

Minutes of a regular meeting of the Bois Forte Reservation Tribal Council, held April 1, 2009 at the Nett Lake sector of the Bois Forte Reservation, Minnesota.

Meeting called to order at 9:20 a.m.

Members Present: Kevin W. Leecy; David C. Morrison, Sr.; Cathy Chavers; Ray Villebrun, Sr.; Ray Toutloff

Members Absent: None

Others Present: Barb Brodeen; Nina Villebrun; Pete Drift, Sr.; Kay Davis; Brandon Benner; Henry Goodsky; Virgil Sohm; Peggy Connor; Deanna Drift; Billie Mason; Marty Connor; Marilyn Geshick; Marcella Connor; Marge Holmes; Caroline Boshey; Jeneal Goggleye; Edith Villebrun; Kim Greiner; Ronald LaRoque; Donald Chosa; Patti Wilkie; Wendy Thompson; Carol Burr; Robbie Goggleye; Corey Strong; Jerome Whiteman; Andy Datko; Gary Gotchnik; Doris Isham; Deanne Sandberg; Nikki Irving; Keith Roy; Jaylen Strong; Malcolm Hoagland; Summer Isham; _____ King?;

Moved by to approve the agenda with the following additions 1) Jeneal will be presenting Doris Isham's request regarding the Emergency Medical Technician Training, 2) Move Marty, after introduction of new staff, he has a guest, 3) Move Brandon Benner first on the agenda. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Cathy Chavers: to approve the minutes of a special meeting held March 18, 2009 at Lake Vermilion, Minnesota. Carried 4-0-0.

Brandon Benner said he and the basketball and volleyball players would like to say thank you to the Council for the donation money that they donated toward their trip. Chairman Leecy states he says that he would like thank them for being able to represent the community. Brandon says the student council wants to come to an RTC meeting to see how everything is done.

Marge Holmes says the Elders do not have anything for this meeting, but lets the Council know that they got the post cards for the Elder's trip. Chairman Leecy asks if there was a deadline for sending them in. Marge says that there was not. Deanna Drift said she heard that it was supposed to be April 27.

Pete Drift introduces Chris Derfy, who is the new BIA Tribal Officer. He will be stationed on the Vermilion sector of the Reservation along with Marcus Knifechief.

Deanna Drift introduces Virgil Sohm who is the Mental Health Rehabilitation Worker, and Peggy Connor who is the Victim Services Supervisor.

Corey Strong introduces Ronald LaRoque and Keith Roy who are the Forestry Technicians.

Page 2
Regular Meeting
April, 1, 2009

Marty Connor along with Pete Eckman discuss the Corporative Agreement between Bois Forte Chippewa and St. Louis County regarding County State Aide Highway 23. The project is from the westerly terminus of Highway 23 out to deer lodge road, where the last re-construction project ended. In the urban areas of the village, it's a urban design, we're putting in a whole new section of under drain, street lights on both sides, they alternate from side to side as you come up west on the road, you will have side walks on both sides, which will match the sidewalk in front of the store. About 2, 000 feet in length, also within that section now, there's not a defined stem sewer the water runs down and into the outlet area, we are going to re-do all that, split the drainage and send part of it back into the west and then take the stuff from the east and bring it back down to where it is now. Bois Forte is planning on another detention pond, we're going to capture the water from the new pond and bring it into the storm sewer system. Then capture all that water and bring it back into our sewer system. That's the highlight of the village the other various things happening part of it is we're rebuilding the top section of the road bringing it up about 9 inches, we're going to have a 4 foot paved shoulder. The total project is 8.7 miles in length. The storm sewer system has all been designed and there's a part of that Bois Forte will need to cover, when we do the hydraulic design for storm sewer. St. Paul reviews that design to look at all the contributing water and they came up with a split for the funding, 55% funds of the storm sewer part will be covered , 44% with federal funds, 11 % of state aide and 45% of that cost would need to be covered by Bois Forte. That storm sewer total cost is going come to about \$220,000 which the 45% percent share is going to be about \$99,000. Marty says that the funding we have to kick into the project is coming from the funding we get from TIP BIA. Kevin asks if the Plan has been reviewed by the community. Pete Eckman states it was reviewed at the community meeting on March 24, 2009. Pete Eckman states he has been working with Dawn Benner, regarding the TERO provisions. Pete Eckman hopes to start construction in mid July and get it finished this year. Ray Toutloff asks what the estimated cost of construction would be \$4.4 million.

Moved by David C. Morrison, Sr.; seconded by Ray Toutloff; to approve the Cooperative Agreement between St. Louis County and Bois Forte. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to table Emergency Loan Program for Band Members. Carried 4-0-0.

Moved by Ray Villebrun, Sr.; seconded by Cathy Chavers; to approve Resolution No. 109-2009 to cooperate with the Bureau of Criminal Apprehension, regarding DNA testing for the Sex Offender Registry. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Villebrun, Sr.; to approve a \$500.00 incentive upon completion and certification of Emergency Medical Technician class, also to allow use of paid leave. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to approve the Amendments of the Personnel Policy regarding Leave without Pay (LWOP). Carried 4-0-0.

Patti Wilkie brings to the council the Drug and Alcohol Testing policy and procedures that was tabled at the March 18, 2009 meeting. Patti states she did implement the change for the percentage of employee's to be tested, that would be on page 5, the only thing different on my copy than the copy that you have is on page 5, item C random testing I did take Marks suggestion and add "Approximately" before the percentage rather than to hold it to that percent. Cathy asks Patti that what she's recommending is approximately 25% rather than going with the set. Patti said yes, but what she thought was the Council wanted it to be 10%. Cathy states what happened was when they discussed the policy they were going with 10% alcohol and 10% drugs and they combined it so they would test for both, so what happened was it reduced the numbers of testing, we were testing 36 before so now we're testing 18 now, so Mark recommended that we going with a approximate percentage rather than a set percentage. Chairman Leecy states that the reason why he asked for that because we have the reasonable suspicion, if they have alcohol on their breathe we can still do the alcohol test. We're reducing the alcohol to basically say "at their discretion or suspicion of alcohol"; to Chairman Leecy it seems we're spending money to do alcohol when it's apparent if someone's using alcohol. Patti said that's the reason for the original language in the policy is that we test for a higher percentage of drugs rather than alcohol, just for that reason and that's always fashioned after DOT because with the DOT requirement they do test a higher percentage for drugs than they do alcohol. Chairman Leecy asks Patti what her recommendation would be. Patti states that her recommendation is that we test for a higher percentage of drugs rather than alcohol, and right now the way it is we're going to be testing for 10% combined. Ray Toutloff asks Patti if her recommendation is about 20 or 25%, Patti said they had talked about 25%. Ray Toutloff said that the Attorney is recommending that we use the term approximately, so that doesn't put us in the situation of someone saying that we violated the policy. If we use "Random drug and alcohol testing will be conducted at a rate of approximately 25%" so we can test for 10% for alcohol but we're closure to 20% for drugs we're not violating our own policy by doing that, because we got different numbers because we're saying the word "approximately for both". Chairman Leecy states that he wants to keep it simple, keep it at 10% because he fears that he don't want to come across a new policy that is extremely penalizing, it'll be a while before people really see this although it's a zero tolerance policy we're passing, testing 2 out of 10 immediately we might have to progress ourselves into this and plus we'll have to work the financial process of doing this, Chairman Leecy asks Patti if she recommending anywhere from 10 to 20 %, Patti states yes, for Drugs. The alcohol can be a lower percentage. Chairman Leecy asks if Patti Wilkie agrees with him in putting alcohol under reasonable suspicion, Patti says its already in there and asks Chairman Leecy if we should take the word "alcohol" out of random, Chairman Leecy thinks it's a waste of money on testing, because he thinks we should just go with reasonable suspicion rather than pulling people out of their work place, when their not intoxicated we are losing money with people not doing their job and paying for testing. Patti agrees with him, since we have random testing we have not had anyone testing positive for alcohol where we have for drugs. We can strike the alcohol testing from the random

Page 3
Regular Meeting
April, 1, 2009

so that it would read that the Bois Forte RTC could request or require Individual Council Member and all Employees to undergo drug testing on a random selection basis. Jeneal Goggeye, states to leave in alcohol part in there because that would singling out people who do use drugs and letting go the ones who use alcohol, it should be the same for everybody.

Moved by Cathy Chavers; seconded by Ray Toutloff; to approve the Zero Tolerance policy with the following terminology, "Random Drug and Alcohol testing will be conducted at a rate of approximately up to 20%" With the effective date being May 1, 2009. Carried 4-0-0.

Moved by Ray Villebrun, Sr.; seconded by Cathy Chavers; to adopt resolution no. 110-2009 rescinding resolution # 35-2009, which added Paul Smith's name to Deanna Drift's lease. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Villebrun, Sr.; to adopt resolution # 111-2009 rescinding resolution # 90-2009 removing Fern Isham and Joshua Strong off of Dawn Strong's lease. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to approve resolution # 112-2009, residential lease for Dawn Strong. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David C. Morrison, Sr.; for approval of Preliminary Plats for Lake Vermilion. Phase 1- New Housing duplex and apartment Buildings; Phase 2- increased lots from 26 to 28 single family units.

Moved by Cathy Chavers; seconded by Ray Villebrun; to approve lease agreement with Circle of Life. Carried 4-0-0.

Moved by Ray Villebrun; seconded by David C. Morrison, Sr.; to approve supplemental agreement # 17 with SEH, for the Forestry Office Project and Fire Garage Project. Carried 4-0-0.

David C. Morrison, Sr. states that he just wants to let people know that there will be a new MCT building in Minneapolis on Franklin Avenue, so all the Minnesota tribes will have offices in Minneapolis. Barb states that the Minnesota Chippewa tribe proposed that Bois Forte have oversight of this office, since we already have someone working there.

Moved by Cathy Chavers; seconded by Ray Villebrun, Sr. to adjourn at 11:05 a.m. Carried 4-0-0.