

White Earth Reservation Business Committee

Special Meeting

December 3, 2018

White Earth, MN

Chairman Terrence "Terry" Tibbetts called the meeting to order at 9:08 am. Roll call was taken with a quorum present.

Present: Terrence "Terry" Tibbetts, Chairman
Leonard Alan Roy, Secretary-Treasurer
Raymond Auginaush Sr., District I Representative
Kathy Goodwin, District II Representative
Eugene "Umsy" Tibbetts, District III Representative

Others Present: Randy Goodwin, Executive Director
Joan LaVoy, Interim COO & Recorder

Secretary-Treasurer Roy read a statement regarding threats, violence, harassment and racism. He informed the Council that he will be reading the statement on Facebook live at 10:00 am and invited Council members to join him if they wished.

Chairman Tibbetts commented on the threats and actions, stating that everyone needs to work together to bring these actions and statements to an end.

Representative Auginaush stated that being in an elected position doesn't mean they have to be ridiculed on a daily basis. This affects them and their families. He asked for prayers for them and our whole Tribe.

Representative Tibbetts stated that he was sorry this had to happen.

Motion made by Eugene Tibbetts to approve the agenda as amended; second by Leonard Alan Roy.
Motion carried: 4 for, 0 against.

Motion by Leonard Alan Roy to approve the meeting minutes of October 29, 2018, November 5, 2018, November 11, 2018, November 21, 2018 and November 29, 2018; second by Raymond Auginaush.
Motion carried: 4 for, 0 against.

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[REDACTED]

Executive Session ended at 10:10 a.m.

Meeting recessed at 10:10 a.m.

Meeting reconvened at 10:35 a.m.

Randy read the specific requests from the Executive Session:

1. Requesting personal security detail to accompany Alan wherever he goes.
2. Special Meetings be held in this courtroom until the audits are complete.

Alan added that he requested the Chairman send him a letter stating that he needs to conduct himself in a professional member. If he does not, the request included that he be deducted in pay. Alan also requested that this be done with other Council members if we do not conduct ourselves in a professional member.

Alan also stated the following, "Based upon what happened to my family at the Casino, and leaders are responsible for everything that happened under their watch, we need to make an example. It starts at the top.

Motion made by Alan for the Executive Director to demote, reassign or dismiss the Casino General Manager from employment.

Raymond stated that he does agree that the management starts at top; when the management is allowed to get away with things, we have to hold ourselves accountable. Directors must be held accountable. I will not stick up for my kids – they should be held accountable.

Umsy replied that he does not think the GM can be accountable for patrons' actions. How is he supposed to know that someone is going to fly off the handle and lose control up there?

Kathy stated security should have handled it before the commotion even started. The security or whomever is in charge should be held accountable. We better deal with security.

Alan stated that the individual involved, [REDACTED] has gotten away with a lot at the Casino under his leadership and leadership team. During that time, his father was criminally harassed. He knew about that individual and did not do anything about it. If that GM would have done his job in the first place, none of this would have happened. This decision is going to set the tone for how white earth is going to conduct itself for a lot of years.

Terry stated there is a motion on the floor. Second by Ray. 2 for, 2 opposed. Chairman Tibbets said to move forward. The Chairman indicated a yeah vote. He would like to see a report from the security and Scott Stevens as well.

Terry followed up by saying the ongoing things happening in our business goes back to the drug epidemic in our communities. The Shooting Star Casino is the only place that makes money for our entire Tribe. We have an uphill battle. We need to quit catering to individuals – \$4,800 to \$5,000 worth of comps were going out per month; people were selling their rooms or using their rooms for drug activity. We need to make sure it is going in the right direction.

Ray took the time to clarify about credit cards. Some of the rooms getting wrecked and individuals were stealing things. The Shooting Star now has a credit/debit card requirement (upon check-in) to protect our own hotel. We must take care of that place. Individuals can still use Tribal ID (for a discount) but they will need a credit/debit card for a security deposit.

Resolution – HUD ICDBG: commitment of match for the Mahnomen Boys & Girls Club site came from the Behavioral Health Program. Included is the required Operation and Maintenance Plan and \$8,000 to \$10,000 per year into long-term maintenance sinking fund.

Motion to accept Resolutions #016-19-001 and #016-19-002 made by Kathy Goodwin; Second by Raymond Auginaush. Motion carried: 4 for, 0 opposed.

Resolution – Pole Shed: Rebuilding of a pole-shed that was destroyed during a wind storm in 2017 with the insurance proceeds.

Motion to accept the Pole Shed Resolution #057-19-002 made by Kathy Goodwin; second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Natural Resources & EPA Pesticides Program

Dustin Roy & Amy Mysz – EPA Pesticides Program

Amy Mysz, EPA Technical Contact for White Earth, reviewed pesticides, provided an overview of pesticide regulations and responsibilities and other general information and activities under the EPA/White Earth Agreement and specific commitments.

Dustin highlighted inspections that have been completed and projected inspections for FY19; new facilities had been identified in FY18.

Discussion with Council on the regulation of farms and pesticides on the reservation; notify Dustin of any specific concerns. Also discussed Wild Rice and protecting our waterways.

Dustin was asked to post the Tribal Chemical Code on White Earth's website, social media and in the Anishinaabeg.

Land Resolutions

Sarah LaFriniere presented Home Site, Residential Leases and Snowmobile Permit Resolutions.

Sarah noted that #6 is in District II rather than District – there was an error.

There were questions regarding one of the homesites; it was recommended that it go to legal.

Alan left the meeting at 11:29

Motion was made to accept Homesites 2,3 & 6 by Kathy Goodwin; second by Eugene Tibbetts. Motion carried: 3 for, 0 against.

Motion was made to accept Homesites 4 & 5 by Kathy Goodwin, second by Eugene Tibbetts. Motion carried: 3 for, 0 against.

Motion was made to accept the Residential Leases by Eugene Tibbetts; second by Kathy Goodwin. Motion carried: 3 for, 0 against.

Motion was made to accept the Snowmobile Permits by Kathy; second by Ray. Motion carried: 3 for, 0 against.

Economic Development/ECivis Update

Joe Tohnika was present to provide the update.

Alan returned to the meeting at 11:36

Final payment submitted November 16. Initially Scott was refusing to send \$40,000. This was in breach of contract.

A representative was here to meet with staff on November 13. ECivis account is empty in regarding to financial data; it is lacking data for 6-8 components. Joe has been trying to work with Directors to get that information. Set a deadline for November 29 @ 1:00pm. Need completed forms from Directors and Managers to complete the migration. December 10 was the date it was supposed to go live.

Tribal Court – OFP Code

Lori Thompson was present

The OFP Code was posted for committee review. Legal reviewed and was fine with how it was drafted.

Alan left the room at 11:44

An OFP can be assigned without a hearing; the definition for elder is much broader. Fifteen different sections.

Alan returned at 11:45

Petitioner's ex-parte OFP request can now be signed for up to 2 years. It is up to the Respondent to request a hearing if they disagree. Previously all OFP requests had a hearing. There are certain conditions that if requested in the petitioner, there will need to be a hearing: Awarding temporary custody; child support; counseling/treatment; insurance coverage; restraining either property from transferring property.

The elder/vulnerable adult portion: Those that can petition include the victim, credible adult or family member, the Tribe (agency, adult protection team), guardian/conservator. They may get an attorney. The definition for an elder and vulnerable adult is much broader (p. 5): harassment, financial exploitation, threatening conduct, verbal abuse.

Discussion regarding the licensing of PCA's; have a meeting setting up with Joe. This has to be a separate code.

Alan stated that he is in favor of the protection code. MCT Advisor Fairbanks stated that it has to be put out for public comment for 15 days. It was posted over a year ago for public comment.

Motion to approve the OFP revised code made by Kathy Goodwin; second by Eugene Tibbetts. Motion carried: 4 for, 0 against.

The Judicial code has a provision for an elders panel; Kathy recommends two members from each district.

Ray left the meeting at 11:53

Human Services

Ben Bement was present to review program guidelines.

Constituent Guidelines: Significant changes were made due to a cut of over \$100,000 to the budget. They revised the guidelines: food vouchers are no longer within these guidelines; cut out frequency; cut overnight hotel stays. Alan noted that modifications came at the program's discretion and discussions with former ED during budget reviews rather than the discretion of the Council. The Homeless Fund was reinstated. He would like to refund these programs. Ben stated the biggest request is energy assistance from elders. They can't afford to pay energy costs when other expenses come up. Feels less about food vouchers than energy assistance for elders.

Terry indicated that these dollars were reallocated into other programs; he would like to include food vouchers. Umsy would like a cap for assistance included in the guidelines.

Ray returns at 11:57

A brief discussion continued on energy assistance. Raymond indicated he would like to see more assistance provided for 18-53 year olds.

A motion was made by Leonard Alan Roy to fund constituents with an additional \$100,000; second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Ben was requested to work with the press to release a statement today.

Ben will return at a future date with a Facility Use Agreement for complex.

Snowblowing Guidelines: Changed – there is a small difference in what we are paying. Human Services handles the Cass Lake constituents only. Ben clarified the guidelines; made them more concrete. Priority is major medical.

Ray left the meeting at 12:14

Ben will come back if there is a need for additional funds for plowing.

Alan referenced the Veteran's Snow Removal language in a recent resolution and advised the program to update records.

Ray returned at 12:16

Quarterly Council meeting is scheduled for Thursday, December 6th. Some elders talked about homelessness in metro area. Ben will attend the meeting.

Women are being abused in the encampment. Would like Tribal Council members there, with a polite conversation, about respecting women. We will protect our women down there.

NAH leader did jump a lady before she came into the meeting and stated that she better back off or they will put a stop to her.

Brief discussion regarding the ICWA advisory.

Alan left the meeting at 12:32

Alan returns at 12:36

Consensus for Ben to act as a liaison with the Advisory Board – ICW

Meeting recessed at 12:45 p.m.

Meeting reconvened at 1:30 p.m.

Mahnomen County Letter of Support

Mitch Berg was present regarding a letter of support for the water & sewer project for the city of Mahnomen.

Mitch reviewed packet a packet of information provided to each Council member, which included an overview of the project, city financials, a map of the construction phases and power point presentation.

Alan left the meeting at 1:51pm

Do not qualify for a USDA grant. Mitch will be meeting with state officials regarding funding. The City will have a half-million debt service over the next several years. Would like to get some support from Bill Haus to go to the legislature.

Approximately 50% American Indian population in Mahnomen. The question was posed whether or not it is possible to work through IHS due to the AI population.

Alan returned @ 1:58

Mitch asked if there is a possibility of tribal set-aside funds to help with Tribal members' water bills.

Alan left @ 2:07pm

Alan returned @ 2:12pm

Mitch also requested a letter of support for a sidewalk project on Jefferson Avenue. They have a January deadline to apply. Mitch was referred to Mike Bowman/Mike Triplett.

Mitch also requested a letter of support for the Helping Hands Food Shelf; the City is submitting a donation request to the Shakopee Mdewakaton Sioux Tribe.

Finance

Scott Omlid was present.

There is a possibility of a government shutdown; Scott said that Finance is assessing federal funds. White Earth made it through a shutdown before and doesn't see it any different this time. Barb Rhode did send out an e-mail to the Council last week stating that a shutdown is possible.

Pine Point Child Care/Head Start building that has been vacant due to a major sewer backup. The estimate from the adjuster is \$42,000 in damage. The deductible was raised from 25,000 to 50,000 this summer at a meeting on July 2nd the Council but the deductible increase was not reviewed or approved at that time. Insurance was cancelled as of June 30th, so there was two-three day lapse when there was no insurance coverage. In regards the higher deductible, we will be ok if we only have one claim. However, we have never had only one claim. Programs can't handle 25,000 let alone 50,000. Recommend Bernie, Lisa and Scott go down and look at that building. Also, need to ask water & sewer what they can do so it doesn't back up a third time. R Smith completed the form without approval. Alan stated that the document was illegitimately signed and now we are on the hook for it and asked if we can switch back to the previous premium that was approved by the Council. Would like to hold R Smith accountable for that.

Alan left the meeting at 2:35 p.m.

Joe suggested that we start with showing them the minutes. Scott reviewed the three different opinions that might come back.

Alan returned at 2:42 p.m.

Scott stated that Great River Energy requested to access \$1,172,194.50 of the \$2,000,000 letter of credit today, December 3rd. A brief discussion was held on the possibilities, including switching banks.

Alan reads through a resolution re. Great River Energy and Lake Region Electric Cooperative. Kathy asked about Leif Rasmussen since he is the attorney for Shooting Star Casino; Leif and Mike Garbow have two different approaches (constrained vs. aggressive) and opinions. Alan said both attorneys should cooperate. The ESA came out of the OGP. Leif wasn't there; not sure if Leif has the time, has not called us about this. Mike should cooperate with Leif.

Motion to approve the Great River Energy and Lake Region Electric Cooperative Resolution #001-19-007 was made by Leonard Alan Roy; second by Eugene Tibbetts. 3 for, 0 against, 1 opposed. Motion carried.

Discussion regarding the Board of Directors for White Earth Enterprises. Umsy would like it revisited. Joan will gather the information to present to the Council for approval.

Kathy discussed the Naytahwaush Community Center electricity and made recommendation for the lights to be covered by the general fund.

Discussion on the Zamboni; consensus is to advertise.

Bereavement and supervisory concerns with Shooting Star Casino Bagley; administration will investigate these concerns.

A motion was made to approve a ten-pound wild rice donation to LSS Mahnomen Senior Meals by Kathy Goodwin; second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Donation request for ICW/Foster Care Toys; it was a consensus of the Council to donate. Joan will find out an amount and send an e-mail to the Council.

A special harvest permit was presented to the Council; the Council approved by consensus.

Meeting recessed at 3:25 p.m.

Meeting reconvened at 3:35 p.m.

Invoice and contract from Rob Tibbetts was presented to the Council; provide both to Barb Fabre for review and bring back to the meeting next week.

Brief discussion on requests from Michael Neusser with Economic Development. Wild Rice will stay under Economic Development; the offices will move forward with the move to Mahnomen. Would like to address concerns at the next RBC meeting in Executive Session.

MCT Delegates budget requests to pay mileage and stipends prior to the date the budget was approved. The matter needs to come in front of the full delegation. Another resolution needs to be passed authorizing expenditures from date selected as a delegate. Need to submit request in writing with a majority vote. Set up a meeting with the delegates before the next TEC meeting.

Alan left the meeting at 4:00

Signatory requests

TASH Oder: I.H.S; Naytahwaush Garage Renovation – Tabled

Letter of Support for a grant application to the Shakopee Mdewakanton Sioux Community requesting financial assistance to replace furnaces in low rent units:

Motion made by Kathy Goodwin to approve; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

Financial subaward Financial Conflict of Interest (FCOI) agreement for research project, related to pending RBC Resolution:

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

Resolution in support of collaborative opioid prevention and treatment research project:

Motion made by Kathy Goodwin to approve Resolution #064-19-004; second by Eugene Tibbetts. Motion carried: 3 for, 0 against.

Biennial Report for IDEA Act parts B & C (birth 2 year and 3-5 years):

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

Child Care License Renewal [REDACTED]

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

Child Care License Renewal (Oshki Manidoo) / White Earth Infant & Toddler Child Care (located in the Head Start/Child Care Building):

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

Tribal Emergency Management Performance Grant Agreement:

Motion made by Kathy Goodwin to approve; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

Requesting for reimbursement to Shakopee-\$50,000; Mahnomen Playground:

Motion made by Kathy Goodwin to approve; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

American Indians with Disabilities FY18 grant report:

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

Resolution – Christian Retreat Renovation Funding:

Motion made by Eugene Tibbetts to approve Resolution #016-19-003; second by Kathy Goodwin. Motion carried: 3 for, 0 against.

MCT Liquor License Renewal for SSC to sell off sale in the Gift Shop:

Motion made by Kathy Goodwin to approve; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

Certification of Indian Owned Business [REDACTED] and located on White Earth Reservation:

Motion made by Kathy Goodwin to approve; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

Certification of Indian Owned Business: [REDACTED] and located on White Earth Reservation:

Motion made by Kathy Goodwin to approve; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

White Earth Response to BIA Fee to Trust Buschelle:

Motion made by Kathy Goodwin to approve; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

Alan returned at 4:28

Letter of Support – Shakopee: Helping Hands Food Shelf; Mahnomen \$12,750 Request:

Motion made by Kathy Goodwin to approve; second by Alan Roy. Motion carried: 4 for, 0 against.

Motion to adjourn the meeting at 4:35 p.m. was made by Kathy Goodwin; second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Leonard Alan Roy, Secretary/Treasurer