

Minutes of a special meeting of the Bois Forte Reservation Tribal Council held May 2, 2018 at Nett Lake, Minnesota.

Meeting called to order at 9:13 a.m.

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

Members Absent: None

Others Present: Corey Strong; Gene Goodsky; Vicki Villebrun; Joel Astleford; Louise Isham; Noah Buccholz; Wendy Thompson; Ed Fairbanks; Andy Datko; Jeanine Whiteman; Kim Greiner; Donna Hoffer; Dalene Chosa; Mike Connor; Eddie Chavers; Dawn Benner; Sidra Starkovich; Tara Geshick; Stan Day; Jennie Rowland; Carlos Hernandez; Billie Mason; Steve Hertig; Linda Tibbetts-Barto; Clarence Roy; Marybelle Isham; George Strong; Tracey Dagen; Randy Long; Alanna Drift; Arianna Zapata; Simona Benner; Miranda Lilya; Darren Landgren; Ed Fairbanks; Emily Gustason; Christina Maley; Barb Brodeen

Gene Goodsky and Clarence Roy address the council and audience in regard to traditional burials. They explain the importance of visiting with the families and also to offer help. That the women cook and the men make a fire. Clarence gives a paper to the council that explains what is done at traditional burials and asks that it be given to staff so they know what to expect and how to help the families. There was not any drum group at the last burial because of being told they had to use leave. At one funeral there were only two family members. The funeral director and the individuals that dug the grave assisted as casketbearers.

Invocation by Gene Goodsky.

Moved by Travis Morrison; seconded by David Morrison Sr.; to approve the agenda with the addition of a resolution in regard to the tribal court renovation project, and the addition of discussion on the leave share policy. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to approve the minutes of a special meeting held April 18, 2018 at Nett Lake, Minnesota. Carried 4-0-0.

New tribal government employees: Donna Hoffer introduces Dalen Chosa who is the new Victim Services Administrative Assistant, and Emily Gustason who is the new Purchased Referred Care Clerk. Tara Geshick introduces Christina Maley who is the new Ecological Resources Program Director, and Stan Day who is the new Lead Program Technician.

Moved by David Morrison Sr.; seconded by Travis Morrison; to approve the consent agenda as follows:

- 1) Approved the sole source request from Billie Mason for the Purchase of Service Agreement between the Bois Forte Early Childhood Program and Range Mental Health Center (RMH). RMH will be conducting child assessments and provide staff training

- 2) Authorized Chairwoman Chavers to sign the Administrative Order on Consent Regarding Clean Water Act Violations at the Lake Vermilion Wastewater Treatment Ponds Facility.

Carried 4-0-0.

Tara Geshick is requesting appointments to the conservation committee. Each council member nominates names from the list of people interested in serving on the committee. Tara said once the committee is selected that committee will appoint the two elder advisory members.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to appoint the following tribal council nominations to the Conservation Committee:

Seven members: Eddie Chavers, Doris Isham, Kevin Strong, Bill G. Isham, Stan Day, and Vermilion Representative - Terry Strong.

Three alternates: Amber Geshick, Tracey Howg, and Alternate Vermilion Representative – Alanna Drift.

Carried 4-0-0.

Ray Toutloff requests that Tara consider having some of the conservation committee meetings at Vermilion. Tara said yes, but they don't offer mileage.

Moved by David Morrison Sr.; seconded by Ray Toutloff; to approve the contract with Michael Connor to manage the operations of the Bois Forte Ambulance Service. Carried 4-0-0. Donna Hoffer is to look at her health budget to see if the hourly rate for this can be increased. If it can she is to bring the contract back so it can be amended.

Travis Morrison asks if anything has been done yet on the taxes on the stipends for the ambulance crew. Kim Greiner said she has been working with Mark Anderson because the majority of the ambulance crew are RTG employees so there are overtime issues. They are also looking at on-call hours versus actual time worked. They are paid as contractors because of the overtime issues.

Moved by Travis Morrison; seconded by David Morrison Sr.; to adopt resolution #79-2018, grant application to MNDOT 2018 5310 – Enhanced Mobility for Seniors and Individuals with Disabilities capital purchase grant to purchase a bus capable of holding four wheelchairs and eight passengers. The Cook Hospital/Nursing Home/Adult Day Center will provide the 20% match for the purchase of the bus. Big Woods Transit will use the bus to provide transportation for the outings for their elders and other agencies and Tribal Elder events. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to adopt resolution #80-2018, grant application to MNDOT 2018 5311 Public Transit Participation Grant Program – Operating funds, to maintain transportation services. Carried 4-0-0.

Moved by Travis Morrison; seconded by Ray Toutloff; to approve the request from Louise Isham for authorization the Nett Lake and Vermilion pow-wow committees to hold raffles/fundraisers for the Vermilion and Nett Lake pow-wows being held in June. Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to adopt resolution #81-2018, letter of support to MNDOT for 1854 Ceded Territory boundary signage. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Travis Morrison; to approve the Personnel Policy revision to add Section 304.2: *Inter-Department Transfer. The Executive Director or appropriate Senior Management may fill a job vacancy in his/her respective department by transferring within the department. The individual recommended for transfer must be ratified by the Reservation Tribal Council.* And adding to Section 304.3: Posting. *When a job vacancy in the tribal government is not filled by an inter-department transfer, the job openings are to be publicly posted in the form of a "Job Announcement" ... This does not include appointments to a senior management position.* Carried 4-0-0.

Miranda Lilya presents a social media policy. Miranda said a social media policy is needed. For example, job descriptions. They email them out to Band members that are interested in them. They email them out to departments to get posted on bulletin boards. The younger generation don't read emails. They use social media like Facebook, twitter, and snapchat.

Brandon Benner said a person has a right to speak their mind no matter where it is at. The social media policy looks like it stops employees from talking about what they feel. These are public positions. The government should be open, from salaries on down. Part of the reason how the tribal government is the way it is today is because of things like this. People attempt to hide different things or not talk about different things.

Dawn Benner said the government should put stuff on the website. Or a Facebook page. It would alleviate a lot of people believing things that aren't true.

Brandon Benner said he would like to see that. It gives directors and other staff an opportunity to defend themselves, as long as it is not a personnel case.

Ray Toutloff said he is uncomfortable with the way this policy is written. He thinks a policy like this is needed, but this one needs a lot of work. Ray said when he took the Oath of Office, one of the oaths was to uphold the U.S. Constitution. Ray said the way the social media policy is written it almost seems a direct violation of the First Amendment – the right to free speech. Ray thinks the wording of the social media policy and what it does is vague and what it is identifying is negative. It doesn't address consequences. The main thing is it seems to be in violation of the First Amendment. You can compare it to, coming out of the White House – "you can't say anything bad about us". That would cause a revolution in the country. Basically what the social media policy is saying is don't say anything negative about us. Ray doesn't think people want that. They have the right of free speech under the First Amendment.

Miranda Lilya said this policy was written by Mark Anderson so she doesn't think the Constitution is being violated. Miranda said if an employee wants to go on social media and bash another department they should be communicating with that department, because as employers that is how you get things fixed.

Barb Brodeen said a Facebook page and the website is a good idea, but there needs to be community input and staff input because the information that will be put on them is for the Band members.

Moved by Ray Toutloff; seconded by Brandon Benner; to table the Personnel Policy revision: 1507 Social Media Policy for review and to get community input and staff input. Carried 4-0-0.

Moved by Ray Toutloff; seconded by Travis Morrison; to table the Personnel Policy revision: 409 Telecommuting until it is reviewed by Mark Anderson, Tribal Attorney. Carried 4-0-0.

Discussion was held on the Leave Share Policy. For medical purposes an employee has to suffer 40 hours Leave Without Pay (LWOP) but would get it back if leave was donated to them. Intermittent leave is not eligible for the leave share policy. Miranda is to send the leave share policy to the staff for comments.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to approve a GIS-related internship with Mary-Jean Becker beginning in May for 45 hours of related GIS work at \$12.00 per hour. Carried 4-0-0.

Moved by David Morrison Sr.; seconded by Ray Toutloff; to approve the proposal/contract for In Progress events "Living Histories – a Digital Storytelling Project which is two 1-week workshops for the youth in Nett Lake and Vermilion. Carried 4-0-0.

Moved by Travis Morrison; seconded by David Morrison Sr.; to approve the following donations as recommended by the donation committee:

- 1) \$75: Bob Carr Benefit
- 2) \$300: support group for people in addiction recovery for start-up costs and transportation and food supplies for fundraiser
- 3) \$200: Division of Indian Work Services to American Indian Families

Carried 4-0-0.

Moved by Ray Toutloff; seconded by David Morrison Sr.; to adopt resolution #82-2018, authorizing an aggregate distribution in the amount of \$900,000.00 from net gaming revenues for the renovation of the law enforcement and court building. A question that was asked was who owned the building. The BIA owns the law enforcement part and the Bois Forte Band owns the tribal court. Vote is 2-2-0. Chairwoman Chavers breaks the tie by voting for. Motion carried 3-2-0.

Moved by Travis Morrison; seconded by Ray Toutloff; to adjourn the meeting at 11:21 a.m. Carried 4-0-0.