluth Hotel by Vice-President Norman Deschampe.

Roll Call: Members answering roll call are: Gary Donald, Daniel Morrison, Sr.; Jerry Rawley; Norman Deschampe; Alfred Pemberton; Harley White; Douglas Sam; William Houle; Clarence E. Smith.

Motion by Harley White to approve Resolution 110-84 regarding liquor. Seconded by William Houle. 11 For, 0 Against. Carried.

Motion by Harley White to approve Resolution 110-84 regarding liquor. Seconded by William Houle. 11 For, 0 Against. Carried.

5:17 p.m. - Recess