

White Earth Reservation Business Committee

Special Meeting

April 23, 2018~ 9:00 a.m.

White Earth, MN

Chairman Terrence “Terry” Tibbetts called the meeting to order at 9:27 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
Maria Bevins, Recorder

Agenda Approval

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

RBC Meeting Minutes (04/16/18)

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

Calendar Review

OMC Spring Feast: May 8th at 12:00 p.m.

Tabled Business

Charles Freemont Meeting Request: RBC work session meeting May 14th

UMICAD

Dennis Hisgun present for discussion on Upper Midwest Indian Council on Addictive Disorder (UMICAD). Dennis stated that UMICAD is a certified board. UMICAD was originally developed by Indian Health Service to service the Indian Health Service area and helped with the funding. UMICAD is unique and has incorporated Native American components, which is essential in working with Indian people. UMICAD was developed due to finding competent and knowledgeable counselors in working with the people within the Chemical Dependency Programs and getting the basic trainings. This is helping counselors to meet the certification training and testing requirements. Other boards do not offer this feature. UMICAD is about 30 years old and needs to be upgraded. Alcoholism and marijuana was what they dealt with in the past years. UMICAD provides outreach training, testing, and technical assistance. They have

developed a format within their network. UMICAD encourages professional development in counselor certification. They offer 3 levels for counselors which are consistent with other states. This will involve further competency trainings and testing for the higher levels of certification; however, the field of Substance Abuse has changed due to the use of meth, opiates and fentanyl. The tests do not address these issues and this needs to be upgraded. Dennis is resigning from the Board and asked White Earth to help administer UMICAD. Dennis spoke with the Indian Health Service and they are willing to help them upgrade with some new credentialing to provide training to expand; Level one Counselors, Care Coordinators and Supervisors. Dennis stated that he was approached by Vern Laplante, he wants to certify Traditional Healers; however, this will need more discussion. Dennis stated to offer basic knowledge and being strictly voluntarily. The reason UMICAD exists originally is that the state of MN does not have jurisdiction on Tribal lands/reservations. They cannot appose their certification and licensing onto tribes. Dennis stated that White Earth can set up the certification process due to Sovereignty. UMICAD is into a State Statute, and MN recognizes UMICAD as the certified body of MN Tribes. Fully recognized and can bill at the I.H.S rate or the State rate. UMICAD counselors generate millions of dollars. Dennis commented on the State Legislative that revisited on the Standards and Licensing they have included Care Coordination. Dennis stated that they are receiving many call from non natives, Case Managers Care Coordinators due to the State law. If you have a UMICAD certification you can work anywhere in the State of MN.

Two things to consider:

- Liability Insurance
- Investigations on the Code of Ethics

Dennis stated that he can do some of the investigations for White Earth; however, would like to resign from UMICAD. Dennis stated that he represented White Earth for over thirty years and if the RBC has someone who would replace him on this Board he would work with them for three months to train. Terry stated that this is a lot of responsibility. Tara had some questions and commented on the Board being comfortable being under the White Earth Umbrella. Would they be supportive still if we looked at?

- The Annual Conference
- Looking into the Standards

White Earth revamping some of the Standards due to the Meth and Opiates addictions. Partner with the WETCC, have more trainings and creating curriculums. Tara commented on hiring a full time administrator for UMICAD. Dennis stated that they are part of IC&RC, International Certification Reciprocity Consortium, and Accredited Certification Board, which certifies Substance Abuse Counselors within 32 states, 12 countries, all the armed forces and are recognized internationally. Dennis stated to have legal council to look over these items. They presented to Fond du Lac and their college; however, they turned them down. There is a charge for all their certification and the cost to the tribe will be minimal. Dennis spoke with Chris Pool; Indian Health Service and they would fund all the curriculum development and credentials. Kathy stated that she will talk with him at the Board meeting. Kathy also stated that she is on DSTAC and can approach the National Indian Health Board. Tara commented on having a full time administrator. Dennis is formally asking White Earth to take over UMICAD and will help with the transition process. UMICAD will meet again in June at Mash-Ka-Wisen. Tara stated to have a draft letter to UMICAD Board with the Support of White Earth.

Motion made by Tara Mason that White Earth will assist and lead UMICAD, Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against.

Meeting recessed at 10:24 a.m.

Meeting reconvened at 10:45 a.m.

Mississippi Pillager, LLC Operating Agreement

Jessica Johnson & Roy LaVoy present. Jessica stated the only change was RBC not on the board. Tara referenced page 8 that needed to be explained. 7-11 and 7-12: Officers we have; President, one or more Vice President, Secretary and Treasurer who shall delegate the day to day Manager responsibility to the Chief Executive Officer shall also serve in the capacity of the President and other such Officers. Jessica stated the Chief Executive Officer would be different and more like the Executive Director vs. being the President of the Board. Tara stated to make the amended changes today before approval. Tara stated under 7-11 change President with Chair Person, number two would be Vice Chair Person and Erma's signature on page 18 needs to be replaced with Terry's signature. Tara commented on the allocation plan: Distributions; Dividend Plan approved by the Tribe, would be approved by the owner and would come annually in October. Tara stated that Enterprises will be on the agenda for every Quarterly meeting to report. Motion made by Kathy Goodwin to approve Resolution with amended changes, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

Spring Clean up:

Kathy commented on White Earth Housing and they will only pick up the Housing garbage. Terry commented on splitting the cost with White Earth Housing an estimate \$40,000.00. Jessica stated that low rent units will go out on the road and be picked up and enrolled members can dump at the transfer stations in their communities or at Sanitation in Waubun. Kathy commented on the elders and there is some confusion with the spring clean up. White Earth Reservation Community Clean Up Schedule:

- Elbow Lake: April 27th – 28th
- Pine Point: May 4th – 5th
- Rice Lake, Mahnomen, Perch Lake, Pine Bend & Ebro: May 11th – 12th
- Naytahwaush: May 18th – 19th
- White Earth, Callaway & Strawberry Lake: June 1st – 2nd

White Earth Public Works Driveway Construction Program

Eugene Vivier present for discussion on White Earth Public Works Driveway Construction Program Policy. Eugene Vivier commented on receiving the applications that need to be fully filled out and need the proper information completed. Eugene Tibbetts commented on all the work they have and keeping up with the road patching. Eugene Vivier stated that they have a budget to hire four people without CDL License. Eugene Vivier referenced the Driveway Construction Program Policy: This policy is applicable for 1: New driveway construction, and 2: Maintenance work to existing driveways. In order to participate in this program, the following requirements must be satisfied.

- Applicant must be an enrolled White Earth tribal member; and must present a valid White Earth tribal enrollment card at time of application.

- The physical address must be within the exterior boundaries of the White Earth Reservation.
- Applicant must provide proof of ownership through a deed for the property; or a tribal land lease.
- The home must be a full time residential home site.
- Seasonal home residence does not qualify for the program.

Program Restrictions; other restrictions applicable to the driveway construction program include the following:

- For new driveway construction, the maximum total cost of the work is \$5,000.00.
- The new driveway construction grant is available on a one-time basis.
- The driveway construction funds are for driveway construction only; and any additional work for tree removal, home foundation work or any other category of work is not eligible to be paid through the driveway construction fund (Liability working on existing foundations on homes).
- The funds are limited, and will be available on a first come, first serve basis.
- The applicant is responsible for all tree removal required for driveway construction. Please contact White Earth Forestry.
- The applicant is responsible for payment of all cost above \$5,000.00; and must pay 25% of the additional cost before the work is started. The balance of the cost must be paid in full upon completion of the work, or other acceptable payment arrangements must be made.
- All account balances must be paid in full prior to additional work requests being granted.
- For driveways located on county roads, the applicant is required to obtain all permits and pay all associated fees. County contacts are as follows: Becker County DOT, Clearwater County DOT and Mahnomon County DOT.

Technical Support:

- White Earth Department of Transportation (DOT) will provide assistance to applicants in completing applications for county driveway permits.
- No permits or fees are required for driveways off BIA or tribal roads.
- White Earth DOT will provide assistance in location utilities in the area of the driveways and will identify the most feasible location for the new driveways approach.

White Earth Elders:

- The Tribal Council has additional set aside funds for maintenance of existing driveways.
- Funding is limited, and elders will be served on a first come, first served basis.
- Applications that receive funds for driveways maintenance one year will not be guaranteed to get the same funds the next following year for driveway maintenance. Funds are limited and the list of applicants that did not receive services will be first priority on the list. You can call Leonard Goodwin or Chris Londo to look at your driveway if you feel your driveway needs additional maintenance services after the first year, your application will be put on a different list separate from the new applicants.

Existing Driveway Maintenance for Non – Elders:

- Members that are under the age of 55 and non-disabled are responsible for all the maintenance of their driveway.
- Applicant must pay 25% of the estimate cost of the work before work begins, and make satisfactory payment arrangement for the balance.

Eugene Vivier commented on equipment being utilized by members to work on their drives ways or personal projects. RBC stated no one can bring equipment home to work on personal projects.

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

Meeting recessed at 11: 50 a.m.

Meeting reconvened at 12:04 a.m.

Conflict Tribal Judge: Tyler F. Annette

Lori Thompson, Judicial present for discussion on the Conflict Tribal Judge.

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

Land

Katherine Warren and Joe Plumber Jr. present.

Olson Landing: Joe Jr. stated that Katherine would like to put in a park for the community. Joe Jr. spoke with Darlene Rivera and one option would be a purchase of the property; however, would the RBC like to lease for 10 years and put a provision in the lease that states “we can end the lease with the purpose of purchase and sale to the Tribe”. Joe Jr. stated that he would follow up with Darlene after they determine on what they would like to do and who will draw up the new lease. Katherine asked Joe Jr. to help get the language going and an agreement in place. Katherine stated why put money into this area if they are not allowing them to buy it and not having prevue to the first right of purchase. Tara commented that the State has so many provisions due to this being Lake shore. Tara stated to draw up the lease and if they did the lease with the 10 year or provision to get everything worked out on purchasing the land and put in the language to purchase sooner and have it signed off on. Tara commented on the Commissioners being acceptable to this; however, the Legislative language and Statutes changed in MN which made it easier for them to sell this property. Katherine stated this does not have to go to Legislative that the Commissioners can approve the sale. Kathy stated that the bids have gone out for the land work about \$12,000.00. Kathy asked Joe Jr. to draw up the letter and send over to Darlene Rivera. Joe Jr. commented on not passing the State Bar and will be gone for a couple months; however, will continue to be here for two more weeks. Brief discussion held on what Joe Jr. appreciates in Law. Joe Jr. stated that he enjoys working with Land and Economic Development.

Verizon Fiber Optic Row request: Verizon wants to expand on the cell phone tower and they have a purpose drawing. Joe Jr. requested that they talk with the Roads department. They want to run from the water tower a new line to the road that will connect to the existing right-of-way to

some other Fiber Optic and will not interfere with any of the areas. Joe Jr. stated with the right-of-way policies are they have to apply to the BIA with our approval and with approval they can do their surveys. Needs the RBC approval to move forward with the purposed line and give them the approved authorization. Katherine stated that there has to be a right-of-way process and own application. Katherine also stated that we have the right to charge for those right-of-ways and need to consider this. Joe Jr. stated that part of the right-of-way is an evaluation of the land. Options would be; have the BIA do it or we can do it on our own and determine our valueism and they pay us every five years. 2014, Erma signed an agreement that allowed Verizon to put up the initial antenna on the water tower. Joe Jr. stated to have a leasing provision in the agreement that stated they are giving us some of the proceeds of the new line. Tara commented on the communication with IT. Katherine stated that she brought this up last week and does not know where they are at with this type of Fiber Optic. Katherine stated that Antonio met with a few people and they were trying to find different projects that they could partner with the Tribe to get in and own these Fiber Optics. The reason why they are getting these grants and projects funded is they are suppose to be serving our under serve areas which they are benefiting from and getting money from the Government. Tara commented on the PUC. Joe Jr. stated that with the taxation, the money that can be made and any the type of regulations over Fiber Optics telecommunications running over Tribal lands, definitely the communication is needed. Katherine stated that this is the importance of having a Legal Attorney in the Land office. Brief discussion held on the importance of the Government documents in the Land office and a Tax Code. Joe Jr. will review the agreement with Lance LaRue that Erma signed in 2014 and have a new agreement drafted and in place for the Verizon Fiber Optic request.

Cemetery in Bejou: Katherine commented on the tax forfeiture sale with Mahnomen County and asked Mahnomen to remove 10 acres off the list. The Tribe owns 40 acres north of this and the south the Tribe owns the Duane cemetery. There is a 10 acre parcel in between and asked that this be removed from the sale due to the Land office doing an investigation whether they can claim as a cultural resources. Mahnomen is waiting for a declaration from the Tribe for some type of buffer zone and can be from the Tribal Chairman stating around this cemetery we want 500 foot buffer for the first right to buy or to take Land for trying to protect cultural resources. Terry stated to draft a letter and he will sign. Tara commented on bringing the drafted letter into the Natural Resources Subcommittee meeting on Thursday.

At the quarterly meeting they talked about some land purchases and the minutes were not approved thus far. Katherine stated that they need a letter of approval on the purchase of the 40 acres of land from Potlatch and the title company needs proof of that approved purchase. Motion made by Tara Mason to approve the letter acknowledging their approval to move forward with the purchase of Potlatch, Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against.

Tara commented on the Natural Resources Subcommittee meeting on Thursday and the 3,000 acres, needing MCT help and going over to look at records. Tara asked Katherine are they getting closer in setting a date. Katherine stated that she has a draft letter of what they have so far and will email to the RBC for their review before Thursday. Action items that need to be addressed; what has been neglected for years and the titles for them lands should have not been ignored. They should not been turned over to WELSA. Tara asked if they are going to be

addressing TAAMS. Katherine stated that they want them recorded in TAAMS. Tara commented on the 3,000 acres that needs to go into MCT Trust. Katherine stated that they may be eligible for White Earth Title and done under the White Earth Treaty and where the other Bands were developed under Ceded Territories. White Earth was established by Treaty and those lands were not Ceded or Allotted during that time, so they should be White Earth title only and not MCT. MCT should be addressing it on the fact that these are title issues that need to be dealt with and not ignored. Katherine commented on TAAMS and making sure these are entered into this. Tara asked if they need any Resolutions to come from the TEC. Tara stated if anything in the letter that they want MCT to recognize and support can be in Resolution format stating that MCT is going to stand behind and address these issues. Tara stated they may want to draft a Resolution and will get Katherine some examples of MCT Resolutions. Katherine can bring as a proposal.

Brief discussion held on Clearwater and Mahnomen County trying to tax on Trust lands. Terry stated to send to Legal.

Letter of Notice of Tax forfeit purchase on 2 lots in Waubun, MN. Brief discussion held on the parcels in Waubun. Joe Jr. referenced the letter that he had drafted for the RBC Review for the individuals who reside in these homes. Joe Jr. stated how they would like to proceed with the delivery of the letter to these individuals; Police or Certified letter. Terry stated to have the Police department deliver the letter.

Brief discussion held on Hemp. Joe Jr. stated his concerns are the Economic Development and Natural Resources to have the feasibility study completed. To his understanding and the interpretation of the law was the 7606 of the Farm Bill that Obama signed in 2015 it did not authorize us to manufacture and market Hemp products. Joe Jr. spoke with the MN of Agriculture last week of what they have going on and gave them a little history of Fees of Trust/status of land. The MN of Agriculture responded in an email thanking Joe Jr. for information that they had no idea about and that he was right in regards to the Federal Law not authorizing them to be marketing or selling Hemp products. They have a lot of Non-Native people on Fee lands who are marketing Hemp who do not realize that the Feds will be knocking on their doors. Joe Jr. stated that this is how we are different and doing this on Trust Property and the people who do not like it are the Feds. They understand that we have different complexities on the Reservation. Other authorizations that they give to people on Fee lands is that there was an Appropriation Bill this year that has past from Trump's Administration and one of the provisions was not prosecuting the people that were under the Farm Bill 7606 for Industrial Hemp Piloting Program. Joe Jr. stated that they can grow it and research which the Farm Bill allows. It is up to the RBC on how they want to proceed. Eugene commented on focusing on growing and research but do not market it. Tara commented on giving Hemp CBD away. Joe Jr. stated to do the research to get the best product. Concerns doing it on Fee land rather than Trust lands, also licensing members to grow Hemp.

Follow up on ██████████ Partnership:

Misrepresented to the RBC, Joe Jr. stated that ██████████ son has the permit. ██████████ needs to have a background check completed before they move forward with a partnership with him. Terry stated that the RBC would do their own research for Hemp. Joe Jr. stated that the MDA is under the

interpretation that [REDACTED] works under the Tribe and she has been using the White Earth name. RBC would like to have Legal follow up with [REDACTED]

Recognizes Katherine to be the Tribe's Signatory for Land Purchases

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

Meeting recessed at 1:39 p.m.

Meeting reconvened at 1: 58 p.m.

Other:

Jesse Fain and Shannon Heisler present.

Jesse stated the solution that they are implementing is creating integration between Progeny and the New System. Integration with MCT: With the New system this can be put in Cloud and everyone would have access to it. Tara commented on the whole process was to be more efficient and not everyone is on Progeny. MCT has thousands of people. Tara commented on are we paying for Progeny. Shannon stated each Tribe pays for their own. Jesse stated an annual fee on this is \$4,000.00 to upgrade to the lastest version. Progeny will do a Webinar at the meeting tomorrow. Tara does not want our department to do extra work and why we are not connected to DMV. Jesse stated that using a different company in finance due to issues. GP needs to be fixed; before 225 to 235 thousand for restructuring of software. Customer Relationship Management (CRM): This will be a full time position and will have a CRM on site. Microsoft Dynamics CRM Online; It helps us and at the same time helps the other tribes. Progeny offers some of the most advanced reporting capabilities available. Jesse is asking for approval to present at the TEC on Friday. RBC in consensus with Jesse presenting to the TEC.

Resolution - to Support the submission of an Ojibwe Language Revitalization Grant through MIAC:

Motion made by Tara Mason to approve Resolution #038-18-002, Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against.

Adam Woltjer – Natural Resources

Letter requesting to join the Native Farm Bill Coalition:

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

LoVan Larson – Health

2018 Title III Contract Service:

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

Laurie York- White Earth ICW

Amendment:

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

Heidi Mertens – Finance

Amendment #14 for COLA:

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

Cyndy Rastedt – Health

Car Seat Grant through Department of Health and Human Services-Injury Prevention Program:

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

Michael Triplett – Economic

Interconnection Agreement – DOE Solar / ELCC:

Motion made by Eugene Tibbetts to approve, Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against.

Dawn Sherk – White Earth Builders

Fee for interior design for the Pine Point CC remodel:

Tara stated that Roy should be able to sign for interior design. Terry stated to send back to Roy LaVoy at White Earth Enterprises.

Lenny Fineday – Legal

Census 2020 Confidentiality Agreement Form:

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

Monica Hedstron – Natural Resources

Resolution – Establishing Wild Rice Committee:

Motion made by Steven Clark to approve Resolution #057-18-005, Seconded by Eugene Tibbetts. Motion carried, 4 for, 0 against.

Two Nations Softball League Entry Fees [REDACTED]

Motion made by Kathy Goodwin to approve, Seconded by Eugene Tibbetts. Motion carried, 4 for, 0 against.

Resolution – Michael Neusser: Economic Development Reports

Place on agenda for Monday, April 30th.

Motion made by Eugene Tibbetts to adjourn at 2:52 p.m., Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against.

Tara Mason Secretary/Treasurer