

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

