

White Earth Reservation Business Committee

Special Meeting

November 5, 2018 ~ 9:00 a.m.

White Earth, MN

Chairman Terrence “Terry” Tibbetts called the meeting to order at 9:12 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
Eugene “Umsy” Tibbetts, District III Representative

Absent: Leonard Alan Roy, Secretary/Treasurer

Others Present: Joan LaVoy, Special Projects Coordinator
Maria Bevins, Recorder

Agenda Approval

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

RBC Meeting Minutes (10/22/18)

Motion made by Eugene Tibbetts to approve with changes; second by Raymond Auginaush Sr.
Motion carried: 3 for, 0 against.

Calendar Review

Reports

- Nothing to Report

Unfinished Business

Federal Lobbyist: Barb Rohde- via conference call at 9:36 p.m.

TIBC Conference next week in Washington, DC; Alan, Eugene and Raymond will be attending. Barb will meet with the RBC Representatives on November 13th the week of the conference. Barb spoke with all the staff members in the delegation representing White Earth and updated them on the new Representatives of the White Earth Reservation. Discussion held on the following issues:

- Asking for a GAO investigation of CTAS; Brief discussion held on CTAS
- Lame Duck Legislation; Lots of Appropriation Bills are due and scheduled to be completed 12-07-18

- DOT Tribal Transportation; need to get organized on Tribal Formula Funding issue; There is an outside possibility the Transportation authorization bill may be addressed in the Lame Duck
- Agriculture Bill/Farm Bill; SNAP and food for the Reservation. Barb commented on the million dollar buy of the wild rice and was not in Legislation. Barb stated to her understanding this was an agreement with Congressman Peterson and Secretary of Agriculture. This maybe something to look at if they finish the Ag Bill in the Lame Duck
- Public Safety; WEPD Funding Issue/Opioid Legislation; Might see several more Opioid bills being considered and work on finding funding for Public Safety
- Earmark questions for FY20
- Four Walls Issue

Scenarios:

- One possibility is if the Democrats take over the House, the Republicans will return and want to complete a Myriad of Legislation
- Punting the Continuing Resolution down the road and leaving town and letting whomever is in charge to deal with all of these issues when they return in 2019
- If the Democrats take charge Congressman Peterson will become Chair of the Agriculture Committee again; which could be helpful and something to consider

Missing and Murdered Indigenous Women; Barb commented on the Senate Indian Affairs Committee:

- Are there specific numbers from White Earth that can be provided to the committee?
- Growing awareness issue and provide the framework from White Earth as much as possible
- If Senator Tina Smith is reelected and on the committee, this will be an issue of interest for her

Has White Earth received anything from the state re: Wye funding; how much will White Earth be receiving? White Earth has not received any notice on this funding. Barb will follow up on this and keep in contact with Joan.

Terry commented on the Missing and Murdered Indigenous Women and how this is tied into the Opioid Crisis, also Human Trafficking on the Reservation. Barb asked how much funding has White Earth received in Opiate money so far? Joan stated that they would have to do some research. Mahnommen County has the highest death rate in the State due to Opiate use.

- Hepatitis C
- HIV
- Other concerns with the Opiate Crisis

Brief discussion held on the process of White Earth's Immersion School and funding.

Conference Call ended at 10:00 a.m.

Raymond left meeting at 10:27 a.m.

Executive Session at 10:30 a.m.

Raymond returned at 10:32 a.m.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Executive Session ended at 11:21 p.m.

Meeting recessed at 11:21 p.m.

Meeting reconvened at 11:36 p.m.

Annual Funding Agreement

Jeremy Cossette and Joe Plumber are present.

Multi – Year Funding Agreement FY2019-2021:

Documentation was provided for the RBC overview of the agreement. The tribe agrees to assume responsibility for the implementing of the programs identified in the attached reprogramming request for which funds are transferred to the Tribe.

- Tribal Government
- Environment and Natural Resources
- Human and Social Services
- Education and Training
- Roads and Transportation
- Law Enforcement and Community Fire Protection

Resolution: Multi – Year Funding Agreement FY2019-2021:

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

Self - Governance 2019 Funding Agreement – Reprogramming Request:

- Documentation was provided for RBC overview

Self - Governance Legislative Update:

Documentation was provided for the RBC overview. Jeremy referenced Title IV Amendments; the Progress for Indian Act of 2018. The Act would streamline the Department of the Interior’s process for approving self- governance compacts and annual funding agreements by aligning it with the processes currently used by I.H.S. It would also provide tribal nations that have either not qualified for the self-governance program or have chosen to administer only a limited number of BIA programs with greater flexibility in administering those contracts.

Joe commented on being creative: example; Roads funding. Joe stated it would be a good idea to go directly to the Federal Highways to try to get funds directly out of them and not through the BIA to increase that to put into the base. Brief discussion held on DOT Negotiated Rulemaking. Joe stated that there are also some other areas that they can do something similar such as; Law Enforcement, Department of Justice, WEDOT and Natural Resources. Jeremy is trying to get scholarship funds and working with the BIE. Jeremy provided an overview of the Highlights of Budget Changes; By Appropriation Activity/Subactivity.

New Business:

Hunting & Fishing Rights:

Andy Roy present for discussion held on hunting and fishing rights as White Earth Tribal Members. His son was hunting this morning on land that was not posted and the State DNR and Tribal DNR were called. His son’s rifle was confiscated. The State DNR stated that this was Agriculture land and no one can hunt this land. There was also a non native on this land; however, nothing happened to him for hunting on the same land. Mr. Roy wanted to know why the non-native was not being cited as well. Brief discussion held on the 1855 & 1867 Treaty. The council the governing body placed this Conservation Code for White Earth and supersedes the 1855 Treaty. Conversation Code: exercising rights within the White Earth Reservation as long as the individual abides by the Conservation Code. 1970’s and was amended and recent one was amended five years ago. Andy stated that the private property should have been posted and he feels his treaty rights were violated and this is the only rifle his family has for hunting season. Joe Plumber will follow up on the gun that was confiscated by White Earth Conservation Officer; Al Fox.

White Earth Builders, LLC

Roy LaVoy, Tuffy Tibbetts and Lisa McArthur are present for discussion on Change Orders. Roy spoke with Jeri Jasken last week re: the Change Order on the MOMS/MATS Facility. Jeri was not happy and wants to stay within budget; however, Roy stated they need to initiate some of the Change Orders.

Change Order: MOMS/MAT Facility:

- Labor & Materials to Lower Interior Footings to elevation 96 due to project schedule delays
- Pump Truck
- Interior Sand for Backfill

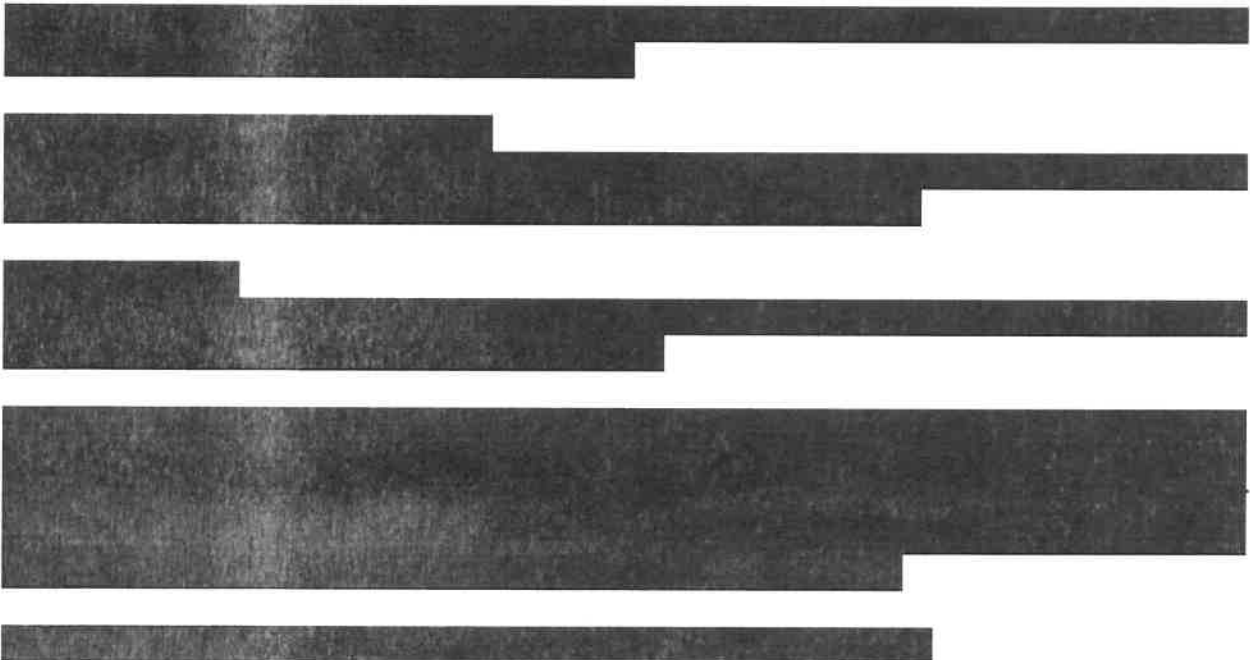
Raymond stated what they approved prior and within the budget did not include these Change Orders. Lisa stated that they will be seeking grants to help with funding with future Change Orders. Roy stated that White Earth Builders receive a 2% fee in these.

Lisa commented on the budgets being approved by the Executive Director and the pay applications; however, who will be signing Change Orders? All Change Orders need to be approved by the RBC.

Total Proposal; \$42,977.90:

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

Executive Session at 12:56 p.m.





Executive Session ended at 1:30 p.m.

Kathy left meeting at 1:30 p.m.

Meeting reconvened at 1:45 p.m.

Land

Heather Hamlin is present.

Affidavit of Identity: Fee to Trust Document to clarify RBC name on Deeds: Lembke parcel in Becker County. RBC in consensus; The Tribe's name reflected in its Constitution is the White Earth Band of the Minnesota Chippewa Tribe.

Raymond left meeting at 1:51 p.m.

Heather gave a brief update on farming and Star Lake

- \$500.00 dollars for the millet

Raymond returned to meeting at 1:55 p.m.

Resolution –MNDOT Permission to survey Hwy 200 Corridor and Letter; as part of the Hwy 200 improvement process:

Motion made by Raymond Auginaush Sr. to approve; second by Eugene Tibbetts. Motion carried: 2 for, 0 against.

New Business; Continued

Wild Rice Donation – Elders at Bii Di Gain Dash Anwebi, Elder Housing -South Minneapolis: RBC is in consensus of 20 lbs for the wild rice donation.

Resolution - Constitution Reform Committee Budget:

Motion made by Eugene Tibbetts to approve Resolution #001-19-004; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Public Endorse Candidates;

- Put an endorsement out on Social Media

Hemp Project

Joe Plumber and Jordon Fallis are present for discussion on the Hemp Project. Jordan explained the importance of signing the Letter of Intent and to move forward in creating a partnership agreement with our existing Hemp development and open a door for opportunity with this group; Peter O'Donnell, Hemp Esters Corp, CEO. Once all the finances are in place and at a later date will allow Jordan to provide a presentation for the RBC in how this process will be executed, also improve and benefit White Earth. If the Letter of Intent fails to be signed; this will set back White Earth. Jordan has convinced this group that they need White Earth to get the job done; however, they can go anywhere and who has 500 acres for this purpose and make an agreement with them. Jordan has built a working relationship with this group.

The Hemp Project will generate over \$8 million dollars in revenue the first year. What is being asked; is White Earth to dedicated 500 acres to Hemp. Terry commented on a lease agreement. Jordan stated when it comes to negotiation, White Earth can tell them; we are not going to lease to them and create a new LLC; that will lease the land which will allow the members to become employed by the LLC. Jordan has spent the last 10 years working on this project and has given White Earth the last 10 years of his Hemp Project. Everything he is working on is strategically planned out.

The letter does not bind the tribe to anything. Jordan stated that the only thing for him will be reclassification of his Job title to work close with the White Earth RBC.

Brief discussion held the Canadian trading. Jordan is confident that he can do this job.

Letter of Intent Between Hemp Esters and White Earth Nation:

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Signatory Request

Resolution – Mahnomen Boys and Girls Club Building Renovation – ICDBG Application

Match Commitment – **Tabled need more clarification**

Resolution – Mahnomen Boys and Girls Club Building Renovation – ICDBG Application

O & M Commitment – **Tabled need more clarification**

Resolution – Pole Shed – **Tabled**

Natural Resources - MCT Enrollment Data Book/Conservation Enforcement:

Motion made by Raymond Auginaush Sr. to deny request; second by Eugene Tibbetts. Motion carried: 2 for, 0 against.

Motion made by Raymond Auginaush Sr. to deny request; second by Eugene Tibbetts. Motion carried: 2 for, 0 against.

Temporary Privilege to Operate a Motor Vehicle; this temporary privilege to operate a motor vehicle applies only within the exterior boundaries of the White Earth Reservation; and issued to [REDACTED]; Eugene would like the documentation before he signs the document- **Table**

Resolution – Mandating WECARE usage by all Tribal Programs on the White Earth Reservation:

Motion made by Eugene Tibbetts to approve Resolution #064-19-003; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Received bids for Skate Park repair in Naytahwaush; Gordon Construction Proposal came in as the lowest bid:

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Youth and Elder Fund:

- Elder Gift Cards and Elder Christmas Party
- Christmas Toy Program

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Request for Supplemental Funding for BIA to be transferred to Tribal Finance and be used for Fire Prevention Supplies:

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Letter of Support for a March of Dimes/Rotary Partnership Grant to implement group prenatal care on the White Earth Reservation and will be collaboration with I.H.S:

Motion made by Raymond Auginaush Sr. to approve; second by Eugene Tibbetts. Motion carried: 2 for, 0 against.

Amendment #4 for COLA FY19:

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Signature of Indirect Cost Report Approval Letter:

Motion made by Raymond Auginaush Sr. to approve; second by Eugene Tibbetts. Motion carried: 2 for, 0 against.

Onsite Influenza Immunization Clinic Agreement:

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Hire new contract position at Gizhiigin; part-time funding is secured through Gizhiigin Grant:
Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Cultural Grant; Mental Health and Substance Abuse:

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

MFIP Employment Services Contract; Extended for New Year from January 1, 2019 thru December 31, 2019:

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

 Articles of Organization and Certificate of Good Standing:

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Tami C – White Earth Builders:

- Contract – Ellenson Caulking, LLC; MOMS/MATS Facility
- Contract – FM Contracting, Inc; MOMS/MATS Facility
- Contract – Ramsey Flooring, Inc; MOMS/MATS Facility
- Contract – Lee Plumbing and Heating Co, Inc; MOMS/MATS Facility
- Contract – Berglund Heating Sheetmetal Roofing, Inc; MOMS/MATS Facility
- Contract – Summit Companies; MOMS/MATS Facility
- Contract – Berglund Heating Sheetmetal Roofing, Inc; Pine Point Community Center

Motion made by Eugene Tibbetts to approve; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Motion made by Eugene Tibbetts to adjourn at 3:32 p.m.; second by Raymond Auginaush Sr. Motion carried: 2 for, 0 against.

Leonard Alan Roy, Secretary/Treasurer