

CITY OF DULUTH
INDIGENOUS COMMISSION
BYLAWS

Article I - Identity

Name: This organization shall be known as the Indigenous Commission of the City of Duluth (the Commission).

Address: 160 City Hall, Duluth, Minnesota 55802

Article II - Origin and Power

Establishment: The Commission was created by the Duluth City Council (City Council) pursuant to Ordinance 9529, amending Chapter 2 of the Duluth City Code, 1959, as amended. The Commission serves in an advisory capacity to the City Council and Administration.

Article III-Mission Statement, Duties and Objectives

Mission Statement:

<p>It is the mission of the Duluth Indigenous Commission</p> <p><i>To serve the interests of the Indigenous Community of the City of Duluth;</i></p> <p><i>To promote Native language and visibility in the City of Duluth;</i></p> <p><i>To offer service to the underserved communities of the City of Duluth;</i></p> <p><i>To support and defend the inherent rights and sovereignty of all Indigenous Tribal Nations;</i></p> <p><i>To honor and defend the earth, water, air, plants and animals through policies of environmental justice;</i></p> <p><i>To demonstrate by example the Indigenous Values of the Anishinaabeg¹.</i></p>
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¹ The Seven Teachings: Nibwaakaawin (Wisdom), Zaagi'idiwin (Love), Minaadendamowin (Respect), Aakode'ewin (Bravery), Gwayakwaadiziwin (Honesty), Dabaadendiziwin (Humility), Debwewin (Truth).

Duties: The Commission serves to inform and advise the Mayor, City Council and Administration on matters of interest and concern to Duluth's Indigenous Community.

Objectives: The objectives of the Commission are to

1. Guide in the development of policy, planning and services affecting the Indigenous Community;
2. Affect decision making, future planning and stewardship of the City of Duluth on behalf of the Indigenous Community
3. Promote and enhance the visibility of the Indigenous Community-its people, history, culture, language, and values.

To achieve these objectives, the Commission will develop approaches in the following areas:

Relationships

- X Increase public understanding and acceptance of the Indigenous community and culture
- X Develop process to institutionalize dialogue with the City Council, Mayor's office and City departments
- X Facilitate Indigenous community involvement in other aspects of City and community affairs

Information

- X Develop research and information on the Indigenous community and its contributions.
- X Establish community development objectives and policies
- X Develop a strategic plan for the Indigenous community

Participation

- X Review all matters relating to or affecting the services, facilities, policies and issues that are of concern to the Indigenous Commission and the Indigenous community
 - Review of and make recommendations for primary and secondary educational curriculum on Indigenous history and culture.

- Review of and make recommendations for any ground disturbing projects which may affect historic or cultural resources or the ancestral remains of the Indigenous Community.
- X Serve as a forum for citizen involvement and expression on issues affecting the community
- X Resource development, including assistance with identification and application for funds on behalf of the Indigenous community
- X Make recommendations to the City Council regarding provisions of the Consolidated Plan and the Analysis of Impediments to Fair Housing
- X Draft and recommend to the City Council for adoption, resolutions and ordinances empowering and promoting Indigenous community development

Article IV - Membership

Number: The Commission shall consist of 11 members and shall reflect Indigenous diversity in the area. A majority of the members shall reside within the City of Duluth. The Commission membership will be appointed by the Mayor, subject to confirmation by the City Council. Members shall serve until their successors are appointed and confirmed.

Terms: Members serve at the discretion of the Mayor and shall be appointed for terms of three years. Members may serve consecutive terms. Any vacancy in membership shall be filled by appointment by the Mayor, subject to confirmation by the City Council, and such vacancy appointments shall be for the unexpired term of the vacating members.

Eligibility: Members shall be appointed from residents of the City of Duluth or adjacent communities who are—

1. American Indian or Alaska Native²;
2. Canadian First Nations persons;

² Tribal enrollment shall not be required for eligibility on the Commission.

3. Mexican/Latin American Native; or
4. Any other person who is a member of the Indigenous Community by familial connection.

Removal: Members shall be subject to removal by the Mayor, for cause, but only after Council approval, after notice and opportunity for a hearing before the Council.

Absenteeism: If any member fails to attend three consecutive regular meetings of the Commission without satisfactory explanation to the Commission or City Administrative staff, or five regularly scheduled meetings of the Commission in any calendar year, is subject to summary removal.

Procedures for Absentee Removal: After missing three consecutive meetings or five meetings in one calendar year—

- City administrative staff shall send a notice of proposed removal to the member, inviting them to attend the next regularly scheduled meeting.
- If member fails to attend the following meeting, removal shall become effective immediately; If member attends the following meeting, removal may be waived at discretion of the Commission.
- Notice of such action shall be forwarded to the Mayor and Council with the request for confirmation of removal of the member from the Commission.

Expenses: Members shall serve as such without compensation. Staff support, including clerical services and incidental expenses, shall be provided by the City. The Commission may secure a third-party fiscal agent to collect, manage, and disperse specific project or event funds.

Article V - Officers and Duties

Titles: The Officers of this Commission will be comprised of a Chair, Vice-Chair, and a Secretary. These officers collectively comprise the Commission's Executive Committee.

Chair: (Ogimaa/Ogimaakwe): The Chairperson shall preside at all meetings, appoint committees, rule on procedural questions subject to reversal by consensus vote of members in attendance, exercise the same voting rights as the other Commissioners and carry out such other duties as are assigned by the Commission. A Vice-Chair shall act in absence or inability of the Chair.

Secretary: The Secretary, in cooperation with City staff, shall be responsible for notifying all members of meetings, circulating agendas, keeping on file all files, official records and reports of the Commission, keeping written record of Commission meetings, transactions and actions, serving required notice of all public hearings and public meetings, maintaining and circulating minutes, reporting on and attending to correspondence of the Commission and carrying out such other duties as are assigned by the Commission.

Article VI - Election of Officers

Terms: Officers shall be elected by secret ballot or consensus acclamation at the annual meeting of the Commission. Terms of office shall be for one year. Officers shall serve until replaced by a duly elected officer in accord with these procedures.

Nominations for Office: The presiding Chairperson shall accept nominations for office from the floor at the annual meeting. Candidates for office who receive a majority vote or consensus acclamation of those members present shall be declared duly elected. Proxy votes may be included at the discretion of the presiding Chairperson.

Proxy Vote: Members unable to attend the annual meeting may submit a written proxy vote for Commission officers to any attending member. Proxy votes may be accepted or declined at the discretion of the presiding Chairperson.

Vacancies: Vacancies occurring in offices of the Commission shall be filled forthwith by regular election procedure at the next regular Commission meeting.

Article VII - Meetings

Annual Meeting: An annual organizational meeting shall be held anytime between Indigenous People's Day and the following third Monday in January of each year. Election of officers shall be conducted and proposed amendments to bylaws may be acted upon.

Regular Meetings: Regular meetings of the Commission shall be held on the third Monday of the Month, at a time and place agreed upon by the Commission at a prior meeting. In the event that the regular meeting day falls on a legal holiday, the meeting shall be held preceding or following Monday as determined by the Executive Committee and City Administrative staff .

Virtual Meetings: In the event that the regularly scheduled meeting venue is closed due to a city-wide emergency, natural disaster, pandemic or civil unrest, the Executive Committee and City Staff shall schedule and prepare for a "virtual meeting" in lieu of the regular meeting. The virtual meeting venue must be accessible to members by computer, tablet, or smart phone.

Special Meetings: Special meetings may be called at the discretion of the Executive Committee, or at the written request of any three members , who shall convey such request to the Secretary. The call for such meeting shall state the purpose of the meeting and no other business shall be settled at that meeting.

Notice of Meetings: Written notice of a meeting of the Commission, stating the time and place, shall be mailed at least ten days prior to an annual meeting, at least five days prior to a regular meeting, and at least five days prior to a special meeting. Meeting notices shall be sent to each member at the last known address of such member.

Cancellation of Meetings: If a meeting must be canceled due to weather or other unique situation, City Staff and the Chairperson or their designee will contact each other to decide on cancellation the morning of the meeting date. If the meeting is to be canceled, City Staff will email or phone the cancellation notices to Commission members by 1 pm of the meeting day. If ISD 709 cancels school or

afterschool activities due to weather, the meeting on that date shall be canceled.

Article VIII - Pre-Meeting Procedures

Agenda: The agenda shall be developed by the Executive Committee, stated in writing, and distributed by the Secretary of the Commission with the assistance of City Administrative staff.

Additionally, upon request of any member of the Commission, the Executive Committee shall place a matter on an agenda.

Agenda Format: The agenda for each regularly scheduled meeting shall open with traditional invocation/prayer, followed by—

- Public Comment Invitation
- New Business
- Action Items & Subcommittees Reports
- Old Business
- Announcements & Upcoming Events
- Scheduling Next Meeting

Public Request to have Matters Placed on the Agenda: Any member of the public may request that a matter be placed on an agenda of the Commission. The request shall be made in writing and submitted to the Executive Committee. Pertinent written information and documentation shall be provided along with the request.

Reference to Committee: The Executive Committee may refer any matter requested to be placed on an agenda by the public to a Commission special committee. The Commission standing committee shall meet and consider the matter and report thereon to the Commission at the next meeting of the Commission. Additionally, upon written request of any three members of the Commission to the Secretary, the Executive Committee shall refer a matter to the Commission special committee.

Reports: The Executive Committee shall develop the necessary information and distribute it to the Commission members prior to all meetings. The necessary information shall be comprised of

information pertinent to an agenda issue requiring a decision by the Commission.

Withdrawal: If a member of the public who requested to have a matter placed on the agenda later desires to have the matter withdrawn from the agenda, such request shall be submitted to the Secretary in writing. The Executive Committee shall decide whether or not to withdraw the matter. In the event the matter is withdrawn, if any public notice has been given, any persons appearing at the noticed hearing shall be entitled to be heard at said meeting in accordance with Article IX.

Article IX - Meeting Procedure

Rules of Order: Robert's Rules of Order is an artifact of colonialism and alien to Indigenous culture. Therefore, consensus shall govern the decision-making of the Commission. Robert's Rules may be employed if consensus cannot be achieved.

Meaning of Consensus: Consensus means that all members present agree to adopt the current proposal or decision. It is incumbent upon the Commission members to take the time required to mitigate concerns of any dissenting member in order to achieve consensus.

Quorum: A majority of the total membership of the Commission (6) shall constitute a quorum for meeting purposes.

Voting: Consensus shall be achieved with a showing of hands in support of any issue or decision. All members present at the time of the vote must support the proposal for it to be adopted. All opposition shall be mitigated through thorough discussion of all relevant facts.

Conflict of Interest: Whenever a Commission member shall have a direct personal or financial interest in the issue being proposed, that member shall be recused from all deliberation of the matter unless that member is an expert in the field.

Suspension of Rules: The Commission may temporarily suspend rules by consensus or acclamation.

Public Participation: The public shall be given an opportunity to speak on all agenda items pursuant to written provisions below.

Dispensation: A motion must be made and passed to dispense with any agenda item.

Non-Agenda Matters: An item may be placed on the agenda by request of any Commission members in attendance.

Tabling: A tabling motion, if passed, has the effect of laying the matter over until the next regular meeting unless otherwise specified.

Time Limits: The presiding Chair shall develop time limits on speakers, presentations and public commentary.

Order of Appearance: The presiding Chair will decide on order of presentations and of persons desiring to speak.

ARTICLE IX - CORRESPONDENCE

Informal Correspondence: Any member of the Commission may engage in informal correspondence in the form of email communication or memoranda between and among other Commission members or between and among other City Boards and Commissions.

Formal Correspondence: Any correspondence, whether email or hardcopy, from the Commission to the Mayor, City Council or any agency or institution, including any federally recognized Tribe, shall be deemed formal correspondence, and may only be executed by a member of the Executive Committee.

Resolutions: Position statements and statements of executive policy shall take the form of a formal resolution. Resolutions may be drafted and adopted by the Commission as Commission-only resolutions or as City Council resolutions, or both.

Article X - Committees

Standing: There shall be no standing committees other than the Executive Committee of the Commission .

Special Committees: The Executive Committee may appoint such special committees and chairs thereof as it may from time to time deem necessary to follow and report on specific issues of concern to the Commission. Non-Commission experts may serve on Special Committees.

Executive Committee: The Executive Committee shall be comprised of the Officers of the Commission. The Executive Committee is responsible for the development of the agenda for all meetings. Other duties include developing the necessary information for the Commission to address issues.

Article XI - Amendment of Bylaws

These bylaws may be amended at any time by consensus or acclamation of the full Commission membership or at the Commission's annual meeting. Bylaw revisions shall take effect 30 days after adoption by the Commission.

Done this 23rd day of January, in the year 2023.



Signature of Chairperson



Signature of Vice Chairperson



Signature of Secretary



Legislation Details (With Text)

File #: 22-044-O **Name:**
Type: Ordinance **Status:** Passed
File created: 12/12/2022 **In control:** Recreation, Libraries and Authorities
On agenda: 12/19/2022 **Final action:** 1/9/2023
Title: ORDINANCE AMENDING CHAPTER 2, ARTICLE XXVIII, SEC. 2-148, OF THE DULUTH CITY CODE BY DELETING THE PROHIBITION AGAINST MEMBERS OF THE DULUTH INDIGENOUS COMMISSION SERVING MORE THAN TWO CONSECUTIVE TERMS.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/9/2023	1	City Council	adopted	
12/19/2022	1	City Council	read for the first time	

ORDINANCE AMENDING CHAPTER 2, ARTICLE XXVIII, SEC. 2-148, OF THE DULUTH CITY CODE BY DELETING THE PROHIBITION AGAINST MEMBERS OF THE DULUTH INDIGENOUS COMMISSION SERVING MORE THAN TWO CONSECUTIVE TERMS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 2, Article XXVIII, Sect. 2-148, of the Duluth City Code be amended as follows:

Sec. 2-148. Commission created; purpose; membership.

There is hereby established an Indigenous commission. The purpose of this commission is to ensure that the views of the Indigenous community are incorporated in the decision making, future planning, and stewardship of the city of Duluth. The commission will endeavor to act as a guide in the development of public policy, planning and services so that the Indigenous community is adequately represented in these processes. The commission will also endeavor to increase understanding and acceptance of the Indigenous community and culture and to increase Indigenous community involvement in all aspects of community affairs in Duluth. The commission shall consist of 11 members and shall reflect Indigenous diversity in the area. A majority of the members shall be residents of Duluth. Members shall be appointed by the mayor with approval of the city council. Of the first 11 appointments, four shall be for three years, four shall be for two years and three shall be for one year. Thereafter, all appointments shall be for a term of three years. ~~Members shall not serve for more than two consecutive terms~~

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance eliminates the prohibition against members of the indigenous commission serving more than two consecutive terms.

Duluth Indigenous Commission
Monday, January 23, 2023
411 W 1st St, Room 430, City Hall

Commissioners present: Babette Sandman, Lenelle Hrabik, Amber Lightfeather, Moira Villiard, Phoebe Davis

Commissioners absent: Roxanne DeLille

Staff present: Kathy Wilson, Phillis Webb

Note: per the request of the Indigenous Commission members, Ojibwe language words are used in the meeting minutes. Bezhig (“one”) indicates who made the motion and niizho (“two”) indicates who seconded the motion. Gegit is used to indicate that the motion passed with majority support.

1. Call to Order and Introductions

- Chair Sandman called the meeting to order at 5:37 PM, introductions were made.

2. Approval of June 27, 2022 Meeting Minutes

- Villiard bezhig / Hrabik niizho to approve the June 27, 2022 minutes. **Motion passed: Gegit - All.**

3. Review and Approval of Revised Bylaws-City Attorney Rebecca St. George

- The commission took time to look at the complete revised bylaws. Chair Sandman made a motion for approval: Villiard bezhig / Lightfeather niizho to approve the bylaws **Motion passed: Gegit - All.**

4. Indigenous Funeral Ceremonial Fires-Fire Chief Shawn Krizaj and Fire Marshal Lisa Consie

- Chief Shawn Krizaj and Fire Marshal Lisa Consie attended the meeting to gather more information on the how to better support the indigenous community with religious fires, and how to respond more appropriately.
- The Chief stated that they are in no way trying to reinforce anything. The commission also stated that there would also be full moon ceremonies, along with the funeral ceremonies with fire. The fire chief also stated that if the station knows after going to a call, then they can have word of mouth internally and inform the unit of the situation, and how to move appropriately.
- Another suggestion was to bring the fire station van instead of the fire truck so they do not disrupt anything. The commission stated that the fire department could also bring a offering if they need to investigate what is going on as an acknowledgement (food, tobacco, and condolences).
- The chief stated that there are religious exceptions written in the fire code for the state of Minnesota.
- Lisa Consie talked to the commission about helping the community with education on the Indigenous practices and awareness. Ideas included social media campaigns, emails from the fire department that are informational with a list of practices.
- Chair Sandman also brought up the history of Sage and how that can be input into any education put into the community

5. Election of Officers

- Chair: Moira Villiard **Motion passed: Gigit - All.**
- Vice Chair: Lenelle Hrabik **Motion passed: Gigit - All.**
- Secretary: Phoebe Davis **Motion passed: Gigit - All.**

6. Create and Approve 2023 Indigenous Commission Work Plan

- Chair Villiard stated that to come up with additional ideas for the year to bring to the February meeting. The following is the topics suggested:
 - Ojibwe Language Pronunciation Guide (have grant funds to spend on this)
 - Ni Mi Win documents display
 - Planning for Chief Buffalo sign unveiling

7. Next Meeting February 27, 2023

Meeting adjourned at 7:45pm