

**White Earth Reservation Business Committee**

**Special Meeting**

**August 31, 2018 – 9:00am**

**White Earth, MN**

Chairman Terrence “Terry” Tibbetts called the meeting to order at 9:15 am. Roll call was taken with a quorum present.

Present: Terrence “Terry” Tibbetts, Chairman  
Leonard Alan Roy, Secretary/Treasurer  
Raymond Auginaush, District I Representative  
Eugene “Umsy” Tibbetts, District III Representative

Others Present: Joan LaVoy, Special Projects Coordinator

**Clarification on Micro Loan Program**

Leonard Alan Roy asked permission from the body for clarifying question in regard to the micro loan program: Do Tribal members have a right to know the particulars, including transactions and recipients of the micro loan program, specifically because public tribal dollars were used to administer the program?

Discussion: Former Secretary/Treasurer was brought up on charges at the Tribal Executive Committee (TEC) level regarding the process and administration of this program. Chairman Terrence Tibbetts’ names was used names several times during this process. It was a censorship; the TEC thought there was guilt in it.

Public Comment:

TEC did censure former Secretary/Treasurer. She knew she had three votes back at the RBC table. She and others called it an exoneration, which it was not. Back to this table.

**Kathy Goodwin enters the meeting 9:20 am.**

There is a constitutional meeting on September 10<sup>th</sup> in Fond du Lac. It would be good to bring up proposed changes at this time.

Some non- tribal members received the micro loan. Where are the funds going now? What recourse does the tribe have to get those funds back? As Tribal members, that is our money. We have the right to know how the money was spent and other issues surrounding the micro loan.

Kathy stated that there is an account set up with the Northwest Minnesota Foundation and that a 501c3 has been set up. Transactions are to go through that and money transferred.

Alan also wants to add the following question for legal to respond: What is the legal process to transfer the funds from White Earth to another entity?

Motion by Leonard Alan Roy to have an outside attorney to investigate matters and questions regarding the micro-loan program; Second by Raymond Auginaush. Motion carried: 3 for, 1 against.

### **Gaming Commission and Finances**

Alan asked if he can include Shooting Star Casino finances in the quarterly financial report. Consensus agreed that this would be appropriate. The Secretary/Treasurer and Chief Financial Officer will sit down prior to each quarterly meeting to review financial reports to provide accurate reports to membership at each quarterly meeting.

Kathy asked if White Earth is still moving forward for independent gaming commission; Terry indicated that yes, White Earth is moving in this direction. There are three different models sitting in legal for review and recommendation.

### **Dream Catchers Home**

Move to Executive Session

### **MOMS & MATS**

Jeri Jasken and Roy LaVoy are present

Roy presented a payment schedule to the RBC which depicts how the jobs are set up as well as how they are paid off. This is a construction schedule only. The yellow highlight numbers indicate what is going to be paid for work on the project by month. This pay schedule is over 16 months. \$350,000 paid to architect with an additional \$372,000 paid on this project to date. The schedule includes a quarterly breakdown.

Alan informed the RBC that he met the day prior to discuss this project with Jeri Jasken Scott Omlid and others. He requested that the RBC put it in Jeri's hands to provide her own comment; she knows this program best. She also understands financially and what we plan to do down the road.

Jeri Jasken presented a prepared a memo to the RBC. The programs rapidly outgrew old Charter School. She knew they needed a building and it made sense to link it to the new proposed clinic in Naytahwaush. Might be best to go back to original site by Giwanikimiin.

What is the need for this building long term? Have to look at several years down the road. With the current financial status of the organization, it has been discussed what BH could help fund over the next two years. Jeri recommends to hold off on this project and revisit in January.

Kathy said she is in agreement. We need to look at the future. Buildings will always have use and people need access to the healthcare in the future. We need to do planning with the future involved – that is her goal. Kathy stated that she does agree in holding off but also agree with going forward with both buildings.

Jeri indicated going back to the original site as an option and would need to scale back on the size of the building.

Roy asked why don't we build this on the clinic site? Don't see why we can't build it there.

Matt Gordon asked why is Jeri speaking up now?

Jeri responded that the bid came in higher than anticipated. The building projects were all put on hold. We were joining with the clinic, now we are not.

Roy stated that the Council has an obligation to help our businesses out. Cutting the legs out of our businesses. This will be hurting a lot of people.

Jeri stated that she also has other projects that we also have to tap into our revenue budgets to complete.

Terry asked Alan to explain financial situation. Budget that is eating us alive – 1.2 in wages. Just barely keeping our head above water right now.

Roy said the money not coming out of our general fund. Going to help a lot of workers and a lot of people.

Alan read two paragraphs from page two of Jeri's document. Alan will never vote for a joint venture clinic. Must legitimately utilize BH funds. Or Jeri's program will be deadlined. We will destroy ourselves. We need to rebalance our budget, so we can continue to save jobs.

Kathy stated that it is a trust responsibility. She attended the national board meeting and stated that it is a trust responsibility. She told you can wait – it will take 20-30 years to get a clinic built. Still in favor of moving forward with the new clinic. The old clinic had to shut down for two months due to bats; it was a health care concern. Once it is constructed, IHS will pay for staff and maintenance of the building. Would like to see both project continued.

Eugene stated that we know we need this facility. We have an epidemic. How many lives do we have to lose before we put this up. How many children are going to suffer before we build this? He was lied to by previous council regarding the Pine Point addition; was told we had five million dollars by the previous council for this building and now Behavioral Health has to pay for part of the addition. Eugene stated that he agrees with the new MOMS & MATS facility, but can we afford it?

Ray asked if the MOMS and MATS facility was planned with this 12 million dollar deficit, or was it even looked at? We are looking for 12 million. What is more important – this building or the employees of this tribal government and the workers or this program? We will look at it in six months. We will lose – is that the chance we want to take in building this? Would like to see the finances set straight. We are trying not to lay-off people – that is the worst thing we can do. If I must, I will take that chance. If we shut down, our MOMS and MATS shuts down too. We won't have a tribal government to run it.

Matt Gordon stated that everyone losing sight that the money was to be used for this project, not for the other projects. May as well as forget about all the other buildings. Everyone wants to hold off when the money is there.

Terry asked Scott Omlid, CFO – we are stringing our money out. We are 3 million dollars short of balancing our budget for FY19. Should we use BH dollars?

Toni Vizenor– our tribe is in a financial crisis. Future jobs of our people are at stake. Because of past dealings, we are now suffering. All this money that was spent unnecessarily and everyone scrambling. Where do we go?

Matt said to run the Tribe like a business. Why do we have a birthday day off? And a day off for pow wow.

Eugene stated that we need to go over the chart provided by Roy LaVoy to see if this is feasible.

Motion by Kathy Goodwin to go along with Jeri’s recommendation to wait six months.

Leonard Roy asked are the people still going to get help? Jeri indicated that yes, no will be no reduction to services. There is not going to be a lapse in services. Leonard Roy then responded that it is right to look at the finances of the tribe. To save positions of the Tribe vs. saving construction workers positions.

Stephanie Williams stated this is the bottom line. We have to pay our workers here.

Ray responded. This is a business. Previous council put us in this bind. I already see the bind that we are in and now we have to make the tough decisions.

Alan – September 10<sup>th</sup> is on a Monday. Quarterly meeting is scheduled for the 6<sup>th</sup>. Second opinion will be here by then. Would hate to say that we move forward with a second opinion that could be contrary to Joe’s opinion. Roy says we have until the 10<sup>th</sup>. Bids are still good until midnight on the 10<sup>th</sup>. Recommendation by Alan to look at second opinion; suspect there will be an affirmation. Think we should take the time we have to review it. We can do this any day – even if it is over the week-end. We are hired to make informed decisions.

Missy Fairbanks stated everyone has an argument. Wait until you get all the facts in and then bring it back up.

Umsy repeated that the RBC also needs to review Roy’s monthly fee statement.

Consensus of the RBC to table until September 10<sup>th</sup>.

Kathy Goodwin retracted motion to go with Jeri Jasken’s recommendation to revisit in January.

The work group will meet again next Friday. Joe will be bringing legal opinions next Friday.

### **Star Lake Referendum –**

Alan stated that a request was made to legal to provide resolutions related to Star Lake Casino. Does have a resolution #001-16-004 that authorized the project.

Kathy is in agreement. Punky stated this had to go to the people for a referendum vote, and the previous Chair said no, it did not need to go to referendum. This was kind of in the works when Kathy got in office. Terry asked for a referendum vote – everyone agreed.

Public comment:

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There was a motion in the minutes by Umsy to stop Star Lake. It is out in the country. Resort area won't like. Forty-five minutes from Perham on a windy road. Additional funds to construct roads would have to be looked at. Additional police, security, traffic. Cultural historic area. Would destroy the ricing area. Bird sanctuary is right there – would destroy that. Extra zebra mussels would be brought into the lake. Higher taxes. Employment problems. Freeze funds that could be better used elsewhere.

The only reason this site exists is because it was set aside to protect our sacred gift – wild rice. Lack of concern must be revisited today. Protect the wetlands and those inhabitants and vegetation.

Elder Council also at a meeting and did ask the RBC to repeal that project. A vote was supposed to come back to people. Asking that you do the right thing.

Destroy rice bed, the gift that we were given. A Casino would be destroying. We need to rescind the resolutions. It should be preserved for cultural and educational purposes in perpetuity.

Per capita payments were a reason behind looking at additional casinos. Members will never benefit from another casino. Members will never see anything from this casino.

Roads will not sustain traffic. Can't rebuild that road. Was there 12 times last year. They got \$600 for that land. It is a rice camp. They didn't care how much high ground was there. There are possible graves there. There isn't enough high ground to build a casino. Going to have to build a swamp to build. Tara wanted to put it on the 2018 election ballot.

Was Val Redhorse paid \$2,000,000? Alan will bring it this up at the quarterly meeting.

Motion made by Leonard Alan Roy to repeal 001-16-004. Second by Eugene Tibbetts. Motion carried: 4 for, 0 against.

Alan would like a press release to go out regarding the project being stopped by vote, all in agreement.

**Dream Catchers Homes – Executive Session**

[REDACTED]

## Quarterly Meeting

Unable to hold the quarterly meeting in the old Pine Point School due to the construction. School is in session, so it would not be a good idea to hold the meeting in the Pine Point School.

Meeting will be held at the White Earth Community Center starting at 9:00am on Thursday, September 6th. Housing, Clinic, College, Community Councils, etc. Public comment will need to state name. Limit public comment to two minutes per person after each agenda item.

Resolution: State of Tribal Emergency and authorizations for Emergency Management  
Motion made by Kathy Goodwin to approve Resolution #057-18-009; Second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Resolution: White Earth Building Safety Planning Committee Establishment  
Tabled

Resolution: White Earth Reservation Timber Harvest Plan for Fiscal Year 2018  
Brief discussion on the location of the timber in the plan. Most of it is in District II. Motion by Raymond Auginaush to approve Resolution #055-18-003; Second by Eugene Tibbetts. Motion carried: 3 in favor, 0 against, 1 silent.

Resolution: Tribal netting season and limits  
Motion by Eugene Tibbetts to approve Resolution #057-18-008, with Option #2; Second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Alan would like to bring up two more agenda items: Jeremy Cossette is out at Strawberry Lake – what is his role? Jeri hired someone to mow the grass across the highway. Jeremy might be for upkeep. Umsy helped with trees that were blown over during a storm.

Elders bus: Tito met on August 7<sup>th</sup> with both Ken from Transit and Lavon from the Elderly Wellness Program. There was discussion on old bus. Don't want to stick any more money in that. Let LaVon know that. At a previous meeting, the RBC told her not to put any more money in that bus. Found out that LaVon put money into that bus after those meetings. Last Friday, went to use the bus. Couldn't even get into the bus. Disappointed that she just went ahead and did this. Thought we were going to look into vans. If there were any funds to be used, this is what we would be looking at. This is not good planning when RBC tells a person to do something and we ask her not to do something.

Kathy would like to turn it over to Pat Butler. What was invested and provide the RBC with a response.

Tito: Have a person coming on Tuesday to look at a van that is handicap accessible. Food and health safety. Bring this up at the quarterly meeting.

Ask Pat to be at the quarterly meeting. Advisory committee/board was going to be set up with an elder from each community. Has this been done?

**11:51 – Kathy departed for clinic appointment**

Tobacco license renewals for the Shooting Star Gift Shop, StarMart and Shooting Star Casino Bagley presented for review and approval. Motion by Leonard Alan Roy; Second by Raymond Auginaush. Motion carried: 3 for, 0 against.

TERO Certification of Indian-owned businesses with 1<sup>st</sup> preference for Pemberton Homes and Construction. Motion by Leonard Alan Roy; Second by Eugene Tibbetts. Motion carried: 3 for, 0 against.

Grant Agreement for Drug & DWI Court  
Tabled

Memorandum of Agreement with IHS for Scattered Project for arsenic treatment. Motion by Leonard Alan Roy; Second by Eugene Tibbetts. Motion carried: 3 for, 0 against.

Resolution – White Earth Council of Elders request for full cooperation with County and State officials to collaborate in guardianship proceedings to ensure safety of tribal elders on White Earth Reservation: Motion made by Eugene Tibbetts; second by Leonard Alan Roy to approve Resolution #064-18-010. Motion carried: 3 for, 0 against.

Joint Power Agreement with Minnesota Department of Healthy Rural and Urban Kids Project presented for signatures. Tabled. Bring in Mary Otto for questions.

Minnesota Department of Education Tribal Consultation Affirmation presented for signatures. Would like more information. Tabled. Bring in Mary Otto for questions.

Letter of Support for Ogema Area Fireman's Association to the Shakopee Mdewakanton Sioux Community for funds to purchase the equipment needed to start a rescue team. Motion made by Alan Roy; Second by Eugene Tibbetts. Motion carried: 3 for, 0 against.

Letter of Support for Honor the Earth's request to the Shakopee Mdewakanton Sioux Community for equipment and infrastructure for the establishment of a small-scale thermal manufacturing company. Motion made by Ray Auginaush; Second by Eugene Tibbetts. Motion carried: 3 for, 0 against.

Letter of Support for White Earth Boys and Girls Clubs to the Shakopee Mdewakanton Sioux Community for funds to renovate the newly-acquired building in Mahnomen. The request is for \$264,000 with a match of \$264,000 match from BGC and an additional \$600,000 request from HUD in October 2018. Questions regarding the matching funds. Tabled for more information.

Request to update the SF424 designating Pat Butler for the Tribal Maternal, Infant and Home Visiting Grant. Motion by Leonard Alan Roy; Second by Raymond Auginaush. Motion carried: 3 for, 0 against.

Resolution: Eminence Credential for Mehgan Lhotka, White Earth descendent. Tabled for questions.

Contracts for the Minnesota Department of Transportation Highway 200 Project were presented with revisions. Motion by Raymond Auginaush; Second by Leonard Alan Roy. Motion carried: 3 for, 0 against.

Would like a five-council photo

Motion by Eugene Tibbetts to adjourn at 12:20 pm. Second by Leonard Alan Roy. Motion carried: 3 for, 0 against.

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Leonard Alan Roy Secretary/Treasurer