

White Earth Reservation Business Committee

Special Meeting

April 10, 2018~ 9:00 a.m.

White Earth, MN

Chairman Terrence “Terry” Tibbetts called the meeting to order at 9:31 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
Eugene “Umsy” Tibbetts, District III Representative

Absent Kathy Goodwin, District II Representative

Others Present: Ken Fox, Executive Director
Michael Fairbanks, Deputy Director
Maria Bevins, Recorder

Agenda Approval

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

RBC Meeting Minutes (04/02/18)

Motion made by Steven Clark to approve meeting minutes with changes, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

Attorney Contract

Joe Plumber turned in his resignation to the RBC. Tara stated that they need to notify all the Directors regarding his resignation. Tara’s main concern is how backed up is the Judicial department and what has not been completed. Tara also stated that a letter needs to be drafted to NIGC ASAP and this letter was talked about at the Gaming Commission meeting in March. Terry was in agreement with Tara and stated that they need to contact departments regarding Joe’s resignation and have a letter drafted to NIGC and send to Legal for review. Tara commented on needing an Attorney who would be more skilled in Indian Gaming for the Tribe. Brief discussion held on the NIGC letter, the time line on when it needs to be sent in and an Attorney for Tribal Gaming. Tara also stated that NIGC is very critical and needs to be addressed ASAP. Eugene commented on the letter and if there is a 30 or 120 day deadline to have it sent to NIGC. Tara stated that 120 days is the notice that is giving that they are licensing a site facility. Tara stated that the letter was discussed at the RBC table and they needed more advice from Legal during that time. Ken referenced an email that Raeann Smith sent to Joe Plumber on April 3rd.

Meeting recessed at 9:56 a.m.

Meeting reconvened at 10: 02 a.m.

Kathy entered meeting at 10:02 a.m.

Steven made a motion to hire Lenny Fineday for 40 hours a week for the Tribal Attorney. Terry stated that [REDACTED] as RBC Tribal Attorney. Terry commented on talking with Chris Allery he has Historical knowledge on the Pipeline, 1855 and LLC's. Brief discussion held on the Attorneys currently working for the RBC.

Veronica Newcomer and Lori Thompson present from Judicial. Terry commented on Joe Plumber's resignation, also on how the Judicial department are doing with the work load. Terry asked Veronica if she would accept being Interim for the Judicial Department. Veronica stated that she is doing her best with all the agency work and Laura is updating her with all the outstanding projects that need to be addressed. Tara commented on the list that Laura has; however, RBC needs to send a memo to all the directors so they are able to speak with their managers regarding any outstanding documents that Legal may have for review. Ken was asked to send a memo to all the directors regarding this issue. They need a complete inventory of what needs to be addressed. Terry commented on any upcoming issues that they may have on the Indian Health Service 638 project and what needs to happen to move forward. Veronica stated that she has no information on that matter and Laura updated her on the NIGC letter this morning. Veronica stated that Joe's last communication on the letter was with Raeann on what specifically was needed in the letter. Veronica also stated that they received the email on March 23rd and there is a 45 day response time. Tara stated that they needed to talk with Legal on what their options are. We have two facilities that are running weekly Bingo's and the facilities are not licensed. This is the 120 day notice to NIGC and this notice is not ready to be submitted until we have a plan on what we are going to do. RBC had discussion; however, not sure in how we wanted to proceed with the letter and needed Legal advice. Tara commented on needing a Gaming Attorney. Brief discussion held on Gaming Attorney's specific for Tribal Gaming. Terry stated that they would need an Attorney for the Pipeline, LLC's and PUC's. Tara stated that they would need an Attorney for ICW. [REDACTED]

[REDACTED]. Tara commented on Tribal Court and not having enough coverage, also who is working with Child Support. Veronica stated independently contracts with Sharron Moe.

Veronica:

- Civil Commitments
- Housing
- Employment Appeals
- Third of the ICW files
- General Civil
- Traffic

Barb:

- Helps with Traffic
- Truancy

Kathy commented on the case loads. Veronica stated that Child Protection; 300 cases, Civil Commitment; 40 clients, Housing; 20 cases and the case loads are pretty significant. Lori commented on the amount of work that goes into the Child Protection cases. Tara commented on having communication between Legal and the Land department due to land purchases on the gaming side. Tara also stated that the priority for Judicial is catching up and taking care of the current business. Veronica stated that it will be important to look at the list that Laura has and once they receive the lists from the directors they can move forward with the outstanding documents. Brief discussion held on Antonio leaving the RBC. Lori stated that she has not heard anything as of now. Main priority is the letter to NIGC completed.

Veronica Newcomer for Interim position for the Judicial Department:

Motion made by Tara Mason to approve, Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against.

Tara stated that there is a motion on the table for the Tribal Attorney. Terry stated to have Veronica contact the individuals in their discussion for Tribal Attorneys before they move forward with any considerations for the Tribal Attorney. Terry also stated to have the best person for this position.

Lenny Fineday for Tribal Attorney:

Motion made by Steven Clark to approve, Seconded by Tara Mason. Motion carried 3 for, 1 against.

Water & Sewer

Eugene Vivier and Bucky Tibbetts present. Septic Pumper Truck (3 bids were provided for RBC review). Eugene stated that they have \$100,000.00 in their budget to purchase a Septic Pumper Truck. They would like to purchase a 2018 Septic Pumper Truck for the amount of \$99,876.00; this purchase would remain within their budget. Eugene is asking for RBC approval to move forward with the purchase.

Motion made by Kathy Goodwin to approve, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

Indian Health Service Project BE-11-H03: Construction of Sanitation Facilities to Serve Existing Category Homes with Sanitation Facilities Projects. The document is the Completion and Acceptance Agreement for all work completed under the Memorandum of Agreement MOA by the Water and Sewer Public Works Department Construction Division.

Motion made by Tara Mason to approve, Seconded by Steven Clark. Motion carried, 4 for, 0 against.

Meeting Recessed at 10:54 a.m.

Meeting Reconvened at 11:27 a.m.

Investigations

Tara commented on her financial report on March 1st and what will be the recommendations for those investigations; Tara commented on [REDACTED] mailing address and Human Resources were the only ones that had his previous mailing address, also the Micro loans;

information that was faxed out of finance. Tara is asking what they need to do for these investigations. Terry stated that Mike LaRoque will address these investigations. Tara asked what was said in the minutes from March 19th. Maria referenced the minutes from March 19th that stated; Consensus to start investigation for these items:

- Human Resources documents
- Micro Loans

“Motion made by Tara Mason to approve that these complaints gets investigated, Seconded by Steven Clark. Motion carried, 3 for, 1 opposed”.

Scott Omlid, Nakoa Graff, and Mike LaRoque present. Brief discussion held on the investigations. Tara stated that they need to look at the policy and procedures in finance. Tara stated according to I-65 if there are any violations then this needs to be brought during her financial report with recommendations and she had made recommendations and they acted on them. Terry stated the in-house investigations; Mike LaRoque and Raeann Smith will be handling these investigations. (Policy: Raeann and Criminal: Mike).

- Micro Loans
- Accusation; Address coming out of Human Resources

Terry commented on his name being on the Micro loan checks and he has not granted approval for his name to be on these checks. Terry asked Scott is there signatory authority granting this. Tara stated that this is a separate issue and what they are trying to accomplish now is with the investigations moving forward.

Meeting recessed at 11:45

Meeting reconvened at 12:05 p.m.

Mike stated that he sent Ken an email on the leaked address stating that it has been closed. Received a call from one of the candidates and where she got the address from and considered it closed and not being criminal. Tara stated that they need the documentation, making sure these complaints are being addressed and following through with the actions that the RBC had in place for these investigations.

Urban Constituents Office

Brief discussion held on office space in the Urban area. Tara stated in March there were concerns with the space at the Urban offices. Tara also stated the Urban Constituents employees assumed that they would be on Franklin; however, they ended up at the Clifton place. They have no community space in this area and no kitchen. Tara recommendation is that they go back to MCT due to the only option at this time. Steven stated they should move the Constituents office to the Carriage House behind the Mansions. Ken stated that this is a large space, has a kitchen and could be another option for them. Terry asked Ken to follow up with the Urban Constituents staff and see where they would like their offices to be at Mansions or back to MCT. Consensus on where they would like to move.

Annual Dues – NIGA

NIGA Membership Renewal Resolution is approved by the RBC and NIGA dues are paid through the casino. Tara referenced the fourth WHEREAS; the primary objectives and purpose of NIGA number 1, 2, 3 & 4. Tara also referenced the BE IT FURTHER RESOLVED; the White Earth Reservation Business Committee hereby appoints Terrence “Terry” Tibbetts as the

Tribe/Nation's representative to NIGA, with Steven "Punky" Clark as alternate and Eugene "Umsy" Tibbetts as alternate with all appointments remaining in effect for the current year and/or until replaced by the Tribal Council.

Motion made by Tara Mason to approve, Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against.

Brief discussion held with Steve Howard via phone conference regarding White Earth Housing Evictions and Rehab Housing in Naytahwaush.

Steven asked Steve Howard if [REDACTED] owned her house and was giving to her. Steve stated yes.

Meeting Recessed at 12:32 p.m.

Meeting Reconvened at 12:55 p.m.

MHFA

Terry stated that our elders need to be taking care of first. Ken commented on an email that he received by Pam Keezer on the RFP is due June 12th at noon. Rehab repair moneys will go to White Earth Housing. Tara commented on [REDACTED] will be allocated for new housing such as; home loans and single family homes. Kathy commented on water bills in Mahnomen are very high and with a Water Tower in Mahnomen by the apartments they would be able to control the water. Kathy also commented on the congregate homes. Brief discussion held on DW Jones. Eugene stated that the elders are having a trouble turning in their social security receipts for rent. Eugene also commented on LaVon needing storage for freezers. Tara asked Mike if they got the lights fixed at congregate. Mike will follow up with Chad Nelson with DW Jones. Mike stated they are trying to fill the vacancies. Tara asked Ken to follow up with Rick on the [REDACTED]

Social Media Policy

Terry commented on the updated handbook. Tara stated that she handed this to Nakoa the seconded day he started with the RBC. Tara stated that there were discussions over Policy #311 and Joe Plumber was going to fix it and get back to Nakoa. Terry stated that Joe Plumber and Lenny Fineday were both working on this Policy.

Motion made by Steven Clark to rescind the Social Media Policy #117, Seconded by Tara Mason. Motion carried, 3 for, 1 against.

Grievance

Steven stated that they have grievances that need to be addressed. Terry stated that there is no policy in place for elected officials. Terry asked Ken to follow up with Veronica on the Grievance Procedure or Code of Ethics.

HEMP

Joe Plumber Jr. present to give an update on Hemp ordinance and permitting.

Joe Jr. stated that we need to follow the Section 7606 federal guidelines in order to allow pilot programs and research to begin on industrial Hemp and the rules/regulations that need to be followed.

Tara commented on the pilot program and wants to issue permits for our members to grow and what type of ordinance do we need in place. Joe stated we need to follow the Section 7606. Joe Jr. stated that they need to contact a Higher Education facility this year and start this project within the next year to regulate, conduct research and have a pilot program. Joe Jr. stated that they need to test the fiber and the oil, due to having different strains. Joe Jr. commented on [REDACTED] as a possible partnership with him to grow Hemp. Joe Jr. stated that he has 12 acres and has equipment to use for the Hemp process. Joe Jr. also stated what [REDACTED] would want from the Tribe would be the seeds. Joe stated that [REDACTED] is not aware of the legal aspect of the process and where the development can be. Tara commented on the being organic and to have a MOU in place with [REDACTED]. He cannot use equipment that has been used on chemical processed fields if White Earth is going organic. Joe Jr. will follow up with [REDACTED] and any questions he may have. Brief discussion held on Hemp and the national level of when this is going to happen.

Eugene Left the meeting at 2:06 p.m.

Eugene returned at 2:08 p.m.

Brief discussion held on the 2 parcels in Waubun.

Lot 204 paid \$15,000.00 and Lot 203 paid \$10,000.00 both have houses on them. [REDACTED] and [REDACTED] are residing in these homes. The Electricity and water are in their names. Joe asked the RBC to make a determination on what the land office should do. The RBC stated to send a vacant letter to the residents regarding the purchase of the land by the RBC and giving them a time line to vacant the premises.

Kathy commented on the little white house that was built for elders and the assumption that these properties would be returned to the Tribe. Brief discussion held on non band members going into Probate for the land. Joe Jr. will come back to the meeting in two weeks for more discussion on Probate.

Other

Land [REDACTED]

Motion made by Steven Clark to rescind Resolution #056-18-009, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

Sue Bishop / Blanding Foundation Grant; EBA needs to be reviewed:

Motion made by Eugene Tibbetts to approve, Seconded by Steven Clark. Motion carried, 3 for, 1 silent.

Kathy left meeting at 2:37

White Earth Builders, LLC Pine Point Addition / Bids:

Motion made by Eugene Tibbetts to approve, Seconded by Tara Mason, Motion carried, 3 for, 0 against.

Lori Thompson – Tribal Court / BIA Letter:

Motion made by Tara Mason to approve, Seconded by Eugene Tibbetts. Motion carried, 3 for, 0 against.

Michael Triplett – Letter of Support for the Rural Renewable Energy Alliance (RREAL) for Community Solar for Community Action solar arrays on the White Earth Reservation:
Motion made by Steven Clark to approve, Seconded by Tara Mason. Motion carried, 3 for, 0 against.

Doug McArthur – Natural Resources / NRCS EQIP Contract for Many Point Lake Access Rehab:
Motion made by Eugene Tibbetts to approve, Seconded by Tara Mason. Motion carried, 2 for, 1 silent.

Eugene left the meeting at 2:45 p.m.

Council of Trustees Letter

Terry commented on how many non enrolled members are there on the board of trustees. Mike stated two. Terry stated that he will not sign the letter at this time and will review the letter.

Tabled Business

- Live Stream Meetings
- Resolution – Economic Development Division Report
- Electrical
- Ground Breaking/Blessing of Naytahwaush Clinic, MOMS and MATS
- Red Horse Mission Trip

Motion made by Tara Mason to adjourn at 2:51 p.m., Seconded by Steven Clark. Motion carried, 2 for, 0 against.

Tara Mason Secretary/Treasurer