



Turtle Mountain Community College

P.O. Box 340
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Special Board of Directors Meeting September 3, 2009 5:00 p.m.

A g e n d a

1. GENERAL FUNCTIONS

Call to Order	Lance Azure
Roll Call	Lance Azure
Approval of Agenda	Lance Azure

2. ADMINISTRATION/INSTRUCTION/BUSINESS/PERSONNEL

2.1 P2P: South Campus	Lance Azure
2.2 Resolution	Wannetta Bennett

3.0 OTHER BUSINESS

3.1 Adjournment

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**Turtle Mountain Community College
Special Board of Directors Meeting
September 3, 2009
5:00 p.m.**

OFFICIAL MINUTES

Board of Directors Present: Lance Azure, John Trottier, Emil LaRocque, Ron Peltier, Barbara Poitra.

Board of Trustees Present: Theresa Rivard, Yvonne St. Claire, Dwight Trottier, John Frederick, Janice Azure, Troy DeCoteau

Board of Trustees Absent: James Lindgren, David Brien

TMCC Employees: Jackie Stein, Larry Henry, Dennis Bercier, Wannetta Bennett

Meeting came to order at 5:15 p.m.

Chairman Azure asked for the approval of the agenda with the addition of 2.2 Resolution by Wannetta Bennett. The agenda was approved.

2.2 Resolution by Wannetta Bennett

We sent in an application for \$300,000 for an additional parking lot. We were granted \$220,000. We have a 5% investment and we need a resolution passed to enter into an agreement. Discussion held. We are attempting to keep the project at \$235,000. The paper work needs to be in the office by September 15, 2009 in order to get the funding. We are looking at placing the parking lot on the NW backside of the college or by the CTE Building.

Update: We received a letter for the Bus project and it was approved.

Update: With the Trading Post money, the post needs to be leased out to an outside entity. This wasn't the original intention. We previously applied for \$150,000 and recently applied for an additional \$200,000. We need to determine if we want to go forward with the project or pull out the application. If we pull the application, we need a resolution.

Chairman Azure asked for the motion to approve the agreement for the additional parking lot that can be placed in the NW backside of the college or by the CTE Building, or in both places if there is enough funding. John Trottier made this motion, seconded by Ron Peltier. All were in favor.

45 Yvonne St. Claire, Janice Azure, and Troy DeCoteau enter at 5:25 p.m.

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47 We are going to table the second resolution for the USDA funding for the Trading Post
48 until we receive confirmation on the other source of funding. Discussion held.

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50 **2.1 Dr. Davis' Contract**

51 We need to determine if we are going to renew or non-renew Dr. Davis' Contract. The
52 Board of Directors would like to find out if the Tribal Council is going to meet with the
53 Board of Directors on the issue of Dr. Davis' contract. Discussion held. The Tribal
54 Council met on the issue yesterday and had a resolution drawn up. We would like to
55 make a motion, but we need to see the resolution first.

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- 57 • The Board of Directors did not officially announce the decision publicly about Dr.
58 Davis' contract, because before making the decision official, the Board of
59 Directors was stopped. If Dr. Davis was officially not re-signed, he wouldn't be
60 receiving a salary. Discussion held.

61

62 Dennis Bercier requested to have on record that he is attending this meeting as a
63 concerned citizen of the community, not as an employee of the college.

64

65 See Appendix A: Tribal Resolution

66

67 The Board of Directors state:

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- 68 • This can jeopardize TMCC's Accreditation
- 69 • We need to contact the Higher Learning Commission and inform them of the
70 change.
- 71 • The Tribal Council stated that they contacted certain people and checked into the
72 possibility of harming the accreditation.
- 73 • Ordinance change needs to go out for a 30 day comment period.
- 74 • This is a legal corporation and this can change the organization.
- 75 • The charter states that TMCC is an autonomous college, which was originally
76 created by the Tribal Council. By having this resolution, it will not be an
77 autonomous institution.
- 78 • If the Trustees have to oversee all of the decisions as stated in the resolution, the
79 college only needs to have one board.

80

81 Chairman Azure recommends that the resolution go to the colleges' attorney so that it
82 does not jeopardize the college in any way.

83

84 The Board of Directors are on the board because they care about the college. The Board
85 of Trustees were put in place to protect the integrity of the Board.

86

87 TMCC used to work closely with the Tribe when Carty and Carol were in charge. The
88 grants would all go to the tribe. Once Dr. Davis was placed as President, this
89 discontinued.

- 90 • More grants are available not and it is not necessary to go through the Tribal
91 Council.
92 • TMCC has been turned down from the Tribal Council to bring grants through.
93
94 The Tribal Council has always been welcome to attend the meetings at the college. They
95 are a liaison for the college.
96
97 Chairman Azure asked for the motion to adjourn. Ron Peltier made this motion,
98 seconded by Emil LaRocque. All were in favor.
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100 Meeting adjourned at 5:59 p.m.

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Barbara Poitra, Acting Chairperson



Jaclyn Stein, Board Secretary

RESOLUTION NUMBER **TMBC362-09-09** OF THE DULY ELECTED AND CERTIFIED GOVERNING BODY OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA

WHEREAS, the Tribe, is an unincorporated Band of Indians acting under a revised Constitution and bylaws approved by the Secretary of the Interior on June 16, 1959, and amendments thereto approved; and

WHEREAS, Article IX (a) Section 1 of the Turtle Mountain Constitution and Bylaws empowers the Tribal Council with the authority to represent the Band and to negotiate with the Federal, State and local governments and with private persons; and

WHEREAS, by Tribal Resolution Number 676-11-72, the Turtle Mountain Community College was authorized for operation under tribal charter; and

WHEREAS, under the aforementioned charter, two (2) boards were formed to oversee college operations- the Board of Trustees and the Board of Directors; and

WHEREAS, the policy and procedure manual and bylaws of the TMCC are unclear as to final authority; and

WHEREAS, The Board of Directors and Board of Trustees are to follow policy as set forth by the Tribe; now

THEREFORE BE IT RESOLVED that the Board of Trustees will have the final authority for decisions made by the Board of Directors, especially decisions that are detrimental to the Turtle Mountain Community College which includes the hiring and firing of the TMCC President or non-renewal of the TMCC President contract; and

BE IT FURTHER RESOLVED that both Board of Trustees and Board of Directors may not be employed in any capacity of the Turtle Mountain Community College while serving as a member of either board; and

BE IT FINALLY RESOLVED that the policies and by-laws of the Board of Directors and Board of Trustees shall reflect these changes immediately.

CERTIFICATION

I, the undersigned Tribal Secretary of the Turtle Mountain Band of Chippewa Indians, do hereby certify that the Tribal Council is composed of nine (9) members of whom **nine (9)** constituting a quorum were present at a meeting duly called, convened and held on the **2nd day of September, 2009** that the foregoing resolution was adopted by an affirmative vote of **five (5) in favor** – Representatives Janice Azure, Chuck DeCoteau, Betty Swain, Troy DeCoteau and Cindy Malaterre; two (2) abstained-Representatives Jim Baker and Vince McCloud; one (1) opposed- Representative Ted Henry; with the Chairman not voting.

Joleen A. Morin
Joleen A. Morin, Tribal Secretary
9/2/09

SIGNED INTO LAW/Dated this 2nd day of September, 2009
 VETOED/Dated this _____ day of _____, 2009

Richard Marcellais
Richard Marcellais, Chairman

