

White Earth Reservation Business Committee

Special Meeting

August 6, 2018~ 11:00 a.m.

White Earth, MN

Chairman Terrence “Terry” Tibbetts called the meeting to order at 11:09 a.m., roll call was taken with a quorum present.

Present: Terrence “Terry” Tibbetts, Chairman
Raymond Auginaush Sr., District I Representative
Kathy Goodwin, District II Representative – Via Conference call
Eugene “Umsy” Tibbetts, District III Representative

Absent: Leonard Alan Roy, Secretary/Treasurer

Others Present: Ron Valiant, Interim Chief Operating Officer
Joan LaVoy, Special Projects Coordinator
Maria Bevins, Recorder

Agenda Approval

Motion made by Eugene Tibbetts to approve with additions, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

New Business

Leonard Alan Roy Salary:

Brief discussion held on Leonard’s salary while he is in the Guard.

Doug Twait:

Terry asked Ron to follow up regarding invoice.

RBC Meeting Minutes

- Tabled

Reports

- Nothing to Report

Calendar Review

- RBC met with MNDOT on Hwy 200 Project this morning at 9:00 a.m. Terry stated \$8.25 million dollar project with additional \$5 million with the TIGER grant funding if it is available, also easements which will cross through tribal land.
- Pine Point Powwow August 10th -12th

Unfinished Business

Bernie Soyring – Facilities Management Department

Standard Form of Agreement between Owner and Contractor for hiring a contractor to construct a foundation addition and sidewalks for the Water & Sewer Department Facility in White Earth, MN.

Resolution – Granting Limited Waiver of Sovereign Immunity to Kent Concrete, LLC:

Motion made by Eugene Tibbetts to approve Resolution #001-18-017, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

Gloria Goodwin – Food Distribution / Human Services

Need updated MCT Enrollment Book:

Motion made by Kathy Goodwin to approve, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

Donation Request

Sah-Kah-Tay Wild Rice Camp / 10 lbs of Wild Rice:

Motion made by Kathy Goodwin to approve, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

Land Office

Heather Hamlin is present for review of Service Line Agreement for Natural Gas line to Riverland Apartments in Mahnomen. Heather provided the RBC with Cenex heating cost analysis; what they are paying for propane vs. what they will be paying for natural gas. Annual savings: \$11,886.38.

Resolution- Cenex Community Co-op Service Line Agreement Riverland Apartments Natural Gas:

Motion made by Kathy Goodwin to approve Resolution #056-18-086, Seconded by Eugene Tibbetts. Motion carried, 3 for, 0 against.

Waubun Water & Sewer Project:

Katherine Warren and Joe Plumber are present. Brief discussion held on the replacement project of Water & Sewer Lines for the city of Waubun. The White Earth Land office was contacted by the City Attorney of Waubun asking for an easement to go across the property that the RBC purchased for the White Earth Transit Center. Katherine provided a map for the RBC view of the property. During the time of purchase / title searches nothing showed easement on record. The Land Office denied the easement to go across the property due to the area being used for the Transit project. Moore Engineering had questions regarding the easement. In the late 50's Mahnomen County recorded the easement against the wrong parcel and this did not show on White Earth's property list. Brief discussion held on the easement, alternate routes and TERO Fees. Moore Engineering is proposing the easement on record. The lines were outside of this and extended for more construction work; however, the Land Office is in favor of another route. The tribe does not do easements that they proposed. The tribe does; Right-of-Ways or Permits. The

TERO process with the Ordinance was explained to them; however, at that time they were already applied these fees.

They are looking for a reimbursement to the project:

- \$110,000.00 – The original / bidding out
- \$127,128.00 – City of Waubun amount requested for reimbursement

The project is funded through DEED. There are no Federal funds in this project; however, If there were Federal funds, usually receive TERO fees over & beyond amount of the work. City Attorney of Waubun and Moore Engineers understanding were; they would add TERO fees and recognize that the TERO fees would make the correct percentage to the \$127,000.00; however, no Federal funds to recoup against. They were expecting to have it reimbursed to the project.

Joe Plumber recommends:

- Vacant easement
- Record Correctly
- Remove the old pipes
- Re-Route to 113 Right-of-Way; south around the area where there is currently an easement

Motion made by Eugene Tibbetts to approve, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

Legal:

Joe Plumer is present for discussion on Class II offsite Bingo. Joe has not received a response back from NIGC; however, is completing the Class II required forms. Recommendation is to expedite and submit documentation that is completed. Joe will follow up with NIGC.

Meeting recessed at 11:55 a.m.

Meeting reconvened 12:16 p.m.

Continued New Business

Brief discussion held on the demolition of the Circle of Life School.

Resolution – Circle of Life School Demolition:

Motion made by Raymond Auginaush Sr. to approve Resolution #001-18-018, Seconded by Kathy Goodwin. Motion carried, 2 for, 1 silent.

Election Board:

The Election Board is requesting approval to utilize the RV back office for storage. The RV has outside and inside surveillance cameras for documents safety.

Motion made by Kathy Goodwin to approve, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

Travel Authorization: Terry is requesting notice for travel and report on travel when returned.

Raymond left meeting at 12:29 p.m.

Raymond returned to meeting at 12:32 p.m.

Transit / WEDOT

Michael Accobee, Ken Bakken and Michael Bowman Sr. are present. FTA / MNDOT 5310 transportation for elderly persons and persons with disabilities grant. This grant is for bus replacement which will be including a new Genefare Fast-Fare box and portable radios. Local match would be \$17,000 for the 20% match. Bus orders take about six months. This bus will be utilized for elderly persons and persons with disabilities. The bus will be used to transport elders. Kenneth stated that the Elderly Nutrition Program has events set aside for use of Transit:

- Naytahwaush Health Fair
- Elderly Picnic
- Elderly Christmas Party
- Red Lake Health Fair

ENP wants to set up 10 events for the elder's total. Through MNDOT and once awarded through the operations plan these events can be added.

Brief discussion held on helping the elders get their own separate transportation bus. Kathy requested for the record that the White Earth RBC and Transit help with finding funding for a wheelchair and handicap accessible elderly bus that is separate from Transit.

Resolution - Tribal Transit Program Discretionary Grant:

Motion made by Kathy Goodwin to approve Resolution #016-18-010, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against. Terry stated that Eugene Tibbetts can sign the Resolution due to Leonard being absent at the Guard.

Resolution -Transit Bus Garage:

This is a Section 5339 (b) Grant for a proposal for a Transit Bus Garage in Waubun, MN. Buses and Bus Facilities Infrastructure Investment Program is to assist in the financing of buses and bus facilities capital projects. Kenneth provided two different proposals and the grant application for the RBC review. White Earth Transit Program currently operates within a shared facility which cannot house Transit's expanding staff. The proposed project will provide a facility to house Transit staff, administrative staff and will allow for growth. If awarded the grant through the Federal Transit Administration requires a 10% tribal match and the grant closes today (08/06/18). Total Projected Cost: \$3,510,500.00.

Motion made by Kathy Goodwin to approve. Motion dies due to lack of Seconded.

Terry left meeting at 1:10 p.m.

Terry returned to meeting at 1:12 p.m.

Grant and Cooperative Agreement:

WEDOT received a grant through the Department of the Interior for Energy and Mineral Development for Aggregate Exploration. The money they received through them will allow WEDOT to contract with someone to work on the project Aggregate Resource Evaluation. This funding will allow the White Earth Band of Chippewa Tribe to support efforts in the evaluation of its aggregate resource development of tribal land. Awarded grant received; \$76,000.00.

Motion made by Eugene Tibbetts to approve, Seconded by Kathy Goodwin. Motion carried, 3 for, 0 against.

Contract for Aggregate Exploration:

WEDOT is requesting approval to issue the contract for Aggregate Exploration. The contract will allow them to do the exploration and testing of gravel sources on the White Earth Reservation. Standard Form of Agreement between White Earth Reservation Business Committee and Cates Earth Science Technologies Incorporated. Contract Sum is; \$75,913.00.

Motion made by Eugene Tibbetts to approve, Seconded by Kathy Goodwin. Motion carried, 3 for, 0 against.

Meeting recessed at 1:24 p.m.

Meeting reconvened at 1:34 p.m.

Tribal Opioid Response “TOR” Grant:

Clinton Alexander is present.

This is a non competitive Grant and will receive \$255,000.00 each year for two years. The Behavioral Health Department is in the process of applying for this grant; however, due to an email from George Goggeye Jr. - MCT requesting support to pursue this grant opportunity on behalf of the Minnesota Chippewa Tribe’s six bands and if any of the Bands pursue this grant, it will neglect the MCT’s efforts to pursue. Clinton is asking for clarification on how to proceed due to the RBC approving to pursue the grant. Grant is due on August 20th. RBC is in consensus to move forward with pursuing the grant. Clinton will be attending the Tribal Opioid Summit in Fond du Lac August 8th & 9th.

Naytahwaush Skate Park:

Brief discussion held on the Skate Park. The Skate Parks are under Cyndy Rastedt- Public Health’s Program; Ship Grant. Clinton will follow up with Cyndy on the Skate Park in Naytahwaush.

Finance

Scott Omlid and Joe Plumber are present.

Indirect:

- Ready to send in

- Has been at 15% for a number of years
- Looking at expenses within the departments

Example of Indirect; if a program spends \$1,000.00 to \$100,000.00 in their department 15% of that \$100,000.00 will get allocated into the Indirect.

Departments in Indirect:

- All Directors
- Some Assistant Directors
- Everyone in Human Services
- Everyone in Finance
- Everyone in I.T
- Some RBC Program Positions

Spread out the cost and pay for this. With the growth of Behavioral Health, MATS and MOMS the expenses have been growing faster than the money being spent in Indirect. This year \$300,000.00 under spent and Last year \$700,000.00 under spent; money that needs to be spent for the next year.

Proposing:

- To reduce the Indirect percentage from 15% to 12%
- Calculation will start October 1st, 2018 – Fiscal year ended September 30, 2019

Indirect Cost proposal:

Motion made by Eugene Tibbetts to approve, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

Review of Tribal Council Pay:

- District Representatives are receiving the same rate of pay

Micro Loan Clarification:

White Earth members are still paying into this program; however, it was requested and approved to have the Micro Loans moved to Northwest Foundation; however, Leonard requested to freeze the account at the RBC July 31st meeting. Currently in the Micro Loan Fund is; \$16,000.00.

Terry stated Property that needs to be returned:

- Three cell phones
- Surface Pro Computer

Joe will follow up with sending a letter to them regarding the listed items. RBC is now in agreement to moving the Micro Loans to Northwest Foundation.

Resolution- 1855 Treaty White Earth Representative; Raymond Auginaush Sr.:
Motion made by Kathy Goodwin to approve Resolution #001-18-019, Seconded by Eugene Tibbetts. Motion carried, 3 for, 0 against.

Land

Sarah LaFrinier is present.

Homesites:

Motion made by Kathy Goodwin to approve, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

Lakeshore Lease; Price Modification:

Motion made by Eugene Tibbetts to approve, Seconded by Kathy Goodwin. Motion carried, 3 for, 0 against.

Recreational Camping:

Motion made by Kathy Goodwin to approve, Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

Signatory Requests

Heidi Mertens – Finance

Amendment #1 for COLA FY 2018-2019:

Motion made by Eugene Tibbetts to approve, Seconded by Kathy Goodwin. Motion carried, 3 for, 0 against.

Joe Plumer – Legal

Kettle Construction, LLC

Articles of Organization and Certificate of Good Standing:

- Tabled; more information needed on the type of construction

Joe Plumber – Legal

New Business License

The Grub Hut – Michael Williams:

- Tabled; until the three deficiencies items have been corrected.

Motion made by Kathy Goodwin to adjourn at 2:28 p.m., Seconded by Raymond Auginaush Sr. Motion carried, 3 for, 0 against.

Leonard Alan Roy, Secretary/Treasurer