

**White Earth Reservation Tribal Council
Special Meeting
November 15, 2017 – 9:00 a.m.
White Earth, MN**

Chairman Terrence "Terry" Tibbetts called the meeting to order at 9:20 a.m. , roll call was taken with a quorum present.

Present: Terrence "Terry" Tibbetts, Chairman
 Tara Mason, Secretary/Treasurer
 Steven "Punky" Clark, District I Representative
 Kathy Goodwin, District II Representative
 Eugene "Umsy" Tibbetts, District III Representative

Others Present: Ken Fox, Executive Director
 Mike Fairbanks, Deputy Director
 Desirae Stalberger, Recorder

Agenda Approval

Motion made by Punky Clark to approve agenda with additions, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

RTC Meeting Minutes (11/6/17)

Addition needs to be made to the MOMS/MATS Financial Request discussion. Tara will also make a note to send all email correspondence with read receipts.

Motion made by Umsy Tibbetts to approve, with corrections, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

Calendar Review

Tara will be missing a conference call with NCAI for budget request that is coming up. Mike Fairbanks is the point of contact for WE. Tara asked Mike to follow up with Scott to see if IHS will be participating and when. Tara asked Terry how the referendum scheduling for informational meetings should be handled; question was what other information should be added - banishment was previously discussed. Tara stated other reservations had their information right on their ballots. Discussion was held on marijuana.

Tribal Finance

Scott Omlid was present. September and October statement of revenues and expenditures through September 30th and statement of operations for Tribal Council were reviewed. Budget information has not been added to the new system as of yet. Scott gave brief update on new software training and attendance numbers; thought there would have been more involvement with the issues that are happening. It was stated that once the bugs have been resolved and

the more the system is being utilized the process will get better for all. The transition is getting better. Terry asked about the in-fund transfer on his budget, Scott said it is a transfer his other fund; half is placed in general and half in indirect.

Cost of Living

In the past this was discussed prior to the end of fiscal year. Scott provided an overview of the cost of living process. Scott followed up with Nakoa to see where the pay scales were at; Nakoa feels they fall within the correct scales. Should the scales be left where they are at, with merit increase, or increase percentage. Tara stated that the scales do not fall in line. Tara requested that information be coordinated with Nakoa and to present options for a decision. Tara provided an example of an individual who transferred, doing the same thing, that received a huge increase - this is not consistency. Kathy brought up individuals not receiving their evaluations. There needs to be more discussion, Scott will follow up with Nakoa today.

Meeting recessed at 10:25 a.m.

Meeting reconvened at 10:49 a.m.

Other

Loeffler Settlement Agreement - the agreement was read by Tara Mason. It was stated that Joe had done the arbitration piece. There was no signed contract. Terry thought that everyone agreed they would be used under forced account; would come from Bagley site to Rice Lake since there equipment was in the area. Tara ask Terry if he remembered any conversation held regarding the reason for not signing the contract. Ken provided a brief overview of what he remembered; there was no oversight. Terry asked the council how they feel about paying out Joe's recommendation. There was discussion held regarding the original plan and the lapse in project time; three other change options were provided as well.

Motion made by Punky Clark to approve the settlement agreement payment of [REDACTED]
Seconded by Tara Mason. Motion carried, 4 for, 0 against.

Child Care License (Renewal/Variance/New)

Motion made by Kathy Goodwin to approve, Seconded by Punky Clark. Motion carried, 4 for, 0 against.

Other

Brief discussion was held regarding change orders; it was stated that Joe Plumer should add a clause in the contracts.

Ogema Organics - Jodan Rousu

Jodan is bringing back a previous request. Jodan provided a brief overview of the project. Jodan stated there was a breakdown in communication. Jodan is requesting an audit and copy of any email correspondence between Zachary Paige, Michael Neusser, and First Nations. Michael provided an overview. There was initial excitement with the project to continue the food sovereignty initiative. Michael provided brief overview of timelines and the surveys not

being completed in a timely manner. Michael stated that there were many attempts to contact Jodan but was unable to. The plan had to be changed; at that time Jodan reached out. There was a meeting held. Jodan stated that in July he was already set back 5 months. Michael provided the finance procedure for the process as fiscal agent. The unspent funds were recently sent back to First Nations. Tara stated she supports Ogema Organics and the relationship to work together on food sovereignty, request is being made for IT to do the email audit. Consensus of Tribal Council is to support the request for information.

Booking Contract (MCT Hearing)

Tribal Council will be responsible for food expense; follow up with MCT as to room expense. There was discussion held regarding the Special MCT Meeting next Wednesday; clarification is needed for participation. Discussion was held regarding the previous motion made and the rescinding of the previous motion regarding those that could attend. Tara recommended Federally recognized members and media should be there. Leonard Roy is not considered Tribal media. Motion made by Tara Mason to allow MCT members and credentialed media to attend. Question was asked why the RTC is making TEC decision on who can attend, when it is a MCT meeting. Tara stated that the decision would revert back to the Tribe. Seconded by Punky Clark. Motion carried, 3 for, 1 silent.

Meeting recessed at 11:52 a.m.

Meeting reconvened at 12:12 p.m.

Other

Tim Walz/Peggy Flannigan - making a request to meet with Tribal Council. Schedule.

Meeting Minutes

Brought up at last meeting; reconciling with documents and calendars.

Insurance

Tara had a question about putting on the agenda, being pushed off.

Class II Gaming

Kathy is requesting assistance for the elders and emergency needs; a form needs to be developed for emergencies through constituent service program. The Class II budget should be reviewed. It was suggested that the elder advocate program coordinate and develop the form. Human service should review policy for elder necessity; revise. Public works director should push for the MHFA funding again. Kathy requested there be information in the newspaper about electric bills, cold weather rule. It was stated that Joe Plumer was supposed to look in to the Tribe's ownership of Wild Rice Electric.

Motion made by Tara Mason to purchase 2 furnaces for the 2 individual elders in need, Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against. Kathy stated cost would be approximately \$3,000 per unit installed.

Terry provided brief update on Giwanikimin and the rising cost; the Tribe could subsidize (approx. \$70,000) - Kathy asked if there could be a cap placed on the subsidy. Terry stated that it could be capped as close as possible. Terry suggested that Ben Bement work with Rick Smith for follow up.

Motion made by Kathy Goodwin to move some class II gaming funding into the elder advocate program, Seconded by Tara Mason with discussion. What else was being discussed or other ideas for elder needs, Terry stated heat/water. Would there be any other opportunity or options from other sources. Is there any other capital expense items that need to be considered. Tara recommended \$30,000 be moved over to human services. There is a huge need but limitations need to be set as well. Tara is requesting an amendment be made to the motion to move \$30,000 with oversight of human service program. Motion carried, 4 for, 0 against.

Wild Rice Donation (Naytahwaush)

Consensus was to approve 10 lbs - for Thanksgiving holiday community meal at the old center.

Phone Calls/Mileage

Punky stated that the Chairman called HUD without the Council's approval. It was also stated that the Chairman notified Collin Peterson, when the Chairman said he was notified by Peterson. Punky is asking that Ken follow up with Collin Peterson's office on who was notified. Punky stated that after the meeting last week the Chairman notified OIG via phone call regarding the Circle of Life School. Tara stated when it comes to OIG they have different people for different departments. Terry asked if the Tribe is handling the schools funding, the superintendent is also not licensed and is not a US citizen and should not be in the position. Tara asked that Terry would rather have a white person vs an Anishinabe person in the position; Terry wants the best qualifications in the position. Punky referenced I-65 Article I section I and violation. Ken was asked to follow up on the phone call, Tara stated she would call Tony Deerman, Director of BIE.

Punky brought travel and mileage to the Council's attention; Terry is collecting mileage on TA and same mileage on his mileage sheet. Punky wants to make a motion that this goes to Becker County. Punky wants the Burny Tibbetts case to be included. Umsy stated the over expenditure of driveways should be included and be sent to Clearwater; Punky stated that there was \$5,000 allocated towards driveways. Terry wants the micro loan program be included; Tara asked what overages he is talking about. Governments do provide lending types of services; this has been a revolving loan program. There is a way to put a process in place if the problem is having this program to assist the Tribal members. Would there be objection if there was some parameters put into place to address Terry's concerns. Terry stated this should not be handled through the finance department, it is misappropriation of funding and comingling of funding. Umsy asked why Tara couldn't just write a personal check for the loan and have the individual pay them back; Tara stated because she does not want to keep the money it was used to help and would always be there in the future for members to use.

Motion made by Punky Clark to move forward with sending to the County, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

Terry stated that Joe Plumer is supposed to be working on work permit licensing.

It was stated that the Tribal Council should be working together for the betterment of the people, that is what they were elected for. Set the differences aside.

Motion made by Tara Mason that we do everything necessary and legally that the AKA on all documents revert back to the Constitution and that we are the Reservation Business Committee, Seconded by Punky Clark. Motion carried, 4 for, 0 against.

Meeting recessed at 1:27 p.m.

Meeting reconvened at 1:45 p.m.

Release of Confidential Information

Terry referenced email request addressed to himself to Joe Plumer and Punky Clark from Ken Fox regarding Punky's request for [REDACTED] documentation; there were only 3 copies made. The information was put on facebook the next day. Nizhoni was present, would need more background and time to look into it. Terry asked for clarification from Ken Fox on the email that was sent for the request. Ken stated that he was following up on a request being made by a Tribal Council member, just like he follows up on other requests from all the other Tribal Council. Question was asked why the Tribal Council was not included; it was stated that the other council members aren't included on other Tribal Council requests that are being made. There are some questions relating to electronic documents on how they can be altered and tampered with; what is legal standing on utilizing the documents in legal court cases. Terry asked where the confidentiality is at when there is a sealed document; how can it be requested. Terry wants to know who released the information. Nizhoni will follow up on company policy in regards to confidentiality. It was stated that there are times that information is being requested from different council members, is there direction on how the communication of requests should be made. Terry stated everyone should be kept in the loop. Tara stated that there is a difference in public information in regards to meeting minutes. Tara requested that all Tribal Council be copied in on all Tribal Council requests for information.

Adjourn

Motion made by Tara Mason to adjourn meeting at 2:21 p.m., Seconded by Kathy Goodwin. Motion carried, 3 for, 1 silent.

Tara Mason, Secretary/Treasurer