

**White Earth Reservation Business Committee**

**Special Meeting**

**October 8, 2018 – 9:00 a.m.**

**White Earth, MN**

Chairman Terrence “Terry” Tibbetts called the meeting to order at 9:07 a.m. Roll call was taken with a quorum present.

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

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

District II Representative, Kathy Goodwin, entered the meeting at 9:10 a.m.

**Agenda Approval**

Motion made by Eugene Tibbetts to approve the agenda with additions; second by Kathy Goodwin. Motion carried: 4 for, 0 against.

**RBC Meeting Minutes (October 1, 2018)**

Kathy questioned the Social Media policy and how it is governed. Alan stated that concerns would go to Human Resources and Legal. Kathy questioned who determines what is privileged information regarding malfeasance. Alan gave an example of being in executive session: what are the consequences if the information is leaked out? There is a distinction between executive/privileged information and non-privileged information out to the public, and it would be up to a vote of the Council members to decide if there was a violation of privileged information (malfeasance). Umsy stated that anything in executive session needs to be held confidential among those that were in the room.

Kathy would like her comments regarding the Cultural Division report to be included in the meeting minutes of October 1, 2018: communication was a two-way street between the supervisor and cultural committee.

Motion made by Eugene Tibbetts to approve meeting minutes: second by Kathy. Motion passed: 4 for, 0 against.

**Reports**

No reports were given.

**Calendar Review**

## Guests

Karen Branden introduced herself. Ms. Branden is running for the Minnesota House District 2B seat. Karen asked what direction the RBC like her to go as their representative; she believes that is the way it should go. She talked to the elders about what leadership looks like at the State Level. Karen is asking for support from the RBC in this election. This is her first time running for office. White Earth is pretty much home, this is where she learned about being Ojibwe. Representative Green is telling people that he is working with the Tribe; he came here with Bill Haas a few weeks ago. He worked very little with the Council. Terry stated concern with the opioid epidemic and that support for the police department has decreased. Funding failed with the omnibus bill. Karen is talking about the MOMS and MATS programs wherever she goes. Funding to fight opioids should come from big pharma. Alan stated that White Earth's strategic direction is advocating for a lot of State and Federal legislation. Current representative doesn't do anything for White Earth.

Leonard Thompson spoke about netting season and the challenges presented to some of our elders. He campaigned to have season open earlier for elders. They shortened it last year. Would the season open for elders on September 1<sup>st</sup> until ice? He also stated that nets are being stolen. Tribal DNR is asking us to their job for them by telling us to go camp out to keep an eye on our nets; that is their job. There hasn't been anything done about these nets being stolen. These treaties are our personal rights. Umsy said they have permits for early season; he thought it was October 1<sup>st</sup> for elders – special use permit. Monica Hedstrom and Alfred Fox told Leonard that one person on the board got mad because they opened the netting season earlier. This has to be changed, very few elders actually do it.

Need to communicate with Natural Resources. Use Social Media and newspaper to get this out.

Dan Frye, CEO of Indian Health Services reported that the clinics are ready for the cold and flu season; they have full vaccines and any patient can get a flu shot without having to make an appointment.

The Naytahwaush clinic went full-time Monday-Friday from 8:00 a.m. to 4:30 p.m. With the change and addition of hours, they are trying to balance employee morale and the services IHS needs to provide on the reservation. Dan also brought up the exploration of the joint-venture clinic. A provider out of the University of Minnesota accepted a negotiated offer; waiting for a response from the federal office. Last year, Naytahwaush clinic had 7,000 visits; with the extended hours, IHS is hoping to see an increase in the number of visits to be between 10-11,000.

The goal of IHS is to provide as many services as possible. They just finished a contract with an acupuncturist. Have a carry-over of 1.5 million for this fiscal year, with an over-all carry over of 14 million. The expansion will cost 25 million. Need help to secure more money from the feds to pay for it. Willing to spend 10 million right now.

If joint venture doesn't go forward, the plan is to bring in high grade modulars for dentistry, and then they need to renovate the current building. Efficacy of storing drugs in the Naytahwaush facility is a concern. Need to redo the HVAC system and put in a new security system.

Over 20 years, 120 to 140 million is committed by the federal government. Get Barb Rhode working on the 17 million needed for the Joint Venture. The White Earth IHS is appropriated at 36%. Changes to Medicaid regarding the work requirement would be devastating and would cripple our operation. Dan will get a couple of paragraphs to Ron who will forward to lobbyist.

Purchased and referred car: the only time they go to Dan is when they have an issue. Essentia and Sanford are behind in their billing. IHS gets purchase orders out right away, but the billing doesn't come to IHS for 6-8 weeks. Only had four people go to Dan; none of them ended up with a bill after that.

Pine Point clinic is running with only 1-2 patients a day. There was a racial slur in chalk on parking lot. Have an African American provider working in Pine Point; providers concerned about going back to Pine Point. Kathy brought this up before. How do we get people back? Looking at putting Tamara Smith back out there one day/week and Joan Tapper on Thursdays. Have a security officer – Terry Peake. Have not talked to Community Council. They need to be aware. Security system needs to be updated – didn't catch anything on the cameras. Young people refer to each other using those terms that all the time. Hope it don't jeopardize the clinic in Pine Point.

Umsy will talk to Pine Point Community Council about the incident.

## **Unfinished Business**

### **Descendant land access/hunting**

Monica stated that individuals wanting a descendant card would need to go to enrollments for descendance verification prior to White Earth Department of Motor Vehicle (DMV). There are still a few people with descendant cards that are still valid. New machine/computer is coming in a couple of months.

Joe has two different versions of a resolution.

Kathy asked if there are other MCT tribes that issue descendant cards. White Earth is still the only one. Holders of descendant cards still must be licensed through the state in order to hunt, fish or trap on Tribal lands. What does the Council want to do with trapping? Trapping is not being done right now by a lot of people. This would be an opportunity for families to pass it on to children. Trapping is not a money – maker right now and would have minimal impact. The card does not authorize ricing. Might see some impact Deer hunting. Leeching is not on here. Joe wants to make the resolution clear. Hunting is always something that we can watch. How is it going to be monitored? Courtesy to family members who have kids who are descendants who want to bring their kids out hunting. Still must follow conservation code.

Joe will revise the resolution with clear language.

### **Is it a conflict to have Bill Haas as our broker and lobbyist?**

Joe said it is not a conflict. There are two different contracts that do not conflict. Bill Haas would be the registered agent. Motion to approve Bill Haas as the Hartford Insurance agent was made by Leonard Alan Roy; second by Eugene Tibbetts. Motion carried: 3 for, 1 silent.

### **White Earth Fire Department Request**

Will be receiving \$8,000 from donation committee left-over from FY18. The fire department needs to turn in receipts and be accountable for the donation.

### **Dream Catcher Daycare Investigation**

Joe Plumer will push forward the Dream Catcher Daycare investigation with Becker County.

Joe Plumer will draft the scope of work on the White Earth Police Department Investigation. Kenny Washington from Leech Lake will be conducting the investigation.

### **ICW Committee**

Joe Plummer presented the Indian Child Welfare (ICW) Committee policies. Text in red are the added points. The committee voted and approved.

Motion to approve the ICW Committee Policies with changes made by Kathy Goodwin.

Alan asked for clarification: Do you have to be a tribal member to be on the committee and how are people named to the committee? The original members were appointed by the Council, and several have not shown up for quite a few meetings. Those members need to be replaced. Alan pointed to page five of the policies: *when vacancies exist on the committee, the remaining Committee members may vote to recommend a new member after the position has been advertised within 30 days after the position has been advertised. Within 30 days after the Committee recommends a new member, the Council must decide whether to appoint or decline the recommendation.* Alan questioned what would happen if the Council does not want to accept the recommendation: can the Council make an appointment without a recommendation? Does the process start with the committee and end with the Council? Joe – the point of process does not have to begin with the committee. There could be disagreements on the committee. Partisan aspect of committee would be in power forever.

Ray would have a little more say in the boards.

Alan recommends the following language: If after two successive recommendations the council has not approved an appointee, the Council will make a direct appointment.

Kathy wants to accept it as it was written.

Terry Tibbetts called for a second to the previous motion by Kathy Goodwin. Terry Tibbetts called again for a second to the motion. Motion died for a lack of a second.

A motion was made by Leonard Alan Roy to approve the ICW Committee Policies the with the addition of the following to 8D: If after two successive recommendations and the RBC does not approve the recommendations, the RBC will make a direct appointment.

On top of page 5: process for removal of a committee member. Alan likes idea of having protection of members on the committee, and that they are allowed to serve terms regardless of who is on Tribal Council – similar to the Housing Board. Would like to see added protection.

A council could vote someone off for no reason. Want to protect minority views on that committee. Insert language that they will serve their four years no matter who sits on the RBC.

Motion made by Leonard Alan Roy to modify previous motion to include: The Tribal Council may appoint committee members as needed; second: Raymond Auginaush. Motion carried: 3 for, 0 against, 1 silent.

Motion made by Leonard Alan Roy to strike the following language in Section 8B: 'or without' cause. Second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Meeting recessed at 11:00 a.m.

Meeting reconvened at 11:25 a.m.

### **Enrollment Resolutions**

Executive Session at 11:30 a.m.

Shannon Heisler from the Enrollment Office presented the 36 individuals eligible for enrollment, 30 individuals not eligible for enrollment and other enrollment resolutions.

Meeting re-opened at 11:35 a.m.

Motion to approve the 36 individuals eligible for enrollment was made by Kathy Goodwin, second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Motion for denial of the 30 individuals not eligible for enrollment made by Eugene Tibbetts; second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Motion to approve blood degree correction for [REDACTED] made by Kathy Goodwin; second by Eugene Tibbetts. Motion carried: 4 for, 0 against.

Motion to approve blood degree correction for [REDACTED] by Eugene Tibbetts; second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Motion to approve blood degree correction for [REDACTED] by Kathy Goodwin, second by Eugene Tibbetts. Motion carried: 4 for, 0 against.

Motion to approve blood degree correction for [REDACTED] by Kathy Goodwin, second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Motion to approve blood degree correction for [REDACTED] by Kathy Goodwin; second by Leonard Alan Roy. Motion carried: 4 for, 0 against.

Motion to approve blood degree correction for [REDACTED] by Kathy Goodwin; second by Raymond Auginaush. Motion carried: 4 for, 0 against.

Motion to approve blood degree correction for [REDACTED] by Kathy Goodwin. Second by Eugene Tibbetts. Motion carried: 4 for, 0 against.

Motion to approve blood degree correction for [REDACTED] by Eugene Tibbetts; second by Kathy Goodwin. Motion carried: 4 for, 0 against.

Kathy would like to see additional staff in enrollments.

**Land Resolutions**

Executive session at 11:45 a.m.

Discuss land resolutions as presented by Sarah LaFriniere. They are fixing legal descriptions of where the houses sit right now, trying to make the descriptions more accurate.

Open from executive session at 11:50 a.m.

Motion to accept homesite leases by Kathy Goodwin, second by Eugene Tibbetts. Motion carried: 4 for, 0 against.

Motion to accept lakeshore leases by Kathy Goodwin, second by Eugene Tibbetts. Motion carried: 4 for, 0 against.

Motion to accept lakeshore modification by Eugene Tibbetts, second by Ray Auginaush. Motion carried: 4 for, 0 against.

Raymond asked Sarah to look into a land lease. Terry questioned the timeline for an abandoned land lease site.

**Executive Director (ED), SSC General Manager (GM) and SSC Assistant General Manager (AGM) discussion**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kathy left the meeting at 12:05.

Would like clear language; the GM talks to the Chairman and not to every Council member. Need to outline clear chain-of-command.

Executive Director – Interview; Assistant GM – interview. GM – Scott, FT employee.

### **Mary Otto – Orphaned Starfish Foundation Board**

The Orphaned Starfish Foundation Board has been visiting White earth. They are setting up the Mahnomen Computer lab. They came for the first time several months ago. Works with BGC nationwide; White Earth is the first pilot program and providing a state-of-the art computer lab. The Foundation commits for life; they will look at other computer centers. They will also work with job training and job placement. Ran a theatre workshop and play session for 30 students; the topic was Native culture and native legends. Honored and blessed to work with the children of White Earth. Audition for girls for Color in the Wind. Twenty girls showed up; it was a real New York audition. First time off-site board meeting. Goal is to give hope, to give a future, to pay it forward. Computer center, train as much as we can, build their own programs, applications, give them micro loans, loans are paid back to future of what the youth want to put together.

### **Land issues - repairing roofs:**

Ice cracking Kramer property; Hutchinson property – half of shingles are missing, could be a home site, no one will pay the same price that we paid for it, structure worth might by \$20,000. Would cost \$10,000 to bring it up to livable again. Available for homeless program. Why did we buy this property? Hutchinson came across as a good deal. RV site – good layout. Kramer – provided access to Ice Cracking; fisheries didn't have good access to that lake. Would be a good caretaker cabin. No plan to fix up places for our property. Kramer – \$5,300; Hutchinson \$4,800. Housing won't take Hutchinson property. Alan – don't spend any money and just wait. Something might pop up; a program might decide to use it. Table – put it on hold.

### **Land Issues**

Katherine Warren requested a special meeting to discuss land issues, unallotted surplus lands, TSR's. Need legal and Council level to say something to the Bureau. Talk with Maria to have a special meeting towards the end of the week.

Normal homesites are 1.25 acres. An individual has .75 acre. He has his own well. House adjacent is on 1.25. Individual bought house, but did not buy the land it sets on. Had to split the land because of a feud.

Land needs legal attention: need to update leases, SBA tower, getting into commercial leases and commercial agreements.

### **Addendum to Commercial Lease Agreement**

White Earth Market is subleasing the Chip Factory. White Earth is paying loan payments, insurance, repairs, and now we are going to sub-lease it. Lease doesn't cover the cost of the loan

payments and insurance. The facility has structural issues. Three-month agreement to sub lease. Rice has been stored there since September 19. IBDS is no longer. Why are we paying for lease space? Need to renegotiate the contract. Contract benefits the lessor, not the Tribe. Living in a trailer behind the building. Table until later this week.

## **Contracts - Legal**

Lori Thompson presented the following contracts:

### Judges

*David DeGroat:* has been a contractor with the Court since 2008. Enrolled in Oneida. WE descendant. His contracted rate of pay is \$70.00/hour and it has never been increased. Judge DeGroat is currently interim Chief Judge. This year he has requested an increase to \$85.00/hr.

Alan questioned the chain-of-command and how it works for the judges. Lori stated the interim chief judge will assign cases to Judge Rousu. Resolution rescinded that took away those kinds of powers.

Motion to approve contract for Judge David DeGroat made by Leonard Alan Roy; second by Eugene Tibbetts. Motion carried, 3 for 0 against.

*Michael Rousu:* Has been a contractor with the Court as a judge since 2011. WE Tribal Member. Has contracted rate of pay is \$70/hr. and has never received an increase. Judge Rousu is requesting a pay increase to \$80.00/hr.

Motion to approve contract for Judge Michael Rousu by Eugene Tibbetts; second by Leonard Alan Roy. Motion carried: 3 for, 0 against.

### Appellate Court Justice

*George Soule:* No changes. WE Tribal Member. Contracted with us since May 2012. Current rate of pay \$150/hr plus mileage.

Motion to approve contract for Appellate Court Justice George Soule by Leonard Alan Roy; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

*Collette Routel:* No changes. Co-Director of Indian Law Program at William Mitchell. Teaches Federal Indian Law. She maintains an active pro bono practice in federal Indian law. Current rate of pay \$150/hr. With us since November 2014. She has never sent us a bill. She may do this work pro bono.

Motion to approve contract for Appellate Court Justice Collette Routel by Raymond Auginaush; second by Leonard Alan Roy. Motion carried: 3 for, 0 against.

### Attorney Contracts

*Anishinabe Legal Services:* No changes to contract. In 2014, the Court began contracting with ALS to represent Respondents on child protection, civil commitment matters, housing, and guardianships at \$5,000/month. They have two office spaces with the Court and they have FT



attorney present during the week except staffing when they need to be in Cass Lake. There are no recommended changes to this contract.

Motion to approve attorney contract with Anishinabe Legal Services by Leonard Alan Roy; second by Eugene Tibbetts. Motion carried: 3 for, 0 against.

*Tim Dodd:* No changes to contract. Mr. Dodd is an attorney from Detroit Lakes, MN who has 37 year experience. He represents parents in Child Protection matters in Tribal Court. He also has a contract with Becker County to represent on their Child Protection cases. He is a seasoned attorney with specialized training in child protection matters. His current contract is \$1,750/mo. No mileage

Motion to approve attorney contract with Tim Dodd by Eugene Tibbetts; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

*Joel Vorhes:* Mr. Vorhes is an attorney out of Park Rapids, MN. He has been licensed for 12 years and represents clients in Tribal Court on child protection matters. His current contract is \$1,250/mo. We are requesting to increase is to \$1,350 as he will be taking on conflict cases for ALS on civil commitment and guardianship.

Motion to approve attorney contract with Joel Vorhes by Eugene Tibbetts; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

*Joshua Haugen:* Mr. Haugen is an attorney with Shoemaker, Ziegler and Haugen out of Detroit Lakes, MN and has been practicing law for 6 years. His current contract is \$1,250/mo. We are requesting to increase is to \$1,350 as he will be taking on conflict cases for ALS on civil commitments and guardianships.

Motion to approve attorney contract with Joshua Haugen by Eugene Tibbetts, second by Raymond Auginaush. Motion carried: 3 for, 0 against.

#### Guardian ad Litem Contract

*Melissa Hedlund:* Melissa Hedlund has been a contract Guardian ad Litem with White Earth for 1 year. Her current contract is \$20.00/hr. We would like to increase is to \$21.00/he. This position does not get paid mileage.

Motion to approve Guardian ad Litem Contract with Melissa Hedlund by Raymond Auginaush; second by Leonard Alan Roy. Motion carried: 3 for, 0 against.

#### Conflict Judge

*Megan Treuer:* She is WE descendent. Her mother is Margaret Treuer. She graduated law school from Hamlin University in 2005. She began her legal career with Anishinabe Legal Services. In 2007, she worked for Regional Native Public Defense as an attorney and was the executive director in 2009. In 2013, former Leech Lake Associate Judge Korey Wahwassuck was appointed to the bench of the Itasca County District Court, and Judge Treuer was appointed to fill her vacancy at the Leech Lake Tribal Court. She then went on to serve as Chief Judge for the Boise Forte Band

of Ojibwe; Deputy Judge for Leech Lake Tribal Court; Appellate Justice for Fond du Lac Band of Ojibwe; and Pro Tempore Judge for Lac Courte Oreilles Band of Ojibwa.

She would request \$125/hr. plus mileage and windshield time. She would not charge us lodging. She is negotiable on the terms.

The codes need to be reviewed; they have to be posted 15 days and public has 15 days to respond. OFP Code & Housing Code need to be reviewed.

Hennepin County would like a flag. Motion to donate a flag to Hennepin County by Leonard Alan Roy; second by Raymond Auginaush. Motion passed: 3 for, 0 against.

### **Powwow Committee**

Discussion on the powwow committee. The following were named to the committee: Lenore Neeland, Mickie Hodges, Vince Beyl, Jon Weaver, Mike Swan, Missy Fairbanks, Dana Goodwin, Anthony Auginaush, Marvin Tibbetts Sr.

Powwow committee members should all get the same amount for serving on the committee.

### **IOWA Designation**

IOWA designation was discussed for the Minnesota Department of Education. Motion to designate Sue Heisler as the IOWA for Early Childhood was made by Leonard Alan Roy; second by Eugene Tibbetts. Motion carried: 3 for, 0 against.

### **White Earth Market/Wild Rice Update**

Michael Neusser reported on the 2018 Wild Rice Harvest. Total pounds of purchased rice was 109,791. Total pounds of finished rice are 49,633.

The following prices were discussed:

\$6.50/lb for elders

\$8.00/lb for members

\$12.00/lb for non-members

\$12.99/lb for USDA contract

20 pound bulk purchases for members will be allowed 3 times/year.

Motion to approve the 2018-19 wild rice prices made by Raymond Auginaush; second by Eugene Tibbetts. Motion carried: 3 for, 0 against

### **Business Development**

Tom Ferrarell presented on the Business Development Department which falls under the Division of Economic Development.

Need data points for veterans, women, disabled.

Alan asked: what are you going to need for legislation? Funding, building, small development business center.

DEED has a contact for American Indians who are looking to start a business. White Earth has never done a formal consultation with DEED. They have a new tribal liaison. Would like to see movement; schedule a consultation sooner rather than later.

Don't yet have a Small Business Council.

Alan stated that commitment and development of the private sector will make this administration different than any others over the past 80 years. Members need to develop their own small businesses to get away from dependency on the Tribe.

Economic Development and Business Development need to get after funds, legislation, contacts.

### **Minnesota Indian Gaming Association (MIGA)**

The MIGA invoice of \$28,133.00 was discussed then tabled until it is clear what White Earth gets out of them.

### **Waubun School Forest**

The proposal and resolution presented was discussed. The resolution would allow the Waubun-Ogema-White Earth Community Schools/School Forest to use the school forest trails on the recently acquired White Earth Tribal Lands parcel # 12-027-0410 and # 12-027-0700 adjacent to the school forest and prohibit hunting activities on those properties for the safety of the student and communities.

Motion to approve the School Forest – White Earth Shared Land Agreement and Resolution by Eugene Tibbetts; second by Raymond Auginaush. Motion carried: 3 for, 0 against.

Need the resolution put it in RBC resolution format.

### **Urban Council**

The request for an additional delegate was denied. Council would like to see who we can get by the end of the month to serve on the Constitution Committee.

### **Separation of Powers**

Joe Plumer presented a resolution to separate judicial from the RBC. A lot of critics say that there is nothing in the MCT constitution allowing to Tribes to establish courts. Joe incorporated many sources in the resolution. The resolution prevents RBC members interfering in court cases. This can also be brought to the constitutional convention and have it changed at that level so that no one can mess with it in the future.

Motion to accept the Separation of Powers Resolution #019-19-001 with the corrections by Raymond Auginaush; second by Eugene Tibbetts. Motion passed: 3 for, 0 against.

Attach copies of everything referenced in the resolution. Prepare a press release with public statement for the Chairman. Clearly identify that this separates the powers of this body and it protects our members from unlawful Council influence, protects the members from the government. Highlight language of executive functions and judicial functions and the differences. Prior resolution stepped on Article XIII – the rights of our members. If any one of the RBC members tries to interfere with Courts under this resolution, it would be grounds for malfeasance.

**Foster Care Resolution**

Joe will seek clarification from Laure York.

Schedule a special meeting Friday afternoon

Motion to adjourn the meeting at 4:45pm by Eugene Tibbetts; second by Raymond. Motion carried: 3 for, 0 against.

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Leonard Alan Roy, Secretary/Treasurer