

Minutes of a special meeting of the Bois Forte Reservation Tribal Council held May 18, 2012 at Nett Lake, Minnesota.

Meeting called to order at 9:12 a.m.

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

Members Absent: None

Others Present: Barb Brodeen; Mark Anderson; Vanessa Little; Justin Boness; Gary Donald; Harvey Thompson; Pam Hughes; Carol Burr; Connie Harju; Kathie Holman; Pete Drift Sr.; Tara Geshick; Corey Strong; Tonya Connor; Tom Burr; Kevin Koski; Andy Datko; Miranda Lilya; Jerome Whiteman; Marilyn Geshick; Robbie Goggeye; Chris Day; Mary Strong; Mike Connor; Marcella Connor; Phyllis Boshey; Gary Gotchnik; Jim Tolan; Virgil Sohm; Dave Larson; Peggy Connor; Dawn Benner; Jeneal Goggeye; Dave Anderson; Barry Porter; Jim Johnson; Toni Wakemup; Lori Littlewolf

Invocation by Harvey Thompson.

Moved by Cathy Chavers; seconded by David Morrison, Sr.; to approve the agenda with the change that the two contracts under Wendy Thompson be moved to executive session; and to remove Corey Strong and Tonya Connor with the demolition of Albert and Ruth Ann Strong's house. Carried 4-0-0.

Moved by Cathy Chavers; seconded by David Morrison, Sr.; to approve the minutes of a special meeting held May 2, 2012 at the Lake Vermilion Sector of the Bois Forte Reservation, Minnesota. Carried 4-0-0.

Moved by David Morrison, Sr.; seconded by Ray Toutloff; to approve the minutes of a special meeting held May 8, 2012 at Nett Lake, Minnesota. Carried 4-0-0.

Elders Committee: Jerome Whiteman said the elder committee will be running out of money at the end of the month. They have more and more elders attending the meetings. Cathy Chavers said there is probably enough in the elders budget for another month and she suggests they meet with accounting and come up with an estimate of how many elders will be attending the meetings. Cathy also suggests the elders provide accounting with the names who attended meetings each month so accounting can help keep track of their budget. She said the elders should provide financials at each meetings so all the elders know about their budgets.

Jerome Whiteman said there is digging going on at Fortune Bay and there are graves where they are digging. Gary Donald has a concern with the Big Nose Cemetery at Vermilion. He said when the golf course was being built the 13<sup>th</sup> hole and the 14<sup>th</sup> tee were close to that cemetery and it was decided at that time there would be no further development in that area. There was a

barrier put in but now they noticed there is construction going on and a house being built there. Gary is requesting the council take action and preserve that site and restrict it from further development and no more leases in that area because of the cemetery in that area.

Phyllis Boshey said they were called over there because someone was digging already. She said the people that have the lease are the Lehti's – John Lehti who are trying to build a 30x50 house. He talked to Rose Berens because he wanted to build over the graves. He had said he wouldn't disturb the graves. Phyllis wanted Rose to come today but she had to go to International Falls. Phyllis said Rose told the Lehti's it would never be allowed. The Lehti's asked if the graves could be moved. Rose told them, no, they don't move Indian graves. Ray Toutloff stopped the digging that day. Phyllis said she used the two big trees in that area as markers for the graves and one of the trees was cut down, so they are already disturbing the ground there. They are piling the dirt on top of those graves. Phyllis said she would like to see that lease taken away. Phyllis asks Ray Toutloff what should be done, if the dirt that is piled should be taken away a little at a time.

Ray Toutloff said he thinks all the materials should be reviewed, everything that is associated with that piece of property. He said probably at some point there was discussion on making that area off limits and it probably should be. Ray said the leaseholder of the property still needs to be considered. They should be told they can't build over spiritual grounds and that another place should be found for them. Ray said there is a building permit process in place and he thinks the leaseholder may not have followed that process, that he did it the way it used to be done. Ray said the building permit process reviews gravesites, water and sewer, for all the individuals who want to build at Vermilion.

Chairman Leecy said when the land use plan was developed they tried to identify all the spiritual areas and probably that needs to be reviewed again. Chairman Leecy asked the council that the lease be canceled and that the site be taken out of the lease inventory.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to cancel the lease for John Lehti, and to take that lot out of the lease inventory. Carried 4-0-0.

Chairman Leecy said to have the elders involved in the process and have them review the land use plan.

Corey Strong said there is another similar lot at Vermilion with graves on it. Chairman Leecy said to review the lease and bring it back before the council.

New tribal government staff: Robbie Goggleye introduces Chris Day who is the new seasonal groundskeeper.

Moved by Cathy Chavers; seconded by David Morrison, Sr.; to approve the renewal of the Minnesota Community Application Agent Partnership Form. They help with the process of the applications from individuals for Medical Assistance and Minnesota Care. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to approve the contract with the Arrowhead Economic Opportunity Agency – Transportation Department for Arrowhead Transit to provide one bus for employment transportation and general public transportation services from Virginia to Vermilion, and return, Monday through Friday, excluding holidays. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Cathy Chavers; to approve the agreement with Ability for the purpose of Bois Forte Health Services to electronically submit their claims to all the insurance companies. It will also check for insurances if patients forget their insurance cards at home. It will allow Health Services to check for insurance coverage for single and family. It will assist Contract Health to look up insurance information for claims being paid outside of the reservation. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Cathy Chavers; to approve the agreement with Kyra Briggs to plan, prepare and provide summer activities for the International Falls Summer Program. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to adopt resolution #82-2012, authorizing the Bois Forte SORNA Compliance Officer working in conjunction with the Bois Forte Police Chief, Director of Judicial Services and Band Prosecutor to conduct a public community notification meeting within thirty days of acquiring knowledge that a Tier 2 or Tier 3 convicted sex offender moves to or evidences an intent to reside with the Bois Forte Indian Reservation or attend school or commence employment by the Band or within the reservation. Carried 4-0-0.

Moved by Cathy Chavers; seconded by David Morrison, Sr.; to appoint Troy King as the Indian Point Alternate to the Utility Advisory Committee. Carried 4-0-0.

Brandon Benner said he was appointed to the Utility Advisory Committee and he attended one of those meetings and he didn't see the significance of having a council member sit on that committee because he didn't feel he could give advice for the council when he doesn't know what the other council members would say.

Chairman Leecy said it doesn't make sense that a council member would go to those meetings and hear those issues at that meeting and then again when those issues are brought to the council.

Mark Anderson said the bylaws says members of the tribal council can be assigned to sit on any committee created by the tribal council. They don't have to be but they can be appointed if they wanted to serve. Mark said to change it would be to look at the resolution that created the utility advisory committee and omit the council member.

Tara Geshick is to bring the bylaws back to the next RTC meeting.

Tara Geshick said Milo Villebrun was in Virginia with the red truck that is used for the curbside program. The truck started acting up so Milo brought it to Lundgren's. Lundgren's called Tara to let her know it would cost about \$4,000 to fix it so Tara told them to fix it. While they were fixing it they found more things wrong with it so Tara told Milo to leave it so it could get fixed. The cost was \$7,183.48. Originally the cost was under \$5,000 which did not trigger the 3-quote

requirement. Tara is requesting a waiver of the procurement policy in regard to the quotes. She has money in her budget to cover the cost.

Moved by Cathy Chavers; seconded by Ray Toutloff; to waive the procurement policy in regard to the requirement of getting three quotes for anything over \$5,000 for the repair work that was done on the red truck that is used for the curbside program. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Brandon Benner; to adopt resolution #83-2012, requesting the BIA to transfer the BIA building 723 (“CCC/Road’s Shop”) to the Bois Forte Band for the Forestry Program. Carried 4-0-0.

Moved by David Morrison, Sr.; seconded by Cathy Chavers; to adopt resolution #84-2012, authorizing the Chairman to sign the application for the contracts with USDA Natural Resources Conservation Service for writing forest management plans for the allotted lands on the reservation. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to adopt resolution #85-2012, lease cancellation, Corey Strong, for purposes of refinancing through a Section 184-Guaranteed Loan and Mortgage of the leasehold interest. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to adopt resolution #86-2012, new residential lease, Corey Strong. Carried 4-0-0.

Moved by Cathy Chavers; seconded by Ray Toutloff; to approve the Legal Services Agreement with Mark Anderson of Jacobson, Buffalo, Magnuson, Anderson and Hogen, P.C. for the Vermilion Clinic Project. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Cathy Chavers; to approve the amendment to the agreement with Short Elliott Hendrickson (SEH) for landscape design services for the New Moon Project. There playground structure will be smaller and a basketball court will be added. Carried 4-0-0.

Moved by Cathy Chavers; seconded by David Morrison, Sr.; to approve the agreement with Short Elliott Hendrickson (SEH) for survey work needed for the ballfields, pow-wow grounds project. Carried 4-0-0. Community meetings will be held for input from the community and the elders on these projects.

Dawn Benner asks why SEH gets all the work for the Band. Andy Datko said several years ago the tribal council went through a competitive process for architectural and engineering services and interviewed four or five firms and selected SEH and entered into a master services agreement with them. Dawn asks how long the agreement is for. Andy said he doesn’t know but will find out. Barb Brodeen said they were selected because they architectural, engineering, and grantwriting services. Chairman Leecy said the council will take another look at that process.

Moved by Cathy Chavers; seconded by Ray Toutloff; to approve \$80,300 for the Operations of Supportive Housing Project budget for staff start up costs. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to adopt resolution #87-2012, withdrawal of funds from the Department of the Interior for acquisition of equipment for Tribal Government programs. Carried 4-0-0.

Gary Gotchnik and Jim Tolan distribute information on what Fortune Bay has paid from 2007 through 2011 for the Vermilion Pow-wow's. Gary asks if Fortune Bay should continue doing what has been done in the past. There are invoices that are starting to come in for the next powwow and Gary said he now understands Fortune Bay will be taking care of those.

Cathy Chavers said the Tribal Council funds \$25,000 for each pow-wow, the Sah Gii Ba Ga pow-wow, the Winter pow-wow, the Vermilion pow-wow, and the MiiGwetch Mahnomin pow-wow. Each year the Vermilion pow-wow goes over budget. Last year it was by about \$6,000. Why Jim and Gary are here is that Fortune Bay also contributes to that pow-wow, last year they contributed \$7,300. Cathy said each pow-wow is funded \$25,000 and that is all the funding the council has for them, and if it goes above and beyond, it would seem that would be the responsibility of that pow-wow committee to come up with the funding.

Brandon Benner said he understands by taking the hands-on approach to the pow-wow, he sees where the Nett Lake pow-wow costs were cut down, almost in half. He said so it can be done. He said they need to decide if they are going to stick within the \$25,000.

Cathy Chavers said there is \$25,000 for each pow-wow and they need to stick within that realm. If Vermilion decides they want to have two pow-wows they would get another \$25,000 for it. She said it is all Bois Forte and it needs to be fair to everyone. By being fair to everybody means that everybody gets a set amount to work with.

Jim Tolan goes over the information that was handed out.

Gary Gotchnik said Mary Strong and Tracey Dagen work very hard on the pow-wow. Mary Strong said when the people get the honorariums they spend it at Fortune Bay and the Y-Store. Mary said they have more people at their pow-wow. And they spend a lot more.

Brandon Benner said they are equal distance when people come to the pow-wows. He said he has been to a couple of the pow-wows at Vermilion and he can't see that it is bigger. It looks the same. He said to get a true measurer on the size would be to look at the registered dancers and he asked for that list.

Mary Strong said they have the registers for the dancers.

Brandon Benner asks who has them, Jackie? She would be able to look at the registered dancers for Vermilion and each of the ones at Nett Lake. Brandon said if Vermilion had two or three pow-wows, they would each have \$25,000 for each of them. Brandon said it needs to be clarified on if it will be kept as is or changed, or keep funneling expenses through Fortune Bay when that isn't done for the pow-wows at Nett Lake. The council needs to decide that, that is why it is here.

Mary Strong said to look at the big picture and how much that one pow-wow gives to Fortune Bay and the community around it. Mary said as to the culture committee, they haven't even had a meeting. Jackie come up for their pow-wow committee meeting but she didn't know anything about the one at Nett Lake because she wasn't included in it.

Ray Toutloff asks Mary if the Vermilion pow-wow is in line with the Nett Lake one. Is there a consistent amount being paid. Mary said she doesn't know how much Nett Lake pays because she has never been to any of their meetings.

Ray Toutloff said he thought that was one thing the culture committee was going to do, to come up with consistent rates for dancers and drummers.

Brandon Benner said that is what she said, the culture committee doesn't meet. There is no plan as far as restoring the culture and anything else like that. Brandon said he hasn't seen any plans in trying to restore it or anything.

Ray Toutloff said that should be the first step, to get the culture committee to coordinate that. In the meantime, for the pow-wow at Vermilion, it is business as usual. But then the culture committee will need to get together and follow through on the assignment the council gave them, come up with some plan and some rates for the pow-wow and then they will be consistent in both communities.

Mary Strong said they have the by-laws they were given and people are dropping out like flies from it. She said she could probably count on one hand who is on the committee. She said she doesn't know who is trying to control the committee, but there has been no meetings. She said when her and Tracey come up to the meeting, there is no place to meet, everything is shut down.

Brandon Benner said eventually the five council members have to hear about everything, whether it is the overexpenditures, the money not being accounted for, paying our own people to do things they should be doing anyway. He said the judgment won't be made until after Sah-Gee-Baa-Gaa Days and it comes in under budget with volunteer work from our community. That's the only reason he said he is running the pow-wow this year. And he volunteered it. That was after the lady that ran the last pow-wow didn't want to do it. It already is under budget with tons of volunteers.

Mary Strong said the only ones that get paid at Vermilion are the ones that do the actual work, security, cooks, and clean up crew. The rest volunteer their time. Mary said the council needs to get a culture committee that works under the guidelines. She said she did not quit it, she is not a quitter. Her daughter is still in it too.

Ray Toutloff said the culture committee members are appointed, how do you get them to meet. Do you do it like the pow-wow committee – let people off during the day to meet.

Brandon Benner said he doesn't see why not.

Cathy Chavers said one of the main purposes of the culture committee was to guide the council in regards to cultural issues and pow-wows. Another issue was to come up with a standardized way of paying this person, this dancer, this honorarium, or whatever because they were so inconsistent. They need to be straight across the board. Cathy said she would like to see the members excused from work to meet, and she would like to see it straight across the board for Bois Forte. It is not Nett Lake and Vermilion, it is Bois Forte. This is causing us to fight.

Cathy Chavers said the council is constantly hearing about it from the elders, and the band members, about preserving our culture and language. The culture committee was developed to do that. And it was said people are dropping out of the culture committee. They are dropping out because of personalities. People can't put their differences aside and sit down and say what they need to do. The council is asking for help and not getting it.

Jerome Whiteman said people need to look at themselves when presenting an issue, because it depends on how they are presenting that issue. Are they taking an adversary role.

Ray Toutloff said Fortune Bay should be taken out of the equation as far as paying the bills and doing the paperwork. The pow-wow committee in Nett Lake do that with one of the accountants on the government side. There should be that same connection on the Vermilion side. Someone on the Vermilion side needs to do that, do the ordering, etc., with consultation from one of the accountants. It would be a step in the right direction to get employees to plan.

Chairman Leecy said he knows how hard Mary works on the pow-wows. There is a lot of hard work that goes into them. He said maybe we need to re-do the pow-wow committees and get everyone involved, including the elders and the whole community. Put differences aside. It's kind of disheartening talking about pow-wows and money, because that's not the way it should be. We should step back, re-post the pow-wow and culture committee, and ask the elders for advice on this.

Brandon Benner asks if the pow-wow committees would be separate from the culture committee so if someone wants to work on the pow-wow but not the culture. Or would the pow-wow committees be combined into one that they work on all four pow-wows.

Chairman Leecy said if the council is in agreement to repost the powwow committee and have members from both Nett Lake and Vermilion on it.

Brandon Benner asks Ray Toutloff if Fortune Bay should be taken out of the process for this one. Ray Toutloff said yes, he would recommend Fortune Bay not be, they are like the fiscal agent right now, They would need to have one of the committee members take the responsibility and the fiscal management and work with the tribal accounting office.

Mary Strong asks if it would be anyone that works for the reservation.

Ray Toutloff said yes, anybody that is an employee of the reservation could volunteer for the pow-wow committee. And if they have meetings during the work day, they staff would be excused to do that very important work.

Chairman Leecy asks Gary Gotchnik, if Ray Toutloff is recommending to pull this back to the government, is there an opportunity for employees at Fortune Bay to be allowed time to get involved in the pow-wow, like the government side.

Gary Gotchnik said definitely. A lot of the band members that work at Fortune Bay would love to get involved.

Ray Toutloff asks if they would be able to do that during their work days.

Gary Gotchnik said they would have to look at their schedules, busy times, but he is sure that during the day a lot of them could break away for a meeting. Gary said they are running out of time for the pow-wow, it is about three weeks away.

Ray Toutloff said it probably couldn't be changed right now, but they are heading in the right direction. It will be business as usual this year, but it will need to be changed.

Gary Gotchnik said yes, business as usual this year, it will be run through Fortune Bay but in the future it will be changed.

Brandon Benner said he wanted to clarify that he was appointed to head up the pow-wow by the entire tribal council, no one was against it. It wasn't him coming in and taking over the pow-wow.

Barb Brodeen said, for the record, the reason the council appointed Brandon to take over the Sah Gii Baa Gaa Day pow-wow was, in the past there were questions on how the allocation of money was being spent. From a management point of view the money that is going out needs to be accounted for. When there is an audit, the council is held accountable. Barb commends Brandon for taking it over and she thinks it is a good idea.

Chairman Leecy said the council is in consensus for Mary Strong to go forward with her plans this year because the pow-wow is only three and a half weeks away. The council will post for a new pow-wow committee for next year with members from both Nett Lake and Vermilion.

Kevin Koski said he works in emergency management now and was made the defacto treasurer of the fire department. He has been helping with recruiting and things for the fire department. They got six more recruits. He is helping with planning and doing more trainings. They started an on-call schedule with at least three people on-call every day. They improved their radios and things to improve their response time. They are here today to ask to abolish their current by-laws so they can redo them. They are almost twenty years old, vague and outdated. They need to better define a quorum because they haven't been able to conduct business at the meetings because they can't get a quorum.

Moved by Cathy Chavers; seconded by David Morrison Sr.; to suspend the Articles of Incorporation of the Bois Forte Volunteer Fire Department and to authorize a general meeting of the members, all the volunteers age 18 and over, for reorganization and to bring their

recommendations back to the council. The fire department is to continue to follow their on-cal schedule. Carried 4-0-0.

Chairman Leecy thanks Cathy Chavers for her hard work on the council and invites everyone to attend the celebration today for.

Moved by Cathy Chavers; seconded by David Morrison Sr.; to adjourn the meeting at 11:51 a.m. Carried 4-0-0.