

Minutes of a regular meeting of the Bois Forte Reservation Tribal Council held October 5, 2016 at the Lake Vermilion Sector of the Bois Forte Reservation, Minnesota.

Meeting called to order at 9:04 a.m.

Invocation by Gene Goodsky.

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

Members Absent: None

Others Present: Corey Strong; Mark Anderson; Gene Goodsky; Vicki Villebrun; Kim Greiner;
Randy Long; Dani Pieratos; Miranda Lilya; Bill Tibbetts; Edith Villebrun; Carol
Burr; Tom Burr; Millie Holmes; Jaime Burdick; Karlene Chosa; Trudy King; Dave
Farmer; Karen Drift; Gary Donald; George Strong; Josh Villebrun; Jeneal
Goggeley; Andy Datko; Bill Latady; Pam Hughes; Barb Brodeen; Christine
Lundemo; Steve Hertig; Walt King; Val Boness; Nicholas DePlonty; Lela Goodsky;
Shane Drift; Stan Day; Doris Isham; Cory King; Jon Connor; Wendy Thompson;
Lance Kingbird; Char Lewis; Sidra Starkovich; Bev Miller; Rocky King; Angie King;
Tracie Chosa

Moved by Ray Toutloff; seconded by Brandon Benner; to approve the agenda with the addition of 1) Karlene Chosa, 2) a resolution to amend the Tribal Code re extending foster care, and remove Shane Drift's item re raffle and donation drive, for more research of the radio grants for compliance. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Travis Morrison; to approve the minutes of a special meeting held September 7, 2016 at the Lake Vermilion Sector of the Bois Forte Reservation, Minnesota. Carried 4-0-0.

New employees: Jaime Burdick introduces Nicholas DePlonty, who is the new police officer.

Karlene Chosa addresses the council because she wants to respond to the letter she received from the new Chairwoman that said she needed to pay for the expenses she charged to her credit card that the

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council determined were not for legitimate governmental business (from the Code of Ethics hearing in September 2015). Karlene gives the council and executive director a letter she wrote stating she denies and disagrees with the letter from the Chairwoman, that the ethical violations was way last year. She said her letter is going to the TEC members and Kevin Dupuis.

Chairwoman Chavers said Karlene called and she told Karlene if she did not agree with the letter she had the right as a Band member to send another letter to refute the request. Chairwoman Chavers said that is what prompted her response today, and Chairwoman Chavers said she feels every Band member has a right to be heard, no matter who they are, or what the situation is. Chairwoman Chavers said the letter that was sent out Friday was in regards to the ethical violations that Karlene mentioned with regards to the repayment of the credit card charges. And attached to that letter was the documentation of that hearing where votes were taken on the charges of the RTC credit card. That was approved at a council meeting to pursue collection of those charges for repayment back to the Band.

Karlene Chosa said the ethical violation hearing was held September 10, 2015. It should have been taken care of by the old council, with the collecting.

Chairwoman Chavers said one comment that was made with regarding to trying to get the money paid back, was why is this council doing it at this time when it should have been done by the previous council.

Karlene said there is Gary Gotchnik's money that should be recouped too.

Chairwoman Chavers said with regards to Gary Gotchnik, there is a new BIA superintendent at the Minneapolis office, his name is Mario Redlegs, who is in the process of checking on all our cases with the FBI. Gary's case is with the FBI.

Karlene said she is denying and disagreeing with the letter, that there is an underlying issue that if she ever decides to run for office again, this will be the thing that stops her from running for office. Karlene reads her letter she wrote.

Chairwoman Chavers said she read Karlene's letter, and the part in not being able to run for office in the future, just because you owe money doesn't disallow you to do that. There are charges that actually have to be filed for people and found guilty of to not run for office. Whether you owe the Band money or not, does not stop you from running for office.

Karlene said she wanted this to be heard in open session. She doesn't want anything to be done in secret. Karlene said she reconciled everything, that Dave Morrison signed off on everything, he signed off on the purchase orders. Karlene said this came in retribution, after those petitions were signed.

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Karlene said she requested to see all the other credit cards, even the ones at Fortune Bay. She said she thinks she has a right to see.

Chairwoman Chavers said right now they are addressing her issue, her letter. In the past, with other previous councils, years of other councils, when the other council members owed money, they did have to pay it back. Chairwoman Chavers said this situation was brought and she asked for a motion, and the motion was approved, and it was passed. Chairwoman Chavers asks Mark Anderson if that is correct, that the council has to abide by the council's motions and approval of whatever they bring forth to the council.

Mark Anderson said yes. And that she is correct about it requiring a conviction of an offense to exclude someone from running for office in the future. And this is not a conviction offense.

Ray Toutloff said it is a council members responsibility to watch over the Band's resources. Ray said this is no retribution, it is just that they saw someone that owed money to the Band. Like anybody that owes a rent bill, a utility bill, or whatever. We have to have ways of recouping those resources. The council is just following through on what was determined in a public hearing. The council went through all of the expenditures item by item and he thinks most of them were verified as legitimate. But there was a certain number with an amount to it that was determined to be wrongfully expended. That was agreed upon by the council. And now the council is just trying to recoup Band resources.

Chairwoman Chavers said one of the issues she agrees with, is the timelines of trying to collect money. She said there is not a policy in place for a timeframe in which to recoup, and Chairwoman Chavers said that is something that needs to be looked at.

Chairwoman Chavers said at the last meeting, and it is in the minutes, there was a resolution adopted that the council members can not interfere with the collection of any money or enforcement of any obligations that are due. With that with collections of dollars that are due the Band, the council can't get involved because in the past, like for example, water and san. The water program bills water and sewer charges and if people don't pay they were cut off, and that is how all programs run. What would happen is people would run to the council and the council would tell that commissioner or whoever to go turn that water back on. Chairwoman Chavers said the council is trying to get away from doing that because the council shouldn't be involved in that. The programs are telling the council that the council needs to support them in their efforts to collect so they can run their programs. So with Karlene's issue today, the motion was made, the action was taken, and now the council can't go back and say they can't do that because they would be going against that resolution.

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Karen Drift asks why is the council doing this after all these years. Karlene is not there anymore.

David Morrison Sr. said the hearing was about twelve months ago. There were some people that started a petition. David said he never seen it but was told by reliable sources they seen words on a paper. It was never brought forward. David said anybody who owes the Band monies, whether it be water and san, housing, or any other program dollars, the council has to recoup. David said he asked Kevin a couple times if this could be brought up, when Karlene was on the council, he said yeah, we will do it at the next meeting. It never did come forward. David said he should have made a motion to put it on the agenda, but it never happened. The accounting people came forward and asked if the council was ever going to recoup the dollars that Karlene owed the Band. David said Karlene said she has receipts, but there is also some stuff she got on her credit card that she still has in her possession. The council never received those items she purchased. David said she wrote a letter to the tribal council and whether the TEC will hear it, David said he doubts it. David asks Mark Anderson if it is correct that they usually send it back to the Band level for it to be settled at the Band level.

Mark Anderson said this has nothing to do with the Minnesota Chippewa Tribe.

Ray Toutloff said he is responding to Karen Drift's question of why now. Ray said a new council does not indicate that debts are eliminated. If that was the case, anybody that owed a utility bill, housing bill, tribal government bill, whatever it may be, would say, we got a new council, those debts are no longer legitimate. It is the council's responsibility to recoup Band resources and it doesn't matter if it happened under Kevin Leecy's chairmanship or now Cathy's, it is still the council's responsibility to pursue payment of debts owed to the Band. There is no one trying to get retaliation or retribution, just trying to collect resources owed to the Band. It was approved at a public hearing. The council already had the hearing.

Trudy King asks if she was notified by letter that she owed that, when she was working. Why didn't the council start taking it then, out of her paychecks. It probably would have already been paid off.

Chairwoman Chavers asks Kim Greiner is she was notified.

Kim Greiner said no, at the hearing there was no direction to withhold the money, but in the Code of Ethics it says.

Cory King asks if Band members are allowed to find out what council members are spending on credit cards.

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Chairwoman Chavers said she thinks through the Freedom of Information Act. There is a form at the office.

Chairwoman Chavers thanks Karlene for her letter and others for their questions.

Moved by Brandon Benner; seconded by Ray Toutloff; to approve the consent agenda as follows:

- 1) Adopt resolution #38-2017, submission of a grant application to the Minnesota Indian Affairs Council for the Dakota and Ojibwe Language Revitalization FY2017 grant (council poll vote was 3-0-0).
- 2) Approve the sole-source of the contract to Gartner Refrigeration Company for repairs at the Vermilion Early Childhood Building (council poll vote was 4-0-0).
- 3) Adopt resolution #39-2017, grant application to MNDOT 2017 Public Transit Participation Grant Program-Operating Funds (council poll vote was 4-0-0).
- 4) Approve the sole-source of breathing apparatus equipment from Clarey's Safety Equipment for the fire department in the amount of \$24,460.00 (council poll vote was 4-0-0).
- 5) Approve the sole-source from Oweesta First Nations Corporation for Native American Curriculum in the amount of \$4,238.00 for the Northern Eagle Federal Credit Union (council poll vote was 4-0-0).
- 6) Approve the MOA with the Arrowhead Economic Opportunity Agency for the Anokiiwin Youth Training Program. (Housing is collaborating with AEOA for funds from the state for a job training program for youth ages 17-24 which provides GED classes, supportive services, cultural components, and paid construction instruction on site at the affordable housing units (council poll vote was 4-0-0).
- 7) Approve the submission of the Federal Head Start Grant Application (continuation of year 2 of 5). (council poll vote was 4-0-0).

Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to approve the agreement with SRN Salem Radio Network for top-of-the-hour headline news for KBFT 89.9 FM Community Radio. Carried 4-0-0.

Moved by Travis Morrison; seconded by Brandon Benner; to approve the agreement with A AND B Services/Weather Eye Network for KBFT 89.9 FM Community Radio. Carried 4-0-0.

Moved by David Morrison Sr.; seconded by Travis Morrison; to appoint Kim Greiner, Dawn Benner, and Sidra Starkovich to the New Moon Permanent Supportive Housing Board. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to adopt resolution #42-2017, submission of an application for a community clinic grant from the Office of Rural Health and Primary Care of the

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Minnesota Department of Health for funding to supplement the Diabetes Program and case manager services to monitor patient charts and work closely with the providers to follow patient care with Diabetes, Hypertension, Cancer and Controlled Substances. Carried 4-0-0.

Moved by Travis Morrison; seconded by Brandon Benner; to adopt resolution #41-2017, endorsing the concept of a telepharmacy that will serve the clinic. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to adopt resolution #42-2017, recreational lease for Peter L. Calder and Nancy A. Calder. Carried 4-0-0.

Moved by David Morrison Sr.; seconded by Ray Toutloff; to adopt resolution #43-2017, residential lease for Richard W. O'Shea and Robin R. O'Shea. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to adopt resolution #44-2017, recreational lease for Christina L. Woods. Carried 4-0-0.

Moved by David Morrison Sr.; seconded by Brandon Benner; to adopt resolution #45-2017, cancellation of residential lease for David B. Toutloff. Carried 4-0-0.

Moved by David Morrison Sr.; seconded by Brandon Benner; to adopt resolution #46-2017, residential lease for Sidra & John Starkovich, Bryan D. Boutto. Carried 4-0-0.

Gary Donald asks what happens to the spouses of Band members who pass away, if there is something in place to protect them.

Bill Tibbetts said there was a band member who died and his wife was told she had to pay \$1,000 a month. Bill said he himself is 80 and his wife Gwen is 78. They have been married for 58 years. Bill said that is their home, they got married there. There is a possibility that if something happens to him, that Gwen could live there.

Tom Burr said right now, people will modify leases to put spouses on the lease. The Band members are free but the spouse will have to pay a rental rate unless the tribal council waives it.

Ray Toutloff said he would like to have "life estate" put in and that would only apply to spouses which would allow them to stay there for the same rate as the Band member.

Mark Anderson said Grand Portage has a surviving spouse provision. Mark will let the council know what those are.

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Chairwoman Chavers asks Mark Anderson to get some options. Mark will send some up prior to the next meeting.

Moved by Brandon Benner; seconded by Travis Morrison; to approve the Housing Department to Request for Proposals for the Tribal Rental Housing Maintenance Study. Housing has the funding for this. Housing will post for 30 days. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Brandon Benner; to approve the updates/revisions to the Elder & Disabled Maintenance Policy and Registration Forms. Carried 4-0-0.

Moved by Travis Morrison; seconded by Ray Toutloff; to approve the Bois Forte Housing Department Collection & Eviction Policy effective January 1, 2017. Carried 4-0-0. Pam Hughes asks if New Moon can be included with the Collection & Eviction Policy. Council says yes.

Dani Pieratos will have a meeting with the housing tenants by November 1. Mark Anderson will draft something to expedite the court process. Carol Burr will have a meeting with the tribal court and the police department to go over the policy with them.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to approve the license for the operation of the Nett Lake Head Start and Early Head Start-Child Care Center effective October 1, 2016 through September 30, 2017. Carried 4-0-0.

Moved by David Morrison Sr.; seconded by Brandon Benner; to approve the provisional license for the operation of the Vermilion Head Start and Early Head Start-Child Care Center effective October 1, 2016 through December 31, 2016. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to adopt resolution #47-2017, amending Section 703.7 of chapter VII of the Bois Forte Tribal Code by adding the following sentence: "For purposes of this Chapter, "child" also includes individuals under age 21 who are in foster care pursuant to a Court proceeding that meets the substantive standards of Minnesota Statutes 260C.451, including but not limited to the eligibility criteria an Subd. 3." Carried 4-0-0.

Gary Donald said they can't vote in District II for anyone in Nett Lake but the District I representative represents Vermilion too, and vice versa – the Nett Lake people can't vote for anyone in District II but that representative represents Nett Lake too. Gary asks the council to look into change the election ordinance so everyone can vote for both district representatives.

Gary Donald asks the council to also look at the absentee ballots. People can come to the reservation to meetings and speak up. But if there is a petition they can't sign.

Moved by Brandon Benner; seconded by Travis Morrison; to adjourn the meeting at 11:10 a.m.