



Bois Forte

TRIBAL GOVERNMENT

Minutes of a special meeting of the Bois Forte Reservation Tribal Council held August 7, 2019 at Nett Lake, Minnesota.

Meeting called to order at 9:03 a.m.

Members Present: Cathy Chavers; David C. Morrison, Sr.; Travis Morrison; Shane Drift; Peter Boney

Members Absent: None

Others Present: Jenna Lehti; Vicki Villebrun; Theresa Morrison; Whitney Humphrey; Darren Landgren; Louise Isham; Ron Boshey; Joe Boshey; Jaime Burdick; Sue Larson; Angela Wright; Linda Tibbetts-Barto; Corey Strong; Joel Astleford; Angela Geshick; Kim Greiner; Javan Villebrun; Brent Villebrun; Randy Long; Jaylen Strong; Bill Latady; Natalie Goodsky; Billie Isham; Tracey Howg; Wendy Thompson; Danielle Porter; Simona Benner; Alanna Drift; Barb Brodeen; Jennie Rowland; Evertt Huismann; George Strong; Noah Buchholz; Karen Barto; Wendy Laakkonen; Haley Lilya; Lance Hill; Cody Swanson; Brandon Benner; Amanda Jackson; Peter Rodriguez

Invocation by Ron Boshey.

Moved by Travis Morrison; seconded by Shane Drift; to approve the agenda with the following additions: 1) Ron Boshey, 2) Mental Health Block Grant, 3) Sole source request from Jacque Wilson for gift cards for the Minneapolis urban office picnic, and 4) Shane Drift with discussion on implementing a policy regarding extra day(s) off before or after a holiday. Carried 4-0-0.

Moved by Peter Boney; seconded by David Morrison Sr.; to approve the minutes of a regular meeting held July 3, 2019 at the Lake Vermillion Sector of the Bois Forte Reservation, Minnesota with a correction that the correct spelling of Detnrix is Dentrrix. Carried 4-0-0.

During discussion on the minutes of July 3, Shane Drift said in regard to page 3, "Shane Drift asks Barb for a list of all the things that she was talking about that are problems in the leasing program." Shane said he asked for a list and he would still like to see the list.

Chairwoman Chavers said a memo went out to all the Chairs of the committees to meet with the council so meetings are held on a more consistent basis. Also the Code of Ethics is being updated and the draft will be ready for the Band members to review. Shane asks if there will be a timeline in the Code of Ethics. Chairwoman Chavers said it is being incorporated with timelines and structure. It is being looked at to go through the tribal court to determine so that will mean the council will not be involved.

New tribal government employees:

Joel Astleford introduces Angela Geshick who is the new Public Works Administrative Assistant. Sue Larson introduces Natalie Goodsky who the new Elderly Nutrition Supervisor, Karen Barto who is the new RN, Wendy Laakkonen who is the new RN, Tracey Howg who is the new Homeless Program Case Manager and Hayley Lilya who is the new Laboratory and X-Ray Technician. Tara Geshick introduces Lance Hill who is the Acting Forestry Manager, Brent Villebrun who is the new Forestry Technician, and Cody Swanson who is the new Forestry Technician. Jenna Lehti introduces Corey Strong who is the new Human Resources Director. George Strong introduces Brandon Benner who is the new Business Development Coordinator for KBFT. Angela Wright introduces Linda Tibbetts-Barto who is the new Indian Child Welfare Case Manager, and Amanda Jackson who is the Victim Services Technician. Theresa Morrison introduces Natalie Goodsky who also works for Housing. Jaime Burdick introduces Peter Rodriguez who is the new Lieutenant for the Bois Forte Police Department.

Moved by Shane Drift; seconded by Peter Boney; to approve the consent agenda as follows:

- 1) Approved the transfer of the lease from Kurt Anderson and Christina Anderson to Andrew S. Jensen and Laura M. Jensen
- 2) Approved the request from Sidra Starkovich to sole source a contract with Jacqui Consgrrove, QBL Consulting Services, to write and prepare the 2019 Indian Housing Block Grant proposal to HUD for the remediation and renovation of NAHASDA homes in the amount of \$10,000
- 3) Approved setting the 2019 per capita amount at \$910.00
- 4) Approved the following donations requests:
 - \$680: Dan Milbridge/Bois Forte Golf Team for Tom Bakk Fundraiser
 - \$1,000: MN Indian Area on Aging (defray costs of Elders Conference)
 - \$300: Minneapolis American Indian Center 23rd Annual Urban Elders Picnic
 - \$500: Dorothea Kletschka for the Regalia Closet (making regalia for the students)
- 5) Approved the request from Jaylen Strong to submit a grant application to the Minnesota Indian Affairs Council for funding to support a project to implement a Language Table and also prepare a digital record of fluent speakers, and support a portion of the Heritage Museum Executive Director's salary and fringe for the grant cycle
- 6) Adopted Resolution #18-2020, submission of an application to IRRRB for funding from their Community Infrastructure Grant Program to build the Vermillion Public Works Maintenance Facility
- 7) Approve the request from Jacque Wilson to sole source the contract with Travis Lumbar for cook services for the meal for the Bois Forte Twin Cities Urban Picnic in the amount of \$3,525.00

- 8) Adopted Resolution #19-2020, submission of a grant application for the HUD IHBG to rehab and renovate the Housing stock that has been affected by meth contamination as well as the housing stock that is old and otherwise needs repair, and also renovating privately owned elders homes that are in need of repair.

Carried 4-0-0.

Shane Drift asks if we will for sure get the grant for the IHBG (remediation and renovation of homes). Chairwoman Chavers said it is never known for sure if we will receive a grant. Shane asks if we still pay the \$10,000 whether or not the grant is received. Chairwoman Chavers said yes, because we are paying for their services.

Shane Drift said the money received from the state was \$3,177,729 and divided among the Band members came to \$907.40 but was rounded up to \$910.00.

Shane Drift said he thought we already applied for a grant for the Vermilion Public Works Maintenance Facility. Chairwoman Chavers said yes we did, and are applying for another one because it is not known whether grants will be received or not.

Ron Boshey addresses the council and said he is contesting the letters regarding a fine from the 1854 Authority. He said in 1993 he was with his uncle Bob, his dad Elmer, and others hunting at Lake Vermilion. He was approached by an 1854 Officer who told Ron he wasn't wearing enough red. Ron said he was young and sassy. The officer went his car and got his ticket book came back and gave him a ticket. His uncle Bob asked what was going on and the guy was going to ticket Bob too. Ron said his aunt was president of the 1854 board and she asked Ron for the ticket and said it would be taken care of. Ron said he thought it was because he never got a court summons or any kind of written statement because if he would have Phyllis would have made him go to court. Ron said it was in 1993 and the statute of limitations ran out 26 years ago. Mark Anderson said the judgment is still valid. Ron said if he had gotten any kind of paper that he had to go to court he would have went to court and paid a little bit at a time.

Chairwoman Chavers said the 1854 Authority Board consists of the councils from Bois Forte and Grand Portage. At one of the board meetings, Sonny Meyers, Executive Director for the 1854 Authority mentioned people collect birch poles because there is a market for them. They do a lot of damage to the birch trees. At that he mentioned they ticket people through 1854 but nothing ever happens. No one pays the fines when they get the tickets. At that time the 1854 Board decided to ask the reservations to each develop something so those losses could be recouped. This is the first year the council has included the 1854 fines in regard to the per capita. Chairwoman Chavers said one of the issues is if the people were notified they have fines with the 1854 Authority and that their per capita was being taken. She said this is new, and whenever it affects our tribal members they need to be notified of the change ahead of time to know what is going to be implemented. She asks if that was done. People are given a

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chance to do a payback agreement and if they don't pay back then their per capita is automatically taken the next year.

Kim Greiner said she did send letters. The 1854 Authority court sent the tribal court writs of execution and the tribal court sent accounting court orders. When Kim received them she immediately sent the letter so it was 30 days' notice. Kim reads from the order, "Wherefore it is hereby ordered that the accounting department of the Bois Forte Band of Chippewa is hereby authorized and directed to deduct the sum, and it has the amount, from the 2019 per capita amount due, and it names the person, and it remits the same to the 1854 Authority." Kim said she was following court orders.

Ron said he was at a powwow and applied for an 1854 I.D. card. He was told he had a fine from the 1854 Authority and to check with the court. Ron said he talked to Wendy Thompson who said there was nothing at court. She said to check with Fond du Lac so Ron said he also talked to Fond du Lac. They told him he had to go to the 1854 office. He was told there that is had to be with the tribal court system.

Chairwoman Chavers asks Wendy Thompson if there was paperwork at tribal court. Wendy Thompson said he did come out to tribal court. There was nothing at tribal court until the writs of execution were received.

Chairwoman Chavers asks Mark Anderson where the documents are when the 1854 Authority court is held. Mark Anderson said Phillis Lucia is the 1854 Authority clerk of court and she would have the documents.

Chairwoman Chavers said the council will be meeting with Twin Metals next week and Grand Portage and Fond du Lac will be there. She said maybe there can be something done to educate people about the 1854 Authority Code and the court process. She said we can do more education up here too on the per capita and for the Band members to check to make sure they don't have fines and if they do it will affect their per capita.

Shane Drift asks why these are just now coming to life. Were the people properly served? Was there a notice in the paper? They should have went to court.

Mark Anderson said the first one happened in 1992 and the judgment in 1993. The second one in 2005. They were in court. Mark emailed Jenna the court orders so she has the court orders. There was no mechanism in place at tribal court until 2018.

Peter Boney said it was just adopted, the 1854 fines, but didn't let the people know enough ahead of time. A letter needs to be issued.

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Travis Morrison asks if anything was sent to the Band members about the 1854 Authority. Kim Greiner said there was no mass mailing. There are 12 Bois Forte Band members that had fines for the 1854.

Travis said maybe they should let it go this year but do it next year. It would give them another chance to pay on it.

Kim Greiner said it is a court order. Can the council override a court order or does it go back to the judge. Mark Anderson said it would go back to the judge for a modification of the writ.

Chairwoman Chavers said there is a resolution in place that the tribal council can't get involved in court matters. She asks if this plays into this too. Mark said if you want to petition for a modification it might be something that should be brought up at an 1854 board meeting because it affects the 1854 board.

Chairwoman Chavers said it sounds like a consensus of the tribal council is to petition the 1854 Authority judgment for modification.

David Morrison Sr. asks if it will jeopardize the 1854 Agreement. Mark Anderson said since the 1854 Authority was the applicant for the writ and if the applicant for the writ in Bois Forte Court and goes back and says we want the court to modify that in some respect. Like make it effective against per capita in 2020. Mark said that way he thinks it wouldn't be violating the resolution.

David said when they go back to the 1854 and do what we're going to do, what should also be included is to have the 1854 court to have more teeth when it comes to violations by Band members because if we start allowing our Band members to violate our 1854 and walk away, then the rest of the Band members will think the same thing. It might jeopardize the 1854 Agreement and the state might pull out of the agreement. If we these cases that are that old and should have been taken care of long ago. Mark Anderson said all those people have had their rights suspended since the day those orders were entered, and they don't get an 1854 card.

Shane Drift said there should be a statute of limitations put on the fines so if this happens again and it is beyond that limit then nothing can be done.

Chairwoman Chavers said it sounds like the council will be presenting a petition to the 1854 Authority for a modification to the writ to defray the per capita for one year, until 2020. And after 2020 the per capita will be used for collection on any fines because that will give them a year to pay the fine.

Chairwoman Chavers said to have Sonny Meyers send something out to Grand Portage and Bois Forte with regard to this issue. The council will do this today after the RTC meeting.

Moved by Shane Drift; seconded by David Morrison Sr.; to approve the Bois Forte Early Childhood Program Professional Development Agreement. This is a where the program will assist with educational costs for staff and in return they agree to work for the tribe for one year for positions requiring a CDA Certificate and three years for more advanced coursework (AA or BA), otherwise they agree to repay the financial assistance. Carried 4-0-0.

Moved by Travis Morrison; seconded by Shane Drift; to adopt resolution #20-2020, amendment to lease agreement with New Cingular Wireless to increase equipment and rent on the Fortune Bay Resort and Casino Water Tower site. Carried 4-0-0.

Barb Brodeen asks that for any modification to a lease she be given a copy so she can make certain that documents being sent to the BIA are correct.

Jenna Lehti will come up with a checklist for leases.

Shane Drift said there are holidays listed in the personnel policy. An extra day was given off for the 4th of July. Shane said his concern was did the council give enough time for the health department to make arrangements, how much was it going to cost the tribe. Get it set in stone, that way everyone knows what days are being given off.

Chairwoman Chavers said there was a management workforce development meeting on Monday. There are always questions too about RTCE leave, and also for example, Christmas is falling on a Wednesday in 2020. The government is trying to let staff and Band members know in advance the days off. Also what staff can participate in events and what you are supposed to use your leave for and what will be RTC excused. There is always issues with that and it is a cost issue. A meeting will be set up in a couple weeks to discuss those, what will be excused and what you need to use leave for.

Peter Boney said a little more consistency with the supervisor approval stuff. Like Head Start graduations. Vermillion has five different schools the students can enroll in. Chairwoman Chavers said Nett Lake has one – Northwoods. Chairwoman Chavers said staff will get excused here for school events, but we want to make sure that all staff have that opportunity to also do the same. This will be brought up once input is gotten from the directors. The council wants senior management to weigh in with input from their staff.

Moved by Shane Drift; seconded by Peter Boney; to approve the amendment to the Tax Agreement between the State of Minnesota and the Bois Forte Band of Chippewa. Carried 4-0-0.

Moved by Shane Drift; seconded by David Morrison Sr.; to approve the Mutual Aid Agreement between the Bois Forte Ambulance and Orr Ambulance. Carried 4-0-0.

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Moved by Shane Drift; seconded by Peter Boney; to table the appointment to the Arrowhead Area Agency on Aging "Advisory Committee on Aging", in order to look for a candidate to appoint. Carried 4-0-0.

Moved by Peter Boney; seconded by David Morrison Sr.; to table the appointment of an individual to represent Bois Forte on the Minnesota Department of Public Safety "Murdered and Missing Indigenous Women Task Force". Carried 4-0-0.

Moved by David Morrison Sr.; seconded by Peter Boney; to approve the contract amendment to the Mental Health Block Grant to add \$37,000 for the conference Bois Forte Health and Human Services is hosting in September. Carried 4-0-0.

Moved by Travis Morrison; seconded by Peter Boney; to approve the request from Jacque Wilson to sole source gift cards from Northern Eagle Federal Credit Union in the amount of \$3,427.00 for the Twin Cities Urban Office Picnic. Carried 4-0-0.

Moved by Travis Morrison; seconded by Shane Drift; to approve the Tribal Monitoring Agreement (Pre-Excavation Agreement) between Bois Forte, Fond du Lac, and Duluth for a project at a house construction project on Minnesota Avenue in Duluth. Bois Forte and Fond du Lac are requiring someone to monitor the construction site to make sure that if there are any artifacts found, (artwork, remains etc.) they are taken care of. Fond du Lac will be in charge of appointing the site monitor, and will speak on behalf of both tribes. Carried 4-0-0.

Moved by Shane Drift; seconded by Peter Boney; to adjourn the meeting at 10:42 a.m. Carried 4-0-0.