

**White Earth Reservation Tribal Council
Special Meeting
July 12, 2017 – 9:00 a.m.
White Earth, MN**

Chairman Terrence "Terry" Tibbetts called the meeting to order at 9:15 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 Kathy Goodwin to approve with additions, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

RTC Meeting Minutes (7/5/17 & 7/7/17)

Motion made by Umsy Tibbetts to approve, Seconded by Punky Clark. Motion carried, 4 for, 0 against.

Calendar Review

- RTC Quarterly/Elder Picnic (7/21/17)

Mahnomen Child Care/SSC Subsidy

Mary Otto and Barb Fabre were present. Discussion was held regarding the follow up budget request for the Mahnomen Child Care Early Learning Center in Mahnomen. Barb gave a brief overview/history of Mahnomen child care. Currently there is 5 staff and 18-25 children. Question came from GM of casino regarding subsidy of \$120,000 for child care; there are a number of shifts not covered for child care services so there is question regarding the subsidy. A survey day will be set up for casino employees; Tara stated she would provide a few door prizes if needed. Tara had questions regarding statement of operations; 508 should be moved back into 501 and/or 502. Rental/lease of the building is billed by WETCC; have not received billing for this year yet. Mahnomen site will also be a wrap around service location. Question was asked about justifying the subsidy when there are other communities that have major child care needs as well. Barb stated that they're continually working on child care issues in all communities. A request was made to do community wide survey; newspaper. Tara would like

to see projections for Mahnomen site wrap around program. Brief discussion was held regarding other child care sites and whether or not child care program could establish a program in each community (Naytahwaush, Rice Lake, Pine Point).

A request is being made to move forward with modular proposal for White Earth location. There is funding that needs to be utilized before September 30th. Cost will be \$161,000 for building, water/sewer will need to be hooked up, footings are needed. Consensus of Tribal Council is to move forward with this proposal. Barb stated that they are not sure what the next years funding would be, but if there is an increase there is a hope to put a facility in Naytahwaush for child care.

Meeting recessed at 10:42 a.m.

Meeting reconvened at 11:04 a.m.

Other

THPO Appointment - Consensus of Tribal Council was to appoint Monica Hedstrom until position is filled.

Child Care License [REDACTED] - Tabled

Requires legal counsel review, compliance inspections should be considered for licensing.

Joe reviewed the child care license information.

Motion made by Punky Clark to deny the license until conditions are met, seconded by Umsy Tibbetts. Motion carried, 4 for, 0 against.

Business License [REDACTED]

There are concerns with insurance issues and nature of business, liability. Tabled until legal counsel provides recommendations. Consensus was to deny until insurance information is provided.

Wild Rice – Elder Sales

Elders meeting concerns of not being able to purchase wild rice. Rice was purchased from Leech Lake to accommodate wild rice sales. There needs to be a way to identify processed rice. There are concerns with ENP coordinator not addressing the elder needs; job description was requested for review. Brief discussion was held regarding WE Council of Elders; are bylaws being followed. A request should be made for meeting minutes prior to any funding being disbursed.

Oshki Manidoo Maintenance Fund

A request is being made to utilize and reallocate the \$100,000 Oshki Manidoo maintenance fund for Mahnomen Boys & Girls Club. Motion made by Kathy Goodwin to approve, Seconded by Tara Mason. Motion carried, 4 for, 0 against. Any unforeseen maintenance issues the program has funding to cover.

Wellstone Building

The WETCC is not willing to allow use of small parcel of land for Boys & Girls Club development, stating reason due to future college development. A formal letter/document needs to be drafted to the WETCC regarding land use for Boys & Girls Club program.

Discussion was held regarding barn removal; asbestos in shingles a concern. Ken will follow up on whether or not there could be controlled burn. Funding allocated for ranch can be reallocated for removal of Wellstone building.

Cass Lake Legion

Decision needs to be made on how facility should be renovated to accommodate programs. A request is being made for Tribal Council to tour facility. There is a room that constituents staff can utilize for time being.

Meeting recessed at 12:10 p.m.

Meeting reconvened at 12:27 p.m.

Brief discussion was held regarding counselor positions and wage scale; there are individuals who have training and have passed UMICAD testing but do not have the 4 year degree requirement, non Tribal member who has not

Tribal Court

There is situation with Tribe's sovereign immunity. Tara would like to have discussion and request to postpone deposition scheduled for today; legal review and conversation with membership is needed. The court order waiving sovereign immunity in the case needs to be presented and reviewed. A request is being made to have outside agency or legal review come in regarding sovereign immunity issue. In the court case because of policy and handbook the Tribe waived sovereign immunity, there was never any action taken by the Tribal Council to waive any sovereign immunity. BJ Jones stated that the Tribe waived sovereign immunity.

Motion made by Tara Mason to create a judicial review oversight committee, Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against. Legal department will be asked to coordinate and provide recommendations. Suggestion was made to have information put out to the community for involvement of Tribal individuals that would be interested in being on the committee. It was also stated that there needs to be involvement of Tribal departments/Tribal employees. There may be option to stipend the non-employee individuals who participate on the committee.

A request is being made to postpone the deposition to allow for outside review. Motion made by Tara Mason to postpone any further court action regarding the issue until the legal review is conducted within 30 days, Seconded by Punky Clark. Motion carried, 3 for, 1 silent.

Budgets

Discussion needs to be held regarding program needs and additions needed to the budget. A request was made to have designation of maintenance personnel (2) for assisting of elders within the communities. Homeless program funding needs to be discussed; additional funding has been allocated but individuals are not being assisted. A request is being made to allocate \$10,000 to Human Services for reinstatement fees; could be micro-loan option for repayment-would replenish fund.

Donations - via Payroll Deduction

Would it be acceptable to offer an option to employees to donate for a said cause and have amounts paid via payroll deduction. On gaming commission side a percentage tax could be in place for donations. There was question as to tax and the program receiving the donation and the need for legal review.

Meeting recessed at 1:40 p.m.

Meeting reconvened at 1:55 p.m.

Brief discussion was held regarding employee issue;

There needs to be non-disclosure policy in place for employees of programs.

There needs to

WEHA Community Council Funding

Indian Housing Plan would determine use of funding; OMB may be what's being referenced for limitations for use of funding.

Punky Clark left meeting at 2:39 p.m.

Punky Clark entered meeting at 2:44 p.m.

Work Session Location

Pine Point July 17th at 9:00 a.m.; new school location.

Tribal Code permits for waivers of advocates that are not law licensed and are Tribal members.

Individual didn't pass the bar exam; will be retaking in February. Waiver is being requested for individual to continue to represent the agency as well as traffic and conservation programs.

Motion made by Kathy Goodwin to allow 9 month waiver for Barbara Olds, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

Meeting recessed at 3:10 p.m.

Meeting reconvened at 3:24 p.m.

Meetings/Open Door Policies

Clarification needed. Band member at TEC meeting stated that Tara closed the door on a meeting; it is Chairman's call to close the meetings.

Financial Information Request

A request from Natalie McArthur is being made for additional financial information. Tabled until next week.

Bugger McArthur (Casino Property)

There are promotions of \$1.4 million that was taken from casino; should be Tribal Court or Mahnommen County Attorney for repayment. Another issue that should be addressed is previous roads manager issue. Charles LaDue has information/letter regarding McArthur misappropriations. Joe should be asked to compile McArthur information for review.

ICWA - Tabled

Tribal Council Rumors - Tabled

Pine Point Pow-Wow Donation

Requesting \$25,000 for this year's Pow-wow, paper products, and 25# wild rice.

Motion made by Kathy Goodwin to approve \$25,000, 500 paper products, and #25 wild rice for Pine Point Pow-wow and Naytahwaush Harvest Fest Pow-wow, Seconded by Umsy Tibbetts. Motion carried, 3 for, 1 against.

Christian Retreat

Adjourn

Motion made by Kathy Goodwin to adjourn meeting at 4:04 p.m., Seconded by Umsy Tibbetts. Motion carried, 4 for, 0 against.

Tara Mason, Secretary/Treasurer