

White Earth Reservation Business Committee

Special Meeting

February 6, 2024

White Earth, MN

Chairman Michael A. Fairbanks called the meeting to order at 10:09 p.m., roll call was taken with a quorum present.

Present: Michael A. Fairbanks, Chairman ~ Via Teams
Michael LaRoque, Secretary/Treasurer
Henry Fox, District I Representative
Eugene Sommers, District II Representative
Cheryl "Annie" Jackson, District III Representative

Absent:

Others Present: Laurie York, Executive Director
Curtis Rogers, Deputy Director
Andrea Kingbird, General Counsel
Victoria Newcomer, Legal
Maria Bevins, Recorder

Agenda Approval

Additions:

- **Precincts**
- **Waabigwan Mashkiki – Executive Session**
- **Appellate Forum – New Business**
- **Resolutions / NCAI – Executive Session**
- **Letter of Interest /Climate**
- **Matt Gordon – Executive Session**
- **COLA School**

Motion made by Michael LaRoque to approve with additions; second by Eugene Sommers. Motion carried: 4 for, 0 against.

RBC Meeting Minutes

No meeting minutes.

Calendar Review

Calendar items were discussed.

Old Business

No old business

New Business

Veronica Newcomer, Legal is present and provided a brief overview of the Elections process. The Legal department cooperates with the Compliance department reviewing the backgrounds and all the application materials for the candidates. After reviewing all the application materials, the Legal department makes their recommendations to the RBC for certification or non-certification. The information was distributed to the RBC. Of the five candidates that filed for the position of Chairperson it's the recommendation of the Legal department that the RBC certify four of the candidates. For District III Representative, three of the candidates applied for the position. It's the recommendation of the Legal department that the RBC certify two of the candidates.

Ms. Newcomer is requesting that the RBC adopt the recommendations from the Legal department in certifying and not certifying the candidates as listed. A brief discussion was held on certifying and not certifying candidates and the final decision of the RBC.

The Recommendation from the Legal department for the candidate of Chairperson is that the RBC would not certify the candidate, Justin Keezer. The recommendation is against him as an eligible candidate. The Legal department's opinion is that his residency requirement is not met. The information that the Legal department has is that Mr. Keezer has a Bemidji, MN residence and his current Waubun, MN address from the application materials. Mr. Keezer's Tribal ID that he submitted has the Waubun, MN address on it and was dated the same day that he submitted his application materials. The Legal department has no other materials that certify that he resided at that Waubun, MN address since April of 2023 which was the residency requirement for that 12-month period. Mr. Keezer would have the right to contest. This would be the basis and recommendation for this candidate.

One individual does not meet candidate eligibility requirements for the position of District III, John H. Smith. The Legal recommendation is for two reasons: Mr. Smith's residency requirement is not established. He submitted his documents and his driver's license has a Detroit Lakes, MN address. Mr. Smith's Tribal ID was issued the same day he applied and does not establish that he has an on-reservation address. Even if he did have an on-reservation address he has a felony conviction in his criminal history which would make him ineligible.

These are the recommendations from the Legal department, the other candidates are eligible for candidacy.

Motion made by Eugene Sommers to approve the Legal department's recommendations for certifying candidates; second by Henry Fox. Motion carried: 3 for, 0 against, Cheryl abstaining.

Precincts

Brief discussion held on the current precincts. The Election Board wants to know what the thoughts are of the Tribal Council on keeping the same polling places or removing the areas that do not receive any voters.

Polling Places

- District I:
 - Bejou
 - Beaulieu
 - Pine Bend
 - Rice Lake

- District II:
 - Mahnomen
 - Naytahwaush
 - Waubun
- District III:
 - Callaway
 - Ogema
 - White Earth
 - Elbow Lake
 - Pine Point
- Off Reservation:
 - Cass Lake
 - Minneapolis
 - Marble

By closing some of the polling places will save on the budget of \$10,000. A brief discussion was held on the polling places regarding closing or keeping open. The Chairman would recommend not to change any polling places and to keep open.

District I Representative, Henry Fox stated that he would close the Beaulieu site and keep the other sites open.

District III Representative, Cheryl stated that some of these polling places are done in private homes. Can these polling places be moved out of the home and moved into the communities?

Continued discussion on the polling places. The notice of the polling places needs to be at the same time as the certification according to the ordinance. District III Representative, Cheryl, would like to add Strawberry Lake to District III as a polling place.

District II Representative, Eugene stated he would recommend not to change any polling places.

Selecting Appellate Forum

The White Earth Reservation Business Committee has selected the **White Earth Tribal Court** as the forum for appeals.

Motion made by Michael LaRoque to approve; second by Eugene Sommers. Motion carried: 4 for, 0 against.

Sponsorship of MAST Impact Week; Sponsor Bags:

Motion made by Michael LaRoque to approve; second by Henry Fox. Motion carried: 4 for, 0 against.

Consent Agenda / Signatory Requests for February 6, 2024

Motion made by Henry Fox to approve; second by Eugene Sommers, Motion carried: 4 for, 0 against.

Motion made by Michael LaRoque to go into the Executive Session at 10:36 a.m.; second by Eugene Sommers. Motion carried: 4 for, 0 against.

*Meeting recessed at 10:36 p.m.
Meeting reconvened at 10:59 p.m.*

Resolutions

Resolution – Family First Prevention Services Act:

Motion made by Cheryl “Annie” Jackson to approve Resolution No. 001-24-021; second by Eugene Sommers. Motion carried: 4 for, 0 against.

Resolution – I.H.S and Tribal Provider Access to Medicaid Clinical Services Benefits for Services Provided Outside of the “Four Walls” of the Facility, found at 42 C.F.R. § 440.90:

Motion made by Michael LaRoque to approve Resolution No. 001-24-022; second by Cheryl “Annie” Jackson. Motion carried: 4 for, 0 against.

Resolution – Support for Third Party Billing for Traditional Healing:

Motion made by Cheryl “Annie” Jackson to approve Resolution No. 001-24-023; second by Eugene Sommers. Motion carried: 4 for, 0 against.

Waabigwan Mashkiki

A brief discussion was held on Waabigwan Mashkiki. Secretary/Treasurer, Michael LaRoque and Tracy Lhotka met with the team from Waabigwan. A PowerPoint presentation was presented on the equipment they need, also on the renovations.

A brief discussion was held on the repayment plan for the five years. They reviewed their numbers currently and what it will look like when they open. Waabigwan Mashkiki will be contracting with three tribes.

[REDACTED]

Tracy provided a brief overview of the cost. 5-year projections were recommended. Brief discussion was held on the contract [REDACTED]

Resolution – Mississippi Pillager LLC Loan Approval; \$6,525,000 for investment in expanding operations in order to increase revenue.

Motion made by Eugene Sommers to approve Resolution No. 001-24-024; second by Henry Fox. Motion carried: 4 for, 0 against.

Letter of Interest

Climate Resilience Challenge Program. University of Minnesota has been working with White Earth since 2018. Laurie references the letter to the Tribal Council.

Motion made by Cheryl “Annie” Jackson to approve; second by Michael LaRoque. Motion carried: 4 for, 0 against.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Executive Session ended at 11:57 a.m.

Motion made by Michael LaRoque to adjourn meeting at 11:57 a.m.; second by Eugene Sommers. Motion carried: 4 for, 0 against.

Michael LaRoque, Secretary/Treasurer