



Bois Forte

TRIBAL GOVERNMENT

Minutes of a special meeting of the Bois Forte Reservation Tribal Council held February 5, 2020 at the Lake Vermilion Sector of the Bois Forte Reservation, Minnesota.

Invocation by Gene Goodsky.

Meeting called to order at 9:38 a.m.

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

Members Absent: None

Others Present: Jenna Lehti; Gene Goodsky; Vicki Villebrun; Wendy Thompson; Evertt Huisman;
Eddie Chavers; Corey Strong; Barb Brodeen; Earl Villebrun; Christine Lundemo;
Joel Astleford; Pam Hughes; Doris Isham; Peter Rodriquez; Teri Morrison;
Darren Landgren; Jaylen Strong; Simona Benner; Sue Larson; Danielle Boetcher

Moved by Shane Drift; seconded by David Morrison Sr.; to approve the agenda with the addition of discussion on code of conduct for candidates for the tribal council; and the addition of discussion on the pressing charges memo. Carried 4-0-0.

Moved by Peter Boney; seconded by David Morrison Sr.; to approve the minutes of a regular meeting held January 15, 2020 at Nett Lake, Minnesota. Carried 4-0-0.

During approval of the minutes of January 15, 2020, Shane Drift asks about the Polymet alternative outcomes. Jaylen Strong said with all the restrictions Polymet has for people to go Sugarbush, they offered an alternative site for Sugarbush. Shane said Grand Portage and Fond du Lac need to be contacted because it will affect them. Chairwoman Chavers said the council did ask Jaylen to bring this to the community and the elders. Shane Drift said after the community meeting, set up a meeting with Grand Portage and Fond du Lac. David Morrison Sr. said a meeting with Fond du Lac is usually held in March at the 1854 Office.

New tribal government employees: Lt. Rodriquez introduces Danielle Boetcher who is the new police officer.

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

- 1) Approved the request from Louise Isham to sole source food/venue from Fortune Bay in the amount of \$8,995 for the State of the Band
- 2) Approved the contract for Therapeutic Massage Therapy for the Substance Abuse Program
- 3) Approved the CCDTF contract for chemical dependency services
- 4) Approved the amendment to the Long-Term Homeless Supportive Services Program (LTHSSF) Sub-Contract
- 5) Approved the request from Randy Long to sole source from Lisa Hyppa for QuickBooks training
- 6) Adopted Resolution No. 63-2020, establishing the Bois Forte Health and Human Services Board
- 7) Adopted Resolution No. 64-2020, lease agreement and sublease agreement with the Embarrass Vermillion Federal Credit Union; and the merger agreement between the Northern Eagle Federal Credit Union and Embarrass Vermillion Federal Credit Union
- 8) Approved the Space Lease Agreement between the Minnesota Chippewa Tribe and Bois Forte RTC for the Twin Cities Urban Office
- 9) Adopted Resolution No. 65-2020: appointing Christopher D. Anderson to serve as a MCT Tribal Election Court of Appeals Judge for the 2020 Regular Election.

Carried 4-0-0.

Peter Boney thanks Corey Strong for working with the credit union. Chairwoman Chavers said Corey has been doing two jobs – the Human Resources department and the credit union.

Vice-Chair Travis Morrison chairs the meeting.

Moved by Shane Drift; seconded by Peter Boney; to certify Catherine Chavers as a candidate for the Chairman position in the upcoming 2020 tribal election. Carried 3-0-1. Catherine Chavers silent.

Moved by Shane Drift; seconded by Peter Boney; to certify Miranda Villebrun Lilya as a candidate for the Chairman position in the upcoming 2020 tribal election. Carried 3-0-1. Catherine Chavers silent.

Chairwoman Chavers chairs the meeting.

Moved by Peter Boney; seconded by David Morrison Sr.; to certify Gordy (Jonsey) Adams, Jr. as a candidate for the District I Representative position in the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by Peter Boney; to certify Tara Geshick as a candidate for the District I Representative position in the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

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Moved by Peter Boney; seconded by David Morrison Sr.; to certify Mildred R. Holmes as a candidate for the District I Representative position in the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by Peter Boney; to certify Renika Love as a candidate for the District I Representative position in the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Peter Boney; seconded by Shane Drift; to certify Travis Morrison as a candidate for the District I Representative position in the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by David Morrison Sr.; to certify Charles (Chaz) Wagner as a candidate for the District I Representative position in the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

The lottery for the placement of the names on the ballot for the District I Representative position was held and will be in the following order:

Tara Geshick
Travis Morrison*Incumbent
Renika Love
Charles (Chaz) Wagner
Gordy (Jonsey) Adams, Jr.
Mildred R. Holmes

Discussion was held on a code of conduct for the candidate for council. Jenna Lehti said legal counsel said to come up with a code of conduct. Chairwoman Chavers said a question was on a poster for fundraising at government facilities, Nett Lake School, and Nett Lake Store. Shane Drift said also the Y-Store. The Nett Lake Store belongs to the Band. KBFT and WELY are able to broadcast but they need to work it out. The personnel policy should address this. Jenna Lehti said the problem is the personnel policy is for the employees, not the non-employees. Chairwoman Chavers said someone needs to check with the federal communications. Jenna Lehti said some kind of draft. Chairwoman Chavers said to make it easier for candidates across the board. David Morrison Sr. asks how soon the draft will be done. Jenna said as soon as possible. Darren Landgren asks if the C-Store is off limits. He is told yes. Barb Brodeen said this document needs input from the community. Chairwoman Chavers said this would need to be done for the next election. Jaylen Strong asks about the urban offices. Jenna Lehti reads legal counsel opinion. Chairwoman Chavers said if it is done at the Nett Lake School, it is only on the school side. Corey Strong said in regards to the Nett Lake School property to address the school board. Shane Drift said the school board meets the 2nd Monday of each month. Chairwoman Chavers tells Jenna Lehti to put that on the school board agenda.

Moved by David Morrison Sr.; seconded by Peter Boney; to appoint Jeneal Gogleye as Chair of the General Reservation Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Peter Boney; to appoint Tracey Dagen as Clerk of the General Reservation Election Board for the upcoming 2020 election.

Peter Boney is told Tracey Dagen chose not to sign up for the General Reservation Board.

Moved by Shane Drift; seconded by Peter Boney; to appoint Jamie Villebrun as Clerk of the General Reservation Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Peter Boney; seconded by Shane Drift; to appoint Edward Villebrun as Teller of the General Reservation Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by David Morrison Sr.; to appoint Stan Day as Alternate of the General Reservation Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by David Morrison Sr.; to appoint Donna Hoffer as Chair of the District I Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by David Morrison Sr.; seconded by Shane Drift; to appoint Toni Wakemup as Clerk of the District I Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by David Morrison Sr.; to appoint Tammy Strong as Teller of the District I Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by David Morrison Sr.; seconded by Shane Drift; to appoint Davelle Jones as Alternate of the District I Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Peter Boney; seconded by Shane Drift; to appoint Tracey Dagen as Chair of the District II Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by Peter Boney; to appoint Tara Samm as Clerk of the District II Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Peter Boney; seconded by David Morrison Sr.; to appoint Eugena Boshey as Teller of the District II Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Peter Boney; seconded by Shane Drift; to appoint Tracey Geshick as Alternate of the District II Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Peter Boney; seconded by Shane Drift; to appoint Laura Ferwalt as Chair of the Duluth Urban Office Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by Peter Boney; to appoint Teresa Drift as Clerk of the Duluth Urban Office Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by David Morrison Sr.; seconded by Shane Drift; to appoint Terry Strong as Teller of the Duluth Urban Office Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by Peter Boney; to appoint Virgil Sohm as Alternate of the Duluth Urban Office Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by David Morrison Sr.; seconded by Peter Boney; to appoint Danny Lambert as Chair of the Minneapolis Urban Office Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by Peter Boney; to appoint Joanna Boyer as Clerk of the Minneapolis Urban Office Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Shane Drift; seconded by Peter Boney; to appoint Janet Day as Teller of the Minneapolis Urban Office Election Board for the upcoming 2020 tribal election. Carried 3-0-1. Travis Morrison silent.

Moved by Peter Boney; seconded by David Morrison Sr.; to appoint Sandra Hill as Alternate of the Minneapolis Urban Office Election Board for the upcoming 2020 tribal election board. Carried 3-0-1. Travis Morrison silent.

Moved by Peter Boney; seconded by David Morrison Sr.; to adopt resolution #66-2020, approving execution of the Tribal Tobacco Use Project II Agreement between the Bois Forte Band of Chippewa Indians and the American Indian Cancer Foundation. Carried 4-0-0.

Moved by Travis Morrison; seconded by Shane Drift; to approve the Bois Forte Reservation Fire Donation Policy. Carried 4-0-0. This is to be put on the website.

Moved by Travis Morrison; seconded by Peter Boney; to adopt resolution #67-2020, approving execution of the amended contract for services agreement between the Bois Forte Band of Chippewa and the White Earth Nation Human Services for Homeless Assistance and Prevention Activities under the Family Homeless Prevention and Assistance Program (FHPAP). Carried 4-0-0.

Moved by Shane Drift; seconded by Peter Boney; to adopt resolution #68-2020, appointing Pamela Hughes to serve on the Minnesota Behavioral Health Planning Council for calendar years 2020 through 2024. This council will review the federal block grants for substance use and mental health and make recommendations on who receives them. They will give cultural input. Once a year they will review the programs that receive the substance use and mental health block grants. Carried 4-0-0.

Doris Isham informs the council of the Volkswagen Mitigation Trust Agreement. In 2015 and 2016 Volkswagen was sued by the federal government for cheating on their emission control data that was in their vehicles. They were fined 14.7 billion in the settlement. The majority of that went to the people that had Volkswagen vehicles to replace their cars. Some went into environmental trust to deal with emissions. Some was set aside for states and tribes. Bois Forte would need to become a beneficiary of the trust and if accepted as a beneficiary the Band could get old diesel trucks taken off the road and be replaced with new vehicles. The old vehicles would have to be destroyed. The goal of the program is to get old vehicles off the road to reduce the emissions. They are in their third cycle of funding. There are four cycles of that funding. Doris said she reviewed applications from Red Lake and Fond du Lac that have been the only tribes in Minnesota that have taken advantage of this. It won't be known what that allocation will be this year until after all the tribes nationwide have a chance to apply and become beneficiaries. Year one there was 25 tribes. Second year 45 more tribes applied. Doris said there is a process for applying. She said she did share the document with the tribal attorney and he replied. One of the things for the council to decide would be to move forward. And if the Band became a beneficiary then the council has to agree that any court actions or disagreements are subject to federal law. It would mean waiving immunity for this program. It would mean being subject to federal jurisdiction. Doris said her and the tribal attorney don't foresee any court jurisdiction. The guidelines have to be followed, like destroying old vehicles and using the money for what the Band says they are going to do with it. The vehicles have to be deemed eligible. Joel Astleford said they have to be between 1996 to 2009 and class 7 and 8 vehicles. Single axle and tandem axle dump trucks. On a plow truck they will replace the box and the plow and the sander. Doris said whatever the allocation would be there 15% of that could be used for a UV or electric vehicle charging stations. David Morrison Sr. said to find out what Fond du Lac and Red Lake did regarding sovereign immunity. Doris said she will be coming back with a resolution and will contact Fond du Lac and Red Lake to what they have done.

Barb Brodeen gives an update on the Land Buy Back Program. She said there was a 53% acceptance rate on the offers that were sent out to the Band members. That was the best rate in the nation. Approximately 1.9 million was spent of the 3.2 million that was allotted. 2,400 acres were recouped. The 1.9 million went directly to the Band members that chose to sell their land back to the Band. Chairwoman Chavers asked what happens with the money that wasn't spent. Barb said it will go back to the federal pot and be allotted to another tribe. David Morrison Sr. asks if there is a way to go back to see about those that didn't sell. Barb said the money already went back to the federal pot. The only way Bois Forte would have a chance again would be if Bois Forte was selected again in the next round,

round three. Bois Forte was in round two. Barb said she doesn't know if Bois Forte would be selected again.

Shane Drift reads an email he sent to Jenna and the rest of the council regarding discussion or resolution on charges on individuals who steal from the Band and/or tribal government, or destroys Band property. Some are charged and some are not charged and that is not right. Charges should be filed automatically. Jenna Lehti reads a memo from legal counsel that was sent to the tribal council and the subject is whether the council can require its prosecutor or to charge and prosecute criminal acts against the Band. Shane said some people are charged and some are not and that is not fair or right. He said look at how many cases the FBI took and they just sat and nothing happened. Shane said this should be put out to the Band members for their input. Chairwoman Chavers said before that, the council needs to meet with all the departments involved – law enforcement, judicial, and legal counsel, to get everyone at the table.

Barb Brodeen said there has been some prosecutions, from 2002 to 2011, when she served as executive director. When a crime was committed, she and the CFO would contact the tribal attorney and send him the information, and he would make the recommendation on whether it should be sent to the federal prosecutor or tribal. The tribal council was not involved in deciding who was prosecuted and who wasn't. That was based solely on the legal expertise of the Band's tribal attorney. There is a resolution in place that the tribal council put in place that the tribal council is not to interfere in the judicial process.

Doris Isham said there should be a buffer between the council and dictating who should be charged and who shouldn't be charged. The government can set laws and rules but shouldn't get involved in certain situations.

Shane Drift said is isn't a dictating who should be charged and who shouldn't be charged. If somebody breaks the law, steals from the Band or the Band's businesses, they should be charged, across the board.

Wendy Thompson reminds everyone that when people are charged with something, it is "alleged to have committed it" until they are found guilty in a court of law.

Lt. Rodriguez said the question is about jurisdictional, members and non-members. Law enforcement cannot do anything against a non-member. That is why some of the charges go to the FBI. There are some non-members with houses on the reservation. They cannot be charged unless they give up their rights on the reservation. If someone tells the police something about someone the police can't just go and arrest them.

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