

Minutes of a special meeting of the Bois Forte Reservation Tribal Council held December 7, 2011 at the Lake Vermilion Sector of the Bois Forte Reservation, Minnesota.

Meeting called to order at 9:22 a.m.

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

Members Absent: None

Others Present: Barb Brodeen; Vicki Villebrun; Edith Villebrun; Marcella Connor; Marty Connor; Tim McLoughlin; Andy Datko; Kim Greiner; John Whiteman; Justin Boness; Tracey Dagen; Brad Anderson; Doris Isham; Jeneal Goggeye; Gene Goodsky; Matthias Norenberg; Deborah Karkinen; Mary Strong; Rose Berens; Margaret Benner; Harvey Thompson; Bill Tibbetts; Jim Johnson; Allan Chosa; Deanna Drift; Bruce McCarthy; Josh Munson; Breanne Brodeen; Kenda Benner; Marilyn Geshick; Billie Mason; Jerome Whiteman; Dave Anderson; Pam Hughes; Simona Benner; Dawn Benner; Gary Gotchnik; Elaine Tibbetts; Norm Adams; Troy King; Clint Miller; Angie Whiteman; Jason Sherman; Marge Holmes; Axel Holmes Jr.; Josh Strong

Moved by Cathy Chavers; seconded by David Morrison, Sr.; to approve the agenda with the addition of a submission of a nomination of a representative to the Contract Support Costs (CSC) Workgroup. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the minutes of a special meeting held November 16, 2011 at Nett Lake, Minnesota. Carried 4-0-0.

Elders Committee: Justin Boness said people are still breaking into houses at Nett Lake. There is still the dog issue. He asks why charge \$75 an animal when the people across the street have six to seven dogs who let their dogs run loose without a leash. Justin wants to know if those people are charged \$75 an animal. The conservation officers go over there but no one answers the door.

The council tell Justin they will have someone from Housing, DNR, and Law Enforcement go to the elder meeting on Monday in regard to the dog issue.

Jerome Whiteman asks when he goes to the clinic they ask, "What do you have to see the doctor for?" He doesn't think that is very professional. He said when he was asked he told them it was none of their business. Cathy Chavers said they ask that for scheduling purposes so they know how much time to block off. Jerome said not that, it is when he comes in for the appointment. Jeneal Goggeye said that is the first time she heard of it and she will address it with her staff. She said when you call for an appointment that is when you are asked for scheduling purposes.

Marilyn Geshick said they had an on-site scare about two weeks ago and she had requested some information. The alarm went off. She asked staff verification of what happened, what was wrong, and how it was corrected. She asked Carol Burr but hasn't received nothing. Chairman Leecy asks Barb to follow up because that is a serious situation.

John Whiteman distributes four items to the tribal council. The first item is a copy of a letter Miranda Lilya sent to Deanna Drift informing Deanna her recent agenda request titled "Digital voice recordings of Code of Ethics Violations" has been referred to Human Resources for handling and in order to determine whether a violation has occurred Deanna needs to send Miranda all information relevant to the alleged violation. The second item is a letter dated October 3, 2011 to the tribal council requesting the dismissal of Executive Director Barb Brodeen. The third item is a letter dated December 3, 2011 signed by Marcella Connor and Mavis Drift stating they feel Barb Brodeen continues to violate the Bois Forte Code of Ethics on a weekly basis and they have a letter of support signed by 204 tribal members asking for her termination. The fourth item is a paper with the definition of sovereignty, variants of sovereignty, and examples of sovereignty.

Marcella Connor said they have a letter they are giving the council requesting the dismissal of Barb Brodeen for all of her things that she's done to our people. The people apply for jobs but are told they can't get an interview, or are overqualified, or whatever. Marcella said they have 204 signatures. Marcella said she won't present the names to the council until after the council accepts the letter because a lot of those people are afraid of retaliation. She said they want something done on this today. Marcella said they aren't sure how to do this, but they have people that will come and talk on it.

Chairman Leecy said the council will accept the letter and review it and find out where to go from there. He said it is difficult to accept signatures to fire someone, hire someone, or discipline someone without reviewing the information.

Marcella Connor said there needs to be more honesty and fairness in hiring and firing people. You don't just up and say, "Okay, your fired". There needs to be good reasons. Marcella said a lot of them don't have good reasons, they are just fired for whatever reason.

Deanna Drift said she is one of those people. She is a former commissioner and that is why she is here today.

Chairman Leecy said the council nor anyone else cannot reveal personnel information. A lot of people are hearing one side of the story. If those individuals sign a release of information then people would hear both sides of the story.

Brandon Benner asks if that is federal law. He thinks an outside attorney should break the language down into simple terms that everyone would understand.

Marcella said the elders are not asking for information on anything. She said the people see things differently. She said the council only sees what they want to see. She said the people see everything, how everyone is being treated and handled. She said honesty and fairness is needed in this situation. She said people go to the elders and ask why are things only happening to them.

Bill Tibbetts said his wife was released from Fortune Bay. He said they contacted the EEOC three years ago. He said they got a letter the other day from the EEOC stating EEOC cannot do anything because of the tribal government. Bill asked what they could do. He said he was told they could sue the RTC. He said he and his wife were thinking about that right now for the way that she was released.

Mary Strong said her cousin got a lateral transfer and yet she lost \$5.00 an hour. She said a lateral transfer is when you move a person over. You do not take money away. Mary said losing \$5.00 an hour is a demotion. She said the council is losing trust because they are not listening. Mary said the council needs to listen or else the council will need to be replaced. There is no job security. People say the casino is a laughingstock because good people are being fired. They ask Mary why people are being fired. Mary tells them the employees that are being upgraded are not trained, that they are being put in for failure. Mary said there was a person in guest services and was made a boss but to given training. That person never missed a day of work. That person was made a boss but that person didn't want to be a boss. Mary said that person walked off the job because of being told they were not doing their job. Mary said she never signed a petition before but this time she did because she feels things are not working and she is ready to replace all of the council.

Chairman Leecy said he can't release the information, that a disclaimer needs to be signed in order for everyone to get an accurate description of why people were released.

Mary Strong said her daughter was let go at Fortune Bay. She worked all the extra events. And she was let go.

Ray Toutloff said the council will accept the letter. He said the council hasn't discussed this as a council. The council will review it with legal counsel and respond officially. The council needs time to discuss and hear all sides.

Mary Strong said the elders don't have legal counsel but maybe they will need to get one.

Cathy Chavers said she has heard rumors about a petition. And she is glad it is here so the council can address it so everyone can move one.

Marcella Connor said she didn't do this out of spite because Marty lost his job. She said she was tired of hearing everybody complain. She said she gets calls about the ambulance, the water, their bills. She said she got a call from someone that their alarm was going off on their sewer and they asked Marcella what they should do. She said people are complaining about the transfer station being closed down. Now she hears people say there is garbage here, garbage there, what is going to be done about it.

Mary Strong said a lot of people are complaining about they are getting more white people hired than Indians. She said if you look at the casino, that's how it is. She said a lot of it is our people don't get the training, nobody offers them training. She said our people need to be trained.

Marilyn Geshick said on the agenda there is an agreement with Eileen Barney to assist the energy assistance program. Marilyn said she thinks that is a waste of money. She said the elders are also wondering where the council is getting all the money to spend. She said that item shouldn't even be on the agenda. She said the person that is in there should be able to do that and that person also has a supervisor that can help.

Barb Brodeen said the person that is in the energy assistance is new. The contract is for Eileen to come in for a 40 hour block of time to train the new person.

Marilyn Geshick said the person should have an inkling, and the supervisor should show her how to do it. There should be records from before that she can go on. Marilyn asks where the money is coming from to do it.

Barb Brodeen said the money to pay Eileen is coming out of the TERO funding which is meant to train people.

Marcella Connor said if Eileen takes that job she will lose the money she is getting from NICOA. Marcella said that is what happened to her when she got a job.

Marilyn Geshick said she heard it more than once, that if you can't do your job, then you leave.

Marcella Connor said when she got let go, she was told she had enough training and she could go out and get a job. Marcella said what kind of job could she get. She said there is nothing for her on this reservation.

Marilyn Geshick said these are the kinds of things the elders question. She said why don't they use the money for something else that hasn't been done. She said Eileen learned all by herself.

Moved by Ray Toutloff; seconded by Cathy Chavers; to accept the letter. Carried 4-0-0.

Barb Brodeen said if anyone feels they haven't been treated right in their employment and want to release their entire record so that everything can be put out on the table, there are some release of information forms that anyone can come up and get and fill it out and give it back to Wick-o. If anyone feels they have been mistreated in their employment then fill out the forms so their entire personnel records can be released.

David Morrison, Sr. said he hopes people won't come back and accuse the council of micromanaging. He said that is why the personnel policy was put in place. It's been in place for a long time. He said some of the elders here today were on the tribal council that put the personnel policy in place for guidance for all employees. That action was taken to keep tribal members from micromanaging and being accused of nepotism, politics, whatever. David said when the council gives the elders an answer on this issue, that they don't come back and accuse the council of micromanaging. Sometime employees don't work and sometimes they do. The elders are saying two different things. One thing the elders want when people get dismissed is to get them training. Then the elders turn right around. The council is trying to get that young lady trained by a woman that worked in there for a number of years, then the elders say it is a waste of money. David said all the council is doing is to try to train that young lady properly, she is brand new to the program. Corey Strong knows the ins and outs of that program also but if he had to sit there and train all of his employees, the rest of his staff, then he wouldn't be able to do the rest of his job. David said when this is looked at and a decision is made, there will be people that aren't happy with the decision, and there will be people that may be happy with the decision. And as far as the comment made in regard to replacing the council, every council member here today, when their term comes up, they aren't guaranteed to get in there each election, it's up to the people. If a person gets in there it's fine, if he doesn't, life goes on.

Deanna Drift asks if she signs the disclaimer, what is it allowing? The elders to hear?

Barb Brodeen said it is a release for everybody. It this is going to be put out on the table, then everybody needs to see what the truth is. If someone is accusing the tribal government which is a serious matter.

Deanna Drift said she has her own records.

Barb Brodeen said the council has the official records when it comes to somebody's employment. If someone feels they have been mistreated, then sign the disclaimer and let the personnel records out so anybody can look at them.

Justin Boness said to pass them out to everybody. Mail them out.

Jerome Whiteman said he has an issue with personnel records. There was an issue with Head Start about four years ago that was suppressed. Jerome said he heard the remarks that the Chairman had made pertaining to those sheets of paper.

Chairman Leecy said he doesn't recall what he said.

Jerome Whiteman said there was a meeting over here. There were people that came to Jerome and said what Chairman Leecy had supposedly said. Jerome said his granddaughter was hurt pretty bad.

Barb Brodeen said the difference in that case was the insurance company was involved and they were the ones. It had nothing to do with the government releasing information.

Chairman Leecy said the motion was made to accept the letter. He thanks the elders for their comments and tells them the council will continue to look at it.

Marcella Connor said if the elders don't hear from the council before the next meeting, then they will have to use their second recourse. She said the elders have a second recourse.

John Whiteman tells the Council thanks for doing the job they are doing, but right now they are not very pleased. He said there is a serious lack of communication. He said what the council is saying and what is getting back to the people is not the same. There is too much gossip. He said He said there needs to be more communication, honesty, fairness, and morals. He said something needs to be done about the culture. John said in regard to sovereignty, he said everyone says we're going to lose our sovereignty. He said no one ever explained to him what that means, what is going to be lost. Another issue he has is he thinks there needs to be a grievance committee made up of delegates from the tribal council, upper management, employees, and elders. John said the elders intend to go on with the elder group even if they have to do it on their own. In regard to unionizing at the casino, he said it was said we would lose our sovereignty. John said that would only affect upper management if unionizing at the casino happened.

Moved by Ray Toutloff; seconded by Brandon Benner; to appoint Rick Anderson to the Boys & Girls Club of the Northland – Lake Vermilion Unit Advisory Committee. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to adopt resolution #37-2012, policy that applicants for foster care licenses and license renewals shall as a condition of licensure be required to submit to drug testing and during the term of the license be subject to random, unannounced testing. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Cathy Chavers; to adopt resolution #38-2012, submission of an application for the Indian Community Development Block Grant funding to construct two

new soft ball fields and upgrade of pow-wow grounds for the communities of Nett Lake and Vermilion and commitment of \$275,160 in the form of services, in-kind, donations and labor towards the construction and development of the project; and the Operations and Management Plan for the project. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Brandon Benner; to approve morning coffee and lunch and the tribal rate on hotel rooms for the members of the Advocacy Council for Tribal Transportation (approximately 25 people) who will be having their quarterly meeting at Fortune Bay on July 20, 2011. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to adopt resolution #39-2012, Transportation Improvement Plan. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Cathy Chavers; to approve the agreement with Eileen Barney to provide training to the Energy Assistance Program Coordinator for the energy program and training for the operation and implementation of the CITGO energy assistance funds. Carried 4-0-0.

Marcella Connor said if Eileen Barney accepts then Eileen will be removed from NICOA. Barb is to make sure Eileen knows that.

Moved by Ray Toutloff; seconded by Cathy Chavers; to approve MB Customs as the general construction contractor for the KBFT Build-Out construction project (building two rooms in the existing Nett Lake Boys and Girls Club). Carried 4-0-0.

Moved by Cathy Chavers; seconded by Brandon Benner; to approve Nelson Collie Electric for the electrical portion of the KBFT Build-Out construction project. Carried 4-0-0.

Moved by Cathy Chavers; seconded by David Morrison, Sr.; to approve Radotich Inc. for the mechanical portion of the KBFT Build-Out construction project. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Cathy Chavers; to approve Northern Door & Hardware, Inc. for the doors for the KBFT Build-Out construction project. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to appoint Doris Isham to the University of Minnesota Indians into Medicine (UM INMED) Advisory Board for the Center of American Indian and Minority Health (CAIMH) at the University of Minnesota Medical School Duluth. Carried 4-0-0.

The public works department had 13 invoices for costs incurred outside the procurement policy in the amount of \$44,240.23. Kim Greiner is requesting approval to pay those invoices. Moved

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by Cathy Chavers; seconded by Ray Toutloff; to approve paying the 13 invoices from the Public Works budget. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Brandon Benner; to approve the purchase of 564 gift cards for the elders for 2011. Carried 4-0-0.

Moved by Cathy Chavers; seconded by David Morrison, Sr.; to approve a waiver of the procurement policy for the Public Works department for \$13,000 for equipment repair. Carried 4-0-0.

Moved by David Morrison, Sr.; seconded by Ray Toutloff; to nominate Cathy Chavers to the Bemidji Area representative on the Indian Health Service Contract Support Costs (CSC) Tribal Leaders Workgroup. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to adjourn the meeting at 10:49 a.m. Carried 4-0-0.