

# The separation of officiating authority is vital



**JENNIFER MCLEOD,  
DIRECTOR, UNIT I**

Aanii Anishnaabek,  
Last month, I spoke to you about the need to have our day-to-day operations handled by an **employee**, rather than an elected official. Currently, the top administrator of the tribe, who has the delegated authority from the board of directors to run the day-to-day operations (aka CEO duties) of our tribal government and enterprises is the chairman. I have worked hard to demonstrate why this is so important, and have refrained from using our current chairman as an example of why it is vital to follow the vote of our people, and separate those powers. However, his behavior does prove my point.

I fear that the current chairman's actions and behaviors as the "day-to-day" administrator are so egregious, and so completely unacceptable, that had he truly been an employee instead of an elected official, I am confident that he would have already been terminated. I will give you two examples: Recently, the chairman of our tribe publicly vilified in social media a current employee. This employee is under the chairman's chain of command, and was called out by name, and accused of committing criminal acts. Did I mention that this employee has been found not guilty in a court of law? There are many opinions about this case, and I truly appreciate the raw feelings of many who feel justice may not have been served. **HOWEVER**, any supervisor, working for our tribe, should certainly face serious disciplinary action, up to and including termination for publishing in social media a subordinate employee's name, and the details of what he was accused of. Yes, I understand that the court information could possibly be found in the public records, but my point is the unprofessional conduct of the chairman. He is the accused's top chain of command supervisor, and the fact is that nothing can be done to the chairman under tribal employee policy because, **THE CHAIRMAN IS NOT AN EMPLOYEE**. All of our employees deserve to work in an appropriate environment, free from fear of retaliations.

Another example: The chairman has directed staff to not attend an official committee meeting with board members, thus forcing the meeting to not take place. If an employee with CEO duties had directed an employee to not attend a legitimate, planned in advanced board of directors committee meeting, I am again confident that disci-

plinary action would have been pursued. But again, the chairman is NOT an employee. Failure by an employee to follow a direct order of the chairperson could result in termination.

These are but small instances where the behavior of the chairman acting as the day-to-day administrator (CEO duties) are detrimental to the health of our tribe, and provide perfect examples of why the separation needs to occur.

I still hold that as a matter of principal, and sound business practice, we must put our tribe into a position of operational strength by following the **WILL OF THE PEOPLE**, and separating the duties of the chairman of the tribe from the CEO. Our people voted for this separation! Our failure to do this is hurting our tribe. The day-to-day operation of the tribe needs someone there on a day to day basis. This is not happening.

The chairman is traveling, doing his chairman job, and is gone a large percent of the time. I have often said that he is doing **THAT** job rather well. Unfortunately, our government operations and enterprises need to be handled on a day-to-day basis, and by an **EMPLOYEE** (who can be held immediately accountable), not a **POLITICIAN** (who is accountable every four years).

Our tribe needs stability. The daily operation of our tribal government needs to be consistent from one election to another, and not subject to an upheaval every four years. I have brought the following resolutions to a board of directors workshop, and I will soon be putting it on the agenda for a vote by the board. It is the will of the people. As I said last month, be prepared, you will hear our current chairman accuse me of "stripping away the power of the chairman," and lots of personal attacks against me, and whoever supports this move. But, we've been there before, and I know that our people recognize it for what it is... high drama and politics.

## **RESOLUTION NO:**

### **RESCINDING RESOLUTION 2012-146 LIMITED DELEGATION OF AUTHORITY TO THE CHAIRPERSON**

WHEREAS, on March 20, 2010, the Tribe held a Secretarial election to amend its Constitution and Bylaws; and

WHEREAS, pursuant to that election, the members of the Tribe amended Article II, Section 1 of the Bylaws entitled Duties of Officers by deleting language that had directed the Chairperson to "perform all duties consistent with the office as chief executive officer of the tribe;" and

WHEREAS, as so amended, Article II, Section 1 of the Bylaws now provides that the duties of the chairperson are to "preside over all meetings of the board of directors and exercise any other lawful authority delegated the chairperson by the board of directors" and to "vote only in the case of a tie unless otherwise provided by the tribe's constitution and bylaws"; and

WHEREAS, Article IV of the

Constitution provides that "[t]he governing body of the Sault Ste. Marie Tribe of Chippewa Indians shall consist of a board of directors"; and

WHEREAS, the effect of the amendment approved by the Secretarial election is to confirm that the authority to direct the operations of the Tribe is not vested independently in the office of the Chairperson but, rather, in the Board of Directors as provided in Article VII of the Constitution; and

WHEREAS, Article VII, Section 1 of the Constitution assigns specific authority to the Board of Directors including the authority to "negotiate and consult with the Federal, State, and local governments"; "expend funds for the public purposes of the tribe"; "adopt resolutions, ordinances and a code" on various subjects within the jurisdiction of the tribe; "manage, lease, sell, acquire or otherwise deal with tribal lands ... or other tribal assets"; and to "manage any and all economic affairs and enterprises of the tribe"; and

WHEREAS, Article VII, Section 1(n) of the Constitution expressly authorizes the Board of Directors to delegate powers and authority to a subordinate tribal officer, board, committee, or group, "reserving the right to review any action taken by virtue of such delegated power or to cancel any delegation;" and

WHEREAS, it is necessary to the efficient operation of the Tribe's governmental and business operations that a single person be delegated the authority to serve as the policy representative of the Board and to manage the day to day operations of the Tribe, subject to the authority of the Board of Directors to review and approve, modify, or rescind any such action and in furtherance of that Resolution No: 2012-146 was adopted on July 13, 2012, authorizing the Chairperson to perform duties generally consistent with the role of a chief executive officer; and

WHEREAS, the Board of Directors has determined that it is required to honor the March 20, 2010, amendment to the Constitution and Bylaws and desires to repeal the authorization given the office of the Chairperson in Resolution No: 2012-146

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby rescinds Resolution No: 2012-146.

BE IT FURTHER RESOLVED, that the Board of Directors acknowledges those powers inherent in the office of the Chairperson such as serving as the spokesperson for the Tribe on issues requiring a singular voice and carrying out those duties specifically assigned in the Constitution and Bylaws.

Be it finally resolved that all organizational charts, employee policies shall be amended to reflect the reassignment of duties herein.

## **RESOLUTION NO:**

### **CHANGE OF DUTIES- EXECUTIVE DIRECTOR FOR INTERNAL SERVICES**

WHEREAS, on March 20,

2010, the Tribe held a Secretarial election to amend its Constitution and Bylaws; and

WHEREAS, pursuant to that election, the members of the Tribe amended Article II, Section 1 of the Bylaws entitled Duties of Officers by deleting language that had directed the Chairperson to "perform all duties consistent with the office as chief executive officer of the tribe;" and

WHEREAS, as so amended, Article II, Section 1 of the Bylaws now provides that the duties of the chairperson are to "preside over all meetings of the board of directors and exercise any other lawful authority delegated the chairperson by the board of directors" and to "vote only in the case of a tie unless otherwise provided by the tribe's constitution and bylaws"; and

WHEREAS, Article IV of the Constitution provides that "[t]he governing body of the Sault Ste. Marie Tribe of Chippewa Indians shall consist of a board of directors"; and

WHEREAS, the effect of the amendment approved by the Secretarial election is to confirm that the authority to direct the operations of the Tribe is not vested independently in the office of the Chairperson but, rather, in the Board of Directors as provided in Article VII of the Constitution; and

WHEREAS, Article VII, Section 1 of the Constitution assigns specific authority to the Board of Directors including the authority to "negotiate and consult with the Federal, State, and local governments"; "expend funds for the public purposes of the tribe"; "adopt resolutions, ordinances and a code" on various subjects within the jurisdiction of the tribe; "manage, lease, sell, acquire or otherwise deal with tribal lands ... or other tribal assets"; and to "manage any and all economic affairs and enterprises of the tribe"; and

WHEREAS, Article VII, Section 1(n) of the Constitution expressly authorizes the Board of Directors to delegate powers and authority to a subordinate tribal officer, board, committee, or group, "reserving the right to review any action taken by virtue of such delegated power or to cancel any delegation;" and

WHEREAS, it is necessary to the efficient operation of the Tribe's governmental and business operations that a single person be delegated the authority to serve as the policy representative of the Board and to manage the day to day operations of the Tribe, subject to the authority of the Board of Directors to review and approve, modify, or rescind any such action and in furtherance of that Resolution No: 2012-146 was adopted on July 13, 2012, authorizing the Chairperson to perform duties generally consistent with the role of a chief executive officer; and

WHEREAS, the Board of Directors has determined that it is required to honor the March 20, 2010, amendment to the Constitution and Bylaws and desires to repeal the authorization given the office of the Chairperson in Resolution No: 2012-146 by herein redistributing

those duties generally administered by a chief executive officer as identified below.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors declares that until ordered otherwise by the Board of Directors, the Executive Director for Internal Services shall, in addition to exiting duties contained in the position's job description, perform the following duties:

1. Subject to the provisions of paragraphs 2 below, the Executive Director of Internal Services is authorized and directed to manage and direct the day to day operations of the Tribe including but not limited to the following; guiding and directing tribal governmental and business operations to ensure operational efficiency, quality, service, and cost-effective management of resources and performing all administrative and management functions required to be performed pursuant to the current organizational chart; and

2. In the exercise of the authority delegated to the Executive Director of Internal Services by the Board of Directors in paragraph 1, the Executive Director of Internal Services shall consult with and shall be subject to the direction and review of the Board of Directors consistent with Article VII, Section 1(n) of the Constitution. All actions taken by the Executive Director of Internal Services pursuant to this delegated authority shall be subject to the authority of the Board of Directors and the Board may review, approve, modify, or rescind any such action. The Executive Director of Internal Services shall report to the Board of Directors at each regularly scheduled board workshop and shall provide an update of any activities, issues, decisions, or other matters requiring the attention of the board. In the event that the Executive Director of Internal Services is unable to attend any such workshop, the Executive Director of Internal Services shall assign a designee to provide that report.

3. All organizational charts, job descriptions and personnel policies shall be amended to reflect the reassignment of duties herein.

## **GOOD NEWS!**

Thanks largely in part to the hard work of Director Hoffman, and to the unanimous votes of support from the tribal board of directors, the JKL Baweting School is on its way to having a new GYMNASIUM! In a school of nearly 500 students, the existing gym is rated for merely 53! It is an exciting time and things are moving forward quickly. I wish to thank everyone who is involved with this project, especially Director Hoffman, the charter school board, and my colleagues on the board of directors. I can hardly wait for the day when the kids come busting through the gym doors for the first time!

## **RUMOR CONTROL**

There has been a persistent rumor floating around that I have never been a certified teacher. To set the record straight, I obtained

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my undergraduate degree in Elementary Education from Ferris State University, graduating summa cum laude, with a 4.0 GPA. I did take, and passed, the state of Michigan test for teacher certification. My permit is under “Jennifer McLeod Tyson, Elementary K-5 all subjects” (K-8 All Subjects Self Contained Classroom). I have renewed my permit once, however since I am working as a board member, instead of a teacher, I did not renew this year. According to the Michigan State Department of Education, I can renew whenever I choose, should I elect to return to the classroom. As an aside, I also have Master’s degree classes in School Administration.

## **OUR YOUTH**

I met with a young woman (just 17 years old!), and together we are going to hold a talking circle for the youth so they can tell me what is in their heart. They have much to share and I believe in them. Also, I will begin culture/language classes for young people, and eventually the youth will be the teachers... not me. They can DO THIS! I turned instruction over to students many times when I was still in the classroom, and it is an extraordinary learning experience for them. I am very excited to be back working with young people again!

## **CHI-MIIGWECH**

I want to send out a heartfelt chi-miigwech to two women I have had the pleasure of working with over the past three years: Angeline Bulley and Tara McKelvie. You have both been a blessing to me, and to our tribe. Your hard work and dedication is acknowledged and will be missed. I wish you both the best as you embark on your new paths.

And, finally, miigwech to all who have contacted me, and shared your thoughts and perspectives. Working together, we will be strong.

Anishinaabe gagige  
(Anishinaabe for always)

Jen

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