

White Earth Reservation Business Committee

Special Meeting

May 14, 2018 ~ 9:00 a.m.

White Earth, MN

Chairman Terrence “Terry” Tibbetts called the meeting to order at 9:18 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
Michael Fairbanks, Deputy Director
Maria Bevins, Recorder
Alan Roy
Ray Auginaush
Joan LaVoy

Agenda Approval

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

RBC Meeting Minutes (04/30/18 & 05/07/18)

Motion made by Tara Mason to table 04/30/18 minutes, Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against.

Motion made by Eugene Tibbetts to approve 05/07/18 meeting minutes with changes, Seconded by Tara Mason. Motion carried, 4 for, 0 against.

Calendar Review

- Ground Breaking/Blessing of Naytahwaush Clinic, MOMS and MATS Facility will be held on June 5th at 10:00 a.m.

Sovereign Finance, LLC / Sovereign Investment Advisors, LLC

Charles Freemont, Vice President present for brief discussion on Sovereign Investment. Sovereign Finance is a 100% Native American-owned finance service firm. The firm leverages a multi-business line structure to meet the unique financial needs of Native American Tribes. They have over 110 years of experience providing financial and investment services to tribal clients.

Sovereign Finance employees have worked for some of the largest and most respected firms in the country including:

- JP Morgan Securities
- Wells Fargo Advisors
- Morgan Stanley
- Sun Trust (Trusco Capital Management)

Sovereign Finance has three Business lines:

- Financial Advisory
- Consulting
- Investment Advisory

Sovereign Finance Demonstrated Track Record; have over 70 clients across the Country that they work with. Sovereign Consulting Overview; Sovereign Consulting has been mandated to provide a wide range of financial services to Native American tribes and enterprises including debt advisory, consulting and strategic diversification and planning services.

- Over \$800 million in Tribal Economic Development Bonds
- Over \$4.5 billion in financings for tribal clients since August 2008

Currently working with 14 different tribes; total about \$1.1 billion dollars in financing.

Sovereign Consulting; Sovereign Debt Execution Process:

- Complete picture on what needs to be accomplished
- Compile and Analyze Due Diligence
- What is the best structure
- Distribute RFP to Financial Institutions

Sovereign Consulting; Reduce the overall Transaction Costs. The firm leverages its extensive experience to negotiate on behalf of its clients. In past, these efforts provide significant value to the client as they were able to save millions of dollars by decreasing the “all in” cost of financing by achieving cost savings in Up Front/ Arrangement fees.

Investment Division:

- Minors Trust
- Elders Pension
- Retirement Plans
- Government Funds
- IHS
- Housing; HUD
- BIA
- Road Construction

CEFEX Certified; act as the Fiduciary on the Account

Sovereign Investment Advisors Comprehensive Risk Management:

- Market Risk: Discipline Portfolio Management
- Tribal Risk; Discipline Fiduciary Management

Sovereign Investment Advisors; Investment Platform Example:

- White Earth Nation
- Single Point of Contact; Fiduciary Best Practice
- Investment Manager; Due Diligence
- Investnet / Third Party Custodian

Sovereign Investment Advisors; Fiduciary Process: Instills Discipline = Success

Sovereign Investment Advisors; Fee Structure: Flat based fee

Terry commented on; Health Services (638), Indian Housing and Indian Gaming. Charles stated that they would look at the whole picture for 638 funding and Tribal Housing needs and financing. Tara commented on the USDA funding. Charles stated they try to utilized funds for this purpose and tribal financing. Charles commented on the Naytahwaush projects. Tara stated they are looking at \$14 million on these projects, GAP financing and other financial options. Charles is requesting a conference call with the RBC regarding these projects. Terry asked Michael Fairbanks to follow up for the conference call and invite Scott Omlid, CEO to attend as well. Tara stated that there is more discussion needed by the RBC before they make a decision. Charles commented on the process of a successful businesses and making the best decision for White Earth Tribe.

Meeting recessed at 10:07 a.m.

Meeting reconvened at 10:19 a.m.

Land

Katherine Warren present for updates. The Process for the CFR's is to have Service Line Agreements for Homesites and Descriptive lines. Katherine stated she spoke with Legal and Homesites are their own approval and any Service Line Agreement with Electrical Companies needs their own Resolution. Tara asked would this fall under the scope of the PUC and having a clear understanding of where this is going. Katherine stated that more discussion will be needed once it is formulated and going, also the PUC plan. Service Line Agreement is the service line from the main power line going in and the PUC is the main power line going across land.

Wild Rice Electrical SBA Tower Service Line Agreement:

Motion made by Steven Clark to approve Resolution # 056-18-063, Seconded by Tara Mason.

Motion carried, 4 for, 0 against.

Clearwater-Polk Electric Service Line Agreement – [REDACTED]

Motion made by Steven Clark to approve Resolution # 056-18-064, Seconded by Tara Mason.

Motion carried, 4 for, 0 against.

Cenex Community Co-op Service Line Agreement:

Motion made by Kathy Goodwin to approve Resolution #056-18-061, Seconded by Tara Mason.

Motion carried, 4 for, 0 against.

2 Homes in Waubun update:

Initial letter was sent and 90 days was giving for the individuals on the Homesites. Katherine is asking for direction on how to proceed after the 90 days. Tara would like to see the maps for the location of the Homesites. Katherine will bring in maps for the RBC review of the locations of the Homesites for the next meeting. Brief discussion held on [REDACTED]

The Facility Applications

Raeann Smith present for discussion on the Facility Application. Raeann stated that the community centers need to be licensed first and then submit a letter of intent to NIGC for the 120 day notice. Raeann stated to start with licensing our own tribal owned buildings that the communities are currently using and then it would be up to the organizations to apply for the actual gaming license. Raeann also stated to submit the letter to NIGC along with the list of all those sites and legal descriptions whether they are in trust. Raeann has a list of property descriptions: however, needs to make sure all the buildings are correct:

- Rice Lake; Community Center - New Building
- Rice Lake; Old former Child Care / Offices
- Cass Lake; Center cannot license due to being off Reservation
- Naytahwaush; Complex / Old Community Building / Powwow Grounds, Brief discussion held on who owns the Naytahwaush Charter School. Raeann will follow up on who owns the School.
- White Earth; Community Center / White Earth Congregate / Powwow Grounds
- Pine Point; Community Center / Boys & Girls Club Building / Powwow Grounds
- Callaway; No Buildings space
- Mahnomen; No Building Space / Veterans Building
- Elbow Lake; Community Center
- Waubun; No Building Space * Boys & Girls club is too small to host any bingos.

Raeann will complete the facility license applications with the descriptions that were listed and these will go to the Gaming Commission; however, would like approval from the RBC to submit applications to the facilities along with all the legal descriptions to NIGC.

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

Lenny Fineday, Legal entered meeting at 10:46 a.m. Raeann commented on sending notice on the Community Centers and the 120 day notice of the license letter of intent to NIGC. Lenny drafted a letter of the process to the Community Councils re: regulation and to ensure that each place is properly licensed. Lenny stated that they would like to meet with each individual licensee's, Community Councils along with Compliance to answer any questions that they may have regarding the process and hopefully having the Bingos running by fall. Tara had a question on licensing the Cass Lake Building (Old Legion) and do we apply for the facility license through Leech Lake. Lenny stated the Leech Lake Gaming Commission would need to be willing to do that. Tara also commented on licensing the individuals. Lenny stated that the facility license is a completely separate license and White Earth Compliance would license these individuals. Brief discussion held on Audits. Lenny stated that it is a case by case of what the Community Councils want to do.

They should turn the revenue into finance and finance would issue them a check for the same amount and they would be audited under the tribe's audit; however, if they want to be completely separate from the tribe is the feasibility of possibly using the internal audit function at the tribe's casino to do an external audit for those licensee's. This way they would not incur a significant cost. The tribe would eat the cost; provide the audit function and needing the 60% of revenues. RBC is in consensus with moving forward with the letter to the Community Councils. Brief discussion held on the Iron Range Community Council. Lenny will be attending their meeting on the 13th and will be going over their Bylaws and have them registered with the State due to them being off the Reservation. Tara commented on the meetings and only three members requesting stipends; however, in their minutes they had more of their members attending. Tara would like the other members who are in attendance at these meetings sign waivers stating they are not requesting the meeting stipends and this does not look like having an executive body excluding the rest of the board. Terry stated that they need to review all the Community Councils.

Other

Tribal Leader Letter (CMS):

Tara commented on the CMS letter and if legal sees any of these letters. Lenny stated that they see several letters from CMS. Tara will forward Lenny some emails regarding CMS and they may be looking at policy changes. Lenny will follow up on the letter.

Elders Emergency Fund:

Tara stated that they had depleted all the funds they had appropriated \$30,000 with about 4 ½ months left.

- \$20,000 of this money was appropriated for the elders; which was \$5,000 quarterly for the elders committee
- \$70,000 for the delivery truck for Food Distribution. They have not purchased the delivery truck due to some pricing and bidding
- \$30,000 for the elders emergency dollars that they appropriated

Tara commented on an additional \$35,000 in Class II revenue for elders / youth and approximately \$15,000 additional that she would like to see appropriated for the elder emergency fund. Eugene commented on having these funds disbursed to each district. Kathy stated this services all elders on the Reservation and 350 elders utilized these funds. Brief discussion held on the service areas for these funds. Eugene stated to keep track of these funds and know what is available for the elders. Tara commented on a policy change; however, is asking to increase an additional \$15,000 to the emergency fund for elders from the Class II funding.

Motion made by Tara Mason to approve, Seconded by Kathy Goodwin. Motion carried 3 for, 1 silent.

Election Board:

Alan Roy, Raymond Auginaush and Joan LaVoy present for discussion on Election Board. Terry stated that [REDACTED] resigned from the board. Terry stated that they need to be open six days a week and Gary Frazer will need to provide training. Eugene stated that he would like to replace [REDACTED]. Terry asked the candidates if they had any questions or concerns. Alan stated that they have a couple of concerns; Joan has gone to the election board a couple of times and no one was there, also a few of Alan's supporters called

the election board office during business hours with no answer. To Alan's understanding the office should be open for the voters to get out there and receive information regarding voting or absentee's ballots. Alan also stated that they called Gary Frazer and notified him regarding this issue; however, this issue comes back to the Tribal Council. Alan is asking the RBC to enforce what is already written. Eugene stated two people should be there at all times. Brief discussion held on how many people need to be in the office during election. Alan commented on another concern. He spoke with Gary Frazer regarding approximately 250-300 absentee's request cards that were not processed in time and he had acknowledged that this is a gap within our election ordinance. At this point there is nothing that they can do. Alan also stated that he had asked Gary Frazer if this had happened in previous years, with someone who has never voted before decides to vote. He stated "yes, and only about eight voters it actually happens with". When the TEC reconvenes after July at its next quarterly meeting; that the elections will be reconsidered and re-looked at, this would be the perfect opportunity to make that adjustment or change. Alan's recommendation is that because of the Secretary/Treasurer and the Chairman or at large positions and officers of the organization, they do not need a District to be able to vote for that person. There should be separate ballots for these positions. Kathy commented on having to put down a District of whom you're voting for.

Election Board Member; [REDACTED] has posted negative information on Face Book; however, Alan believes that this compromises her ability to be a reasonable Election Board Member. Alan stated that he spoke with Gary Frazer regarding his concerns; [REDACTED] may no longer be an alternate for the Election Board. Alan stated that if you're going to serve in that capacity that you should remain fair and neutral. Alan is requesting from the RBC that [REDACTED] be replaced on the Election Board. Tara stated that [REDACTED] is no longer on the Board due to her supervisor not giving her the time off and this needs to be followed up on. Brief discussion held on the professionalism of the Election Board Members. Tara stated that they need to follow the process with the complaint. Tara stated that they cannot follow up on the complaints if they do not hear about them or have the facts and proper documentation to make the decision. Process; complaint in writing, bring back to the RBC and then have the investigation or designate to someone else. Alan stated that they called Gary Frazer and asked if he would look into their concerns.

Eugene Tibbetts left meeting at 11:37 a.m.

Eugene Returned at 11:40 a.m.

Conference call with Gary Frazer at 11:41 a.m.

Tara introduced everyone that is in the room. Terry stated that they have some issues from a few of the candidates regarding a Board member; [REDACTED] Gary stated that the three candidates contacted him last week with a concern with something that was put on Face Book. He contacted [REDACTED] and at the time did not know who was putting this on Face Book. Gary stated that [REDACTED] would look into it and in the meantime it was sent to him by [REDACTED] Gary went to the Election office on Friday and showed [REDACTED] this information. Although it does not state anything regarding Social Media; however, should not purpose any candidates. Gary stated that [REDACTED] would talk with [REDACTED] regarding this issue and would post something on the door of not taking sides on the election, also not having anything on Social Media. Tara's concern is taking action; however, was not presented with any documentation and they went to Gary and stated he would contact Tara.

Gary stated that he did not say that, he only stated that he would contact the Election Board Chair. Tara's understanding is that [REDACTED] was going to step down due to not getting the time off of work. Tara stated that she has three Candidates and a District Representative saying that she is not doing her job nor have they presented her with any dates or documentation.

Call dropped with Gary Frazer at 11:50 a.m.
Call reconvened with Gary Frazer at 11:51a.m.

Another concern is not having two people at the Election office and has he received any reports of any dates on this. Gary stated "yes"; Last week Monday and possibly Tuesday a week prior to this was Thursday and Friday basically had to shut the office down. Gary stated that he told them May 11th the ballots are coming in and one person cannot be in the office alone during this time. May 11th need to follow office hours and there needs to be two people there at all times. Gary stated that [REDACTED] are the only ones in the office. He spoke with [REDACTED] and was asked to send [REDACTED] and Ken an email regarding this concern. Tara asked if they had a printed schedule of who would be working the different shifts. There should be three people there at all times. Tara knows her role; however, cannot do her job if no one reports concerns.

Call dropped with Gary Frazer at 11:52 a.m.

Joan LaVoy stated that Gary told them that they needed to bring back to the RBC and that is why they are here today. Tara would like the complaints in writing and dates. Terry stated to have the information sent to the RBC and they will have it reviewed by Friday.

Meeting Recessed at 11:58 a.m.
Meeting Reconvened at 12:12 p.m.

Pike for Vets \$200.00 Donation:

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

Housing:

HUD updates; every five years need to do a site visit. Kathy stated they had 7-10 complaints; however, they got an excellent review. Tara stated that she was at the meeting. Tara commented on the mold CBDG grant. Impressed with what Lisa McArthur is doing with the RBC. Working on the maintenance and prioritizing the process. Tara commented on the waiting list and that the Housing Board nor the RBC cannot be jumping around on the lists due to this being HUD guidelines. Tara stated that they have a needs assessment; currently White Earth Housing is paying someone to do this. Tara also stated they spoke with the Housing Board regarding these issues; White Earth has a Compliance Division and Risk Management will have safety inspections. Need another policy of relocated people if they are working on their unit and they need to place them in another place for the time being. Terry stated that they call the RBC for rooms. Kathy stated White Earth Housing will pay for rooms; however, not the food. Kathy would like a social worker at White Earth Housing to prevent eviction from their homes. Tara stated to have a contract with White Earth Housing to do some of the reconstruction. White Earth Housing pays for materials and individuals for the work.

Dawn Sherk – White Earth Builders

Contracting with Coating Crew North for floor covering at the Naytahwaush Drum Hall;
Granting Limited Waiver of Sovereign Immunity:

Motion made by Tara Mason to approve Resolution #001-18-010, Seconded by Steven Clark.
Motion carried, 4 for, 0 against.

Child Care Licensing [REDACTED]

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

Child Care Licensing [REDACTED]

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

Child Care Variance [REDACTED]

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

Child Care Variance [REDACTED]

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

Rachel LaFrinier – Home Health

Grant contract with DHS; Money follows Person Grant Initiative – MNSURE Navigators

Motion made by Eugene Tibbetts to approve, Seconded by Kathy Goodwin. Tara had questions in regards to the Federal Demonstration project money follows the person and will this grant come from Nursing or Ben Bements Program. Terry asked to remove the motion and return documents to Rachel Lafriniere for more information regarding the grant. Kathy Goodwin recalled the Seconded.

Melissa Keezer – RSS Homeless

Long term Homeless Grant:

Return to Ben Bement- Human Services Director for his signature.

Michael Triplett- Economic Development

Update letter to Shakopee, Drum Hall Equipment:

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

Michael Triplett- Economic Development

\$50,000 grant requested to USDA – Mahnommen Head Start Equipment:

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

Michael Triplett- Economic Development

Request to Shakopee, Mahnomen Head Start play ground equipment:

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

Clinton Alexander- Health Division; Grant Award Amendment:

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

Chief Bender Powwow [REDACTED]

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

Senior banquets for Bagley (125 paper products / 5 lbs rice):

Motion made by Kathy Goodwin to approve, Seconded by Steven Clark. Motion carried, 4 for, 0 against.

Motion made by Kathy Goodwin to adjourn at 1:34 p.m., Seconded by Tara Mason. Motion carried 4 for, 0 against.

Resumed meeting at 1:46 p.m.

Motion made by Steven Clark to resume meeting, Seconded by Kathy Goodwin. Motion carried 4 for, 0 against.

Agenda

- **Election Board**

Election Board:

- Jim McDougall
- Marge Rogers
- Merce Parisian

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

Alternates:

- Pam Fairbanks- Eugene Tibbetts
- Jay Ballenger - Steven Clark

Motion made by Steven Clark to approve, Seconded by Eugene Tibbetts. Motion carried, 4 for, 0 against.

Training with Gary Frazer needs to happen for these individuals.

Motion made by Tara Mason to adjourn at 1:52 p.m., Seconded by Kathy Goodwin. Motion carried, 4 for, 0 against.

Tara Mason Secretary/Treasurer