

Minutes of a special meeting of the Bois Forte Reservation Tribal Council held May 15, 2013 at the Lake Vermilion 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.; Brandon Benner; Karlene Chosa; Ray Toutloff

Members Absent: None

Others Present: Corey Strong; Mark Anderson; Gene Goodsky; Vicki Villebrun; Kim Greiner; Darla Flett; Chris Holm; Andy Datko; Virgil Sohm; Pam Hughes; Clint Miller; Linda Tibbetts-Barto; Joel Astleford; Marilyn Geshick; Peggy Connor; Jeneal Goggleye; Pete Drift Sr.; Tina Stanley; Tom Burr; Carol Burr; Henry Goodsky; Sidra Starkovich; Rose Berens; Bernard O'Leary; Angela Wright; Bill Latady; Bill Whiteman; Gordon Adams Jr.; Billie Mason; Christine Bloom; Karen Drift; Theresa Drift; Wendy Thompson; Farrah Drift; Vanessa Little; Jim Johnson; Dawn Benner; Kevin Koski; Barb Brodeen; Gary Gotchnik; Norm Adams; Miranda Lilya; Patty Beech; Nikki Pieratos

Moved by Karlene Chosa; seconded by Ray Toutloff; to approve the agenda with the following changes: 1) add Joel Astleford with the FY2013 Tribal Transportation Program Addendum to the Annual Funding Agreement, 2) add Joel Astleford with the Amendment #1 to the Annual Funding Agreement for the Tribal Transportation Program, 3) add Nikki Pieratos with a request to include partnership with Lutheran Social Services in a financial education grant proposal, and 4) add Sidra Starkovich with a resolution to submit a grant application to the Administration for Native Americans for a Language Preservation and Maintenance project. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Brandon Benner; to table the minutes of a regular meeting held April 11, 2013 until Vicki Villebrun retypes them. Karlene Chosa said she had requested it word for word language on the reasons why she called for a roll call vote on transferring an employee contract from executive session to the general session. And to correct the name on Page 3, in regard to a lease, add Jr. to Roger A. Toutloff. Carried 4-0-0.

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Elders Committee: Bernard O'Leary said the elders want to update the elder committee bylaws. They want to know who can do the money part. Chairman Leecy said the bylaws should be separate from the operational part. Mark Anderson will look at these.

Peggy Connor said 38 elders went to the elder abuse conference in Hinckley. The cost for attending was \$1,456 and the elders did fundraising and raised \$833 for it.

Peggy Connor said she was appointed trip coordinator for the elder trip to the Black Hills. She said she needs approval from the council for that. Chairman Leecy said she can bring that back to the elders for approval – her being appointed trip coordinator. Peggy said they also need one person with a credit card.

New tribal government employees: Jeneal Goggleye introduces Linda Tibbetts-Barto who is the new Sexual Assault & Elder Abuse & Truancy Track Case Manager.

Discussion on the cookiecutters. Chris Holm said there are three levels of protection, 1) State and Bois Forte DNR both require physical inspection of equipment for presence of plant parts by certified personnel prior to moving the equipment to and from the worksite and after the work is completed, 2) equipment is sprayed with 140+ degree F hot water inside and out with a 3500 psi pressure wash to clean and kill any unwanted riders, and 3) equipment is left out of the water to dry for a period of at least a week to desiccate and kill any plant material that may have escaped other treatments. Chris said the lakes the cookiecutter is going to do not have any invasive species.

Karlene Chosa said she voted no when the council was polled on the agreements because of it going to different lakes because of the invasive special issue. Karlene wants to make it clear that she is still against it because of those problems and it is only getting worse out there.

Ray Toutloff asks what happens if the equipment is damaged. Chris said if the damage is something that occurs by them, they would be responsible.

Karlene asks if there is anything in the contract about clean up if there were to be an issue with invasive species. Chris said right now there is nothing to that effect in the contract. He said he sees the probability of the spread of something being extremely low because there are no invasive species in those two lakes, and because of the several levels of cleaning controls as well.

Chris also said they have been keeping track of the plant species on Nett Lake since 1996 and that list of plant species has not changed since then. So nothing new has been brought in since they've been doing the cookiecutter contract jobs.

Brandon Benner asks how many jobs have been done so far and over what period of time. Kim Greiner said about 7 or 8 jobs over the last 9 years. It generated about \$58,000 additional money for that program. Chris said for these two jobs, one will be for \$40,000 and one for \$50,000.

Karlene Chosa asks if the cookiecutter were bought for the purpose of renting them out, or for the lake. Chris said for the lake. Chris said they used to get \$60,000 a year from the BIA for the program but do not get that anymore, no one does anymore, so they have been getting money from Circle of Flight but with the change of management at the Bureau he sees a threat to those dollars too. So the contracts will be helpful to make up for the slack if that happens.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the agreement with the Sibley County Environmental Services Department for Bois Forte to provide cookiecutter services on Erin Lake near Green Isle, Minnesota. Carried 3-1-0. Karlene Chosa against.

Moved by Brandon Benner; seconded by Ray Toutloff; to approve the agreement with the Lake Fourteen Clear Water Alliance to provide cookiecutter services on Lake Fourteen south of Cook, Minnesota. Carried 3-1-0. Karlene Chosa against.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the 2014 Minnesota Continuation Head Start Grant. Carried 4-0-0.

Billie Mason said in regard to the sequestration, the Office of Head Start decreased the Federal Head Start program budget by about \$21,000. Billie, Christine, and Vonda have been meeting trying to find ways on how to meet that amount. There are many head start programs that are shutting down early. That is not an option for Bois Forte because the end date was mid-month and the majority of the mid-month expenses would have been in salaries and fringe so that would not have been too much of a savings. Billie said to delay Head Start for one month would save enough to cover the amount of the sequestration. This was presented to the policy council and they had questions but did approve it. This is being brought to the council because both governing bodies need to approve it before it is submitted to the Office of Head Start. Since the time that this was put on the agenda, Christine met with the Bois Forte transportation department and one of the options would be to transfer Head Start's transportation program to the Bois Forte transportation department, so Head Start would no longer have a bus driver or a bus and no longer have that expense outside of the contracted rate with the transportation program. There are things to work out yet for that but if it is possible then that amount would cover the sequestration and Head Start would not need to be delayed for a month. Billie is requesting approval to delay Head Start one month so that is in place if the transportation option doesn't work out.

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Brandon Benner asks how much the one month delayed start would save. Billie said about \$30,000. The majority would be salary, fringe and benefits, gas, and the food program. Brandon said he thinks Christine fully understands and what he wants everyone to understand is \$30,000 is not a huge number to have a full Head Start program.

Chairman Leecy said the sequester is not done, there is a 5% cut on the federal level, and 10% could be coming shortly. And probably 30% down the road. So we need to get prepared for that. A lot of tribes across the country are preparing for the sequester and are starting Head Start late, and ending earlier, and extending Christmas vacation. He said in regard to the transportation program, the Head Start bus is specially made to accommodate students and they would be going onto adult size buses. Christine Bloom said the buses need special car seats. She talked with Jennie Rowland and Jennie told her she could purchase a bus. Christine also talked with Jennie about the car seats. Christine talked with the program specialist in Washington DC yesterday and he said he needs to see the value of the bus and the contracts for the transportation before they would be willing to move forward with it.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to delay the opening of Head Start until October 1, 2013 due to federal sequester cuts. Vote is 2-2-0. Karlene Chosa against. Brandon Benner against. Brandon Benner clarifies that he voted no because he feels \$30,000 to start on time is not an obscene amount. That the things that are put in the annual report like telling our Band members we have the highest fund balance ever. Things like that can get misinterpreted that we have piles of money. Karlene Chosa said the budget for the education department needs to be revisited.

Chairman Leecy said for the record, the council sets a budget every year and the reason for the budgets is to follow them. The Band is facing about 2 million in cuts from the federal government. The federal government has a responsibility to fund these programs through treaties to tribal governments. The tribal government steps in every time and cut those and fund those that are mandated through obligations by the federal government. The program needs to make those cuts.

Chairman Leecy breaks the tie by voting for. Vote is 3-2-0. Motion carried.

Moved by Ray Toutloff; seconded by Karlene Chosa; to adopt resolution #97-2013, adding parking lots to the Bois Forte Indian Reservation Roads Inventory. Carried 4-0-0.

Moved by David Morrison, Sr.; seconded by Brandon Benner; to adopt resolution #98-2013, Long Range Transportation Plan. Carried 4-0-0.

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Moved by Ray Toutloff; seconded by David Morrison, Sr.; to award the bid to the low bidder, KGM Contractors in the amount of \$67,737.08 for the Cemetery Road project, and to award the bid to the low bidder, KGM Contractors in the amount of \$83,582.50 for the Eagle Point Road project. Carried 4-0-0.

Moved by Brandon Benner; seconded by Karlene Chosa; to approve the FY 2013 Tribal Transportation Program Addendum to the Annual Funding Agreement. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Ray Toutloff; to approve the Amendment #1 to the FY 2013 BIA Self-Governance Annual Funding Agreement. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to adopt resolution #99-2013, cancellation of Vivian Proulx lease. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Ray Toutloff; to adopt resolution #100-2013, cancellation of Dawn Strong lease. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Karlene Chosa; to adopt resolution #101-2013, new residential lease for Anita Lynn. Carried 4-0-0.

Thomas Burr informs the council the lottery for the Cedar Grove lots will be held June 10 and that letters were sent to all the lessees letting them know so they can attend or not.

Moved by David Morrison, Sr.; seconded by Karlene Chosa; to appoint Ray Toutloff, Andy Datko, Bernard O'Leary, Billie Mason, Carol Burr, Corey Strong, Dawn Benner, Gary Gotchnik, Gordy Adams, Jennie Rowland, Jim Tolan, Joel Astleford, Nikki Pieratos, Randy Long, Tara Geshick, and Jennifer Pontinen to the Comprehensive Economic Development Strategy (CEDS) Committee which will meet approximately 5 times between May and September, to develop a new CEDS plan to be submitted to the Economic Development Agency. Carried 4-0-0.

Andy Datko said the Vermilion Clinic project has been finalized and the projected clinic costs have been reduced so there will be money to remodel the existing building to relocate the existing tribal government administrative offices in the Vermilion Social Center into the old clinic space and to open up the partition wall between the current admin offices and the public meeting space to make the public meeting space bigger. In order to proceed, the Architectural Resources Inc. (ARI) architectural services agreement needs to be amended by adding \$18,000 to that contract in order to allow ARI to develop the plans and specs and bidding documents needs for the proposed remodel work.

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Moved by David Morrison, Sr.; seconded by Ray Toutloff; to approve Amendment #1 to the architectural services agreement with Architectural Resources, Inc. in the amount of \$18,000, and the authorize the Chairman and Secretary-Treasurer to execute the document. Vote is 2-2-0. Brandon Benner against. Karlene Chosa against. Brandon Benner said he is against because the Band gives a lot of money to Architectural Resources and he is not comfortable with that, because on every building, including the school something major has gone wrong and it ends up costing more because it always comes back to how the building was designed. Instead of giving them more money, Brandon said they should be held more accountable. Chairman Leecy breaks the tie by voting for. Vote is 3-2-0. Motion carried.

Dawn Benner asks the council if they want a TERO Commission. She said they are always overruled. At the last two meetings on projects at Fortune Bay she (TERO Officer) wasn't even invited. The last couple years it seems Fortune Bay just does what they want to do.

Chairman Leecy asks if there was a violation. Dawn Benner said by TERO, they should have. Dawn said they need to get TERO at Fortune Bay. She said the insurance was waived on the Tamarack project.

Chairman Leecy calls point of order, and to focus on the TERO Commission appointments. He tells Dawn Benner if there is an issue, to see Vicki Villebrun to schedule a meeting to meet with the council.

Moved by Karlene Chosa; seconded by Brandon Benner; to appoint Darla Flett, Jim Morrison, Pam Hughes, Ellen Morrison, and Toni Wakemup to the TERO Commission with Pam and Toni being the alternates. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Ray Toutloff; to approve \$22,350 for the Community Clean-up 2013. Carried 3-1-0. Brandon Benner silent.

Moved by Ray Toutloff; seconded by Karlene Chosa; to adopt resolution #102-2013, Bois Forte Plan to End Homelessness. Carried 4-0-0.

Moved by Brandon Benner; seconded by Karlene Chosa; to approve the annual plan agreement with the State of Minnesota for the Bois Forte Tribal Historic Preservation Office to conduct a Traditional Use Survey within the Vermilion State Park near Soudan, Minnesota. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the Indirect Cost Proposal for the fiscal year ending September 30, 2013 at 27.53%. Carried 4-0-0.

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Moved by Ray Toutloff; seconded by David Morrison, Sr.; to approve the lease with Key Government Finance, Inc. for a new bus for the transportation program, and to authorize the Chairman and Secretary-Treasurer to sign the document after being reviewed by the tribal attorney. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Ray Toutloff; to approve the Memorandum of Understanding between the Bois Forte Emergency Preparedness Program and the Bois Forte Public Transportation Program which defines the future partnership and shared equipment and services between the programs in the event of an emergency evacuation of affected populations within the Reservation prior to or following an emergency incident. Carried 4-0-0.

Carol Burr introduces Abigail Matthews from the ONAP office in Chicago.

Chairman Leecy introduces Barb Brodeen who is the new MNDot Tribal Liaison.

Nikki Pieratos said she became aware of an opportunity that can be included in the grant proposal for financial education program. Back in January the council approved her to apply to ANA for financial education funding. At that time they rescinded the funding and just recently reopened it. Right now she would like to include a contract with Lutheran Social Services to provide the one-on-one financial coaching and counseling for Band members and employees. Nikki said her and the credit union in tandem with Bois Forte would still be offering the group classes for adults and youth but it has come to her attention that the staff capacity could not support all the one-on-one sessions. Nikki looked at their projected client case load and there could be times when she would have to work 200 hours a week to fulfill that. Lutheran Social Services have offices in Duluth, Virginia, and Minneapolis. The Lower Sioux Community in Morton works with them and reports great results with their community. Nikki is looking to include Lutheran Social Services in the grant she is sending in, in a couple of weeks. The grant wants to see this dialogue and whether or not the tribal leaders' sees this as a benefit to the community. If the council approves it she will include the minutes in the grant proposal as proof of the dialogue.

Chairman Leecy said it's been long talked about doing something similar in regard to life skills type training, budgets, sales tax, interest rates, other things like those.

Nikki said she would do most of the budgeting and financial planning in the group sessions. She said she noticed there are a lot of complex issues in terms of debt consolidation and cleaning up credit. You could work with a client for ten hours a week, and she said she would hate to tell a client, "Oh, I'm sorry, my schedule is full" and send people away. This is a way to still service them without having to do that. And people would like the confidentiality, because potentially Nikki is holding their loan, and they might not want to come to her all the time if they are having an issue.

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Moved by Karlene Chosa; seconded by Brandon Benner; to approve the request to include the partnership with Lutheran Social Services in a financial education grant proposal. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to adopt resolution #103-2013, amendment to the Bois Forte Tribal Code, to add Section 642.01 Controlled Substances: "Whoever manufactures, delivers, receives, sells, possesses or consumes, without a valid pharmacist license or a valid prescription from a medical doctor or other health care provider authorized by law to write prescriptions, a controlled substance as defined by the laws of the State of Minnesota in force and effect at the time of the act, including but not limited to the schedules of controlled substances at Minn. Stat.152.02, as may be amended from time to time, is guilty of a Class 1 misdemeanor and, upon conviction, shall be sentenced accordingly". Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison, Sr.; to adopt resolution #104-2013, grant application to the Administration for Native Americans for a Language Preservation and Maintenance project. Carried 4-0-0.

Moved by Brandon Benner; seconded by David Morrison, Sr.; to adjourn the meeting at 11:37 a.m. Carried 4-0-0.