

Minutes of a special meeting of the Bois Forte Reservation Tribal Council held November 19, 2014 at the Lake Vermilion Sector of the Bois Forte Reservation, Minnesota.

Meeting called to order at 9:08 a.m.

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

Members Absent: None

Others Present: Corey Strong; Vern Adams; Vicki Villebrun; Rose Berens; Joel Astleford; Bill Latady; Andy Datko; Josh Villebrun; Kay Davis; Ira Brown; Edith Villebrun; Bill Tibbetts; Miranda Lilya; Lorna Landgren; Louise Isham; Robert Mathis; Christine Bloom-Lundemo; Pam Hughes; Kim Greiner; Hank Mesabe; Karen Drift; Janet Thompson; Jeneal Goggleye; Donald Chosa Jr.; Tom Burr; Kristen Strong; Carol Burr; Trudy King; Tara Geshick; Dawn Benner; Rhonda Hoagland; Toni Wakemup; Lance Kingbird; Dorothea Kletschka

Moved by Ray Toutloff; seconded by David Morrison Sr.; to approve the agenda with the addition of:

1) Karlene Chosa with a resolution on a cold weather rule, and 2) Bill Latady with a resolution for the consultation agreement with the National Park Service regarding implementation of Section 106 of the National Historic Preservation Act in Voyageurs National Park. Carried 4-0-0.

Moved by Brandon Benner; seconded by Ray Toutloff; to approve the minutes of a regular meeting held October 15, 2014 at Nett Lake, Minnesota. Carried 4-0-0.

Elder Committee: Donald Chosa Jr. said after the first snow, the elders said no one came to plow and shovel. Donald said the elders said Miigwech to the EMT's who will be doing the elder's Christmas Party on December 19.

Joel Astleford said Public Works doesn't plow the elders driveways, that Housing does, but he will have his crew do it if the council wants them to.

Corey Strong said he will talk to Carol Burr about the plowing and shoveling.

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There are no new tribal government employees to introduce.

Moved by Brandon Benner; seconded by David Morrison Sr.; to approve to sole-source the purchase of Hoodies from Barber Graphics which will be given to the veterans at the Veterans Day Celebration. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Karlene Chosa; to approve the policy in regard to reporting on credit card usage: The CFO is to include in the monthly report the activity of all the credit card/charge account activity. This will be accomplished by printing out the vendor activity report for each credit card/charge account. This portion of the report will be also forwarded to the Head Start Director to meeting the requirements of the grant. Carried 4-0-0.

Moved by Karlene Chosa; seconded by Brandon Benner; to approve the Tribal Transportation Program Addendum to the FY 2015 Annual Funding Agreement and Amendment #1 to the FY 2015 Annual Funding Agreement. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to approve the Vermilion Wellness Center Rental Agreement with the Vermilion Charter School for the rental of the gym at the Vermilion Wellness Center. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Karlene Chosa; to approve the American Specialty Health Fitness, Inc. Fitness Facility Services Agreement for the Vermilion Wellness Center for individuals' age 65 and older, or disabled. Carried 4-0-0.

Karlene Chosa would like to propose a resolution on the cold-weather rule from October 15 through April, effective immediately. Karlene reads as an example the one that is used in Washington DC. "Notwithstanding any other provision of this section, no housing provider shall evict a tenant on any day when the National Weather Service predicts at 8 am that the temperature at the National Airport Weather Station will fall below 32 degrees Fahrenheit or 0 degrees Centigrade within the next 24 hours." Karlene said since it is unlikely to be 32 degrees until April 1 she would like to propose that no eviction be allowed between October 15 through April 15.

Chairman Leecy said he doesn't disagree with it, it is a good policy, but there is nothing in front of the council to look at. Kevin said the council needs to be clear on the Federal guidelines too. The council needs time to do due diligence on it and comply with all federal laws.

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Karlene said that's fine, but there is action that needs to be taken. There were eviction notices that went out on November 18 to vacate the units. Papers were served yesterday for those that refused to vacate. Housing hand delivered a letter to them. Karlene reads the letter which states since they refused to vacate the unit yesterday, housing will seek a court order that they vacate and will seek a judgment against them for unpaid rent, and upon issuance and service of a court order, they will have twenty-four hours to remove themselves and their family and possessions. The only way to avoid court action and remain in the unit is to pay the entire amount due. Karlene asks the tenants present to briefly state if the letter they received from housing is an issue.

Chairman Leecy said the issue is to bring forth the cold weather rule, and ask Karlene to stick to that issue.

Karlene said there are evictions on Nett Lake and Vermilion that are going to happen unless the council does something about them. She said they are people that the council took an oath to take care of them.

Chairman Leecy said the council needs time to look at the cold weather rule, that is what is on the agenda. He would personally like to look at something because this is the first the council has heard of it.

Karlene said she has requested a few meetings with the council and so far the council has been uncommunicative towards her and avoiding her. She said since the council is all here today, then she will explain it. She said the tenants arrears are so high that they will not be able to pay them in a week, which is what housing has for them to come up with. Karlene said under the MCT Constitution there are duties that have been neglected by some of the Bois Forte tribal council members, and the housing commissioner, which in her opinion, amounts to malfeasance and dereliction of duties, because of the high arrearages. The housing commissioner has allowed the rent to accumulate year after year. She said this applies especially to Dave Morrison, Secretary-Treasurer.

Chairman Leecy tells Karlene to stick to the agenda. She asked for a cold weather rule and she is going way beyond that.

Karlene Chosa this all ties in with why the cold weather rule came up.

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Ray Toutloff would like to make a motion to table this. He said it is an important matter but the council is not prepared, the council has not seen it, it hasn't been discussed with the council.

Karlene would like a roll call vote.

Ray Toutloff said the council hasn't had access to it in a meeting or individually. Ray said usually when there is an issue like this that a council member wants to bring up they usually at least talk individually to the others to give them time to study it and prepare to make sure they are doing things right. Ray said he thinks it is an important issue but he thinks the council needs to table it. Ray recommends tabling it and putting it up for discussion with the council at an appropriate time.

Chairman Leecy said there is a roll call vote request.

Karlene Chosa said the evictions came up abruptly. October 12 was when the council received the email as a whole. It was getting phone calls and working on this issue and trying to come up with positive solutions for Band members with the housing situation. Karlene said she talked to some of the council individually and found out where they stood on the eviction. Karlene said to her, there will be more to come is what the housing commissioner said in her email. Karlene said she is waiting for more evictions.

Ray Toutloff said he thought the agenda item was the cold weather rule.

Karlene Chosa said that all falls under that. It is like a spider, it reaches out to other parts of our government, especially the duties. This also applies to those who are serving a third term on the council.

Chairman Leecy tells Karlene she asked for a roll call vote, that will be honored for a roll call vote, and that will be strictly for the motion that Ray put forward. To table until the council can review the cold weather rule.

Ray said that was his motion, it's an important item, to table it for further discussion and study without having the council jump the gun and have a knee jerk reaction.

Karlene asks if she can have a timeline.

Ray Toutloff said that is his motion.

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Chairman Leecy said motion by Ray, Roll Call Vote requested. Chairman Leecy asks for a second. David Morrison Sr. seconds to table the resolution.

Brandon Benner asks when discussion is closed. He asks if it is still open.

Chairman Leecy said yes, it is open.

Brandon Benner said he would like some clarification by Carol Burr to, as far as the process she was talking about court and other things. He said he thinks she said court is December 8 or December 10, that does give ample time to figure out the resolution process. He asks Carol to explain that.

Carol Burr said court date is December 10.

Ray Toutloff asks if they would have until December 10 to come up with the arrears?

Brandon Benner asks if the process is that they have to go to court, is that what Carol was saying.

Carol Burr said yes, out of the six being evicted, one did remove themselves, five didn't. So now those people will go to court, and the court will make a judgment, and once the judge makes a decision, they will have 24 hours to vacate. The next court date is December 10.

Brandon Benner said so we'd have to decide.

Carol Burr said the council would have until December 10 to decide. Carol said her staff have been sending them letters

Karlene Chosa said it happened abruptly.

Carol Burr said it did not happen abruptly.

Karlene Chosa said it did to the council it happened abruptly. The council did get an email and to the council it was abruptly.

Chairman Leecy said there is a motion on the floor, roll call requested. Chairman Leecy asks if there is a second.

David Morrison Sr. seconds.

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Chairman Leecy said seconded by Dave. All in favor say aye. Roll call starting with Dave, roll call vote requested on the motion to table it for further review. Yes would agree to table it for further study. No would be not to table it, to deal with it now.

David Morrison Sr.: Yes.

Ray Toutloff: Yes for tabling.

Brandon Benner: Yes to table because he has got a few calls from people that said they would stop paying their rent, they are up to date and current.

Karlene Chosa: No. She would like it accepted today. It is in the best interest of the Band membership. She said under the MCT Constitution there are duties that have been neglected by the council members and by the housing commissioner. Karlene said in her opinion, this amounts to malfeasance and dereliction of duties because of the high arrearages in the thousands of dollars that has been allowed to accumulate year after year. That this especially applies to Dave Morrison, Secretary-Treasurer. He has served the longest

David Morrison Sr. said his name has been mentioned a couple times. He said we have a duty to all, not to just a few select people. David said what he has gathered from the housing commissioner and her staff that there have been numerous times that they have tried to work with the individuals that are being evicted. David said he agrees with Brandon, that he has been getting calls from Band members that are paying, that have been paying. They said whatever happens at today's meeting, if the council allows the current individuals to keep living in those houses without collecting the rent, that they are going to stop making payments. David said the council has to think of the whole picture, not just what is in front of the council now. David said he understands that they still have until December 10 to work something out before they actually have to move out of the house.

Rhonda Hoagland said she can offer housing some money but they won't even accept that. She said she can come up with the money but not in that amount of time.

Toni Wakemup said she pays her rent. She said she has repairs that need to be done. Housing doesn't return phone calls. Warren comes out when he can. Toni said she has been asking for an escrow account for years. Toni said

there were notices sent to low income people to renegotiate their payback agreements, but that wasn't an option for Tax Credit I people. There weren't any notices sent out. She said if there was she is sure people would have acted on it a lot sooner than now. She said her certification is due in April and they didn't start the certification process until September. She turned in the paperwork, they didn't receipt it. She asked them to send it back to her. She got a notice it is due November 6. She said housing wants rent but they still are not going to do repairs, they still aren't going to do the paperwork in a timely manner. She said there are four or five people at New Moon that are behind on their rent, they aren't getting kicked out.

Carol Burr said there were six people that got evicted at New Moon. Carol said she has three guys that are trying to cover 127 units. She said if people would pay their rents, then housing could look at hiring more people.

Tara Geshick said she wants to speak up for the people that do actually pay their rent. She said she pays her rent and utilities. She needs repairs and she went to housing. The person that was in there told her that Tax Credit people had to pay their own repairs. She did.

Rhonda Hoagland said she had to pay for her septic pumping. Tara said she does that every four years. That it is explained to her when she recertifies every April.

Chairman Leecy thanks everyone for their comments and the council will have further discussion on it.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to adopt resolution #40-2015, Consultation Agreement with the National Park Service (U.S. Department of the Interior) regarding the implementation of Section 106 of the National Historic Preservation Act in Voyageurs National Park. Carried 4-0-0.

Moved by Brandon Benner; seconded by Ray Toutloff; to adjourn the meeting at 9:50 a.m. Carried 4-0-0.