

## **MEMORANDUM**

**TO:** Native American Commission  
**FROM:** Catlyn Christie, Assistant Planner  
**DATE:** March 25, 2021  
**SUBJECT:** Fargo Native American Commission Meeting

The next meeting of the Fargo Native American Commission will be held on Thursday, April 1, at 12:00 p.m. as a virtual meeting. If you are not able to participate, please contact staff at 701.241.1474 or [Planning@FargoND.gov](mailto:Planning@FargoND.gov). Thank you.

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### **NATIVE AMERICAN COMMISSION Thursday, April 1, 2021 Virtual Meeting AGENDA**

1. Welcome and Introductions
2. Approve Agenda & Minutes.....Action Item
3. Public Comment
4. Legislative Update
5. Indigenous Association Report
6. Subcommittee Reports
7. Announcements
8. Staff Report
9. Next Meeting – May 6, 2021

Native American Commission meetings are broadcast live on cable channel TV Fargo 56 and can be seen live by video stream on [www.FargoND.gov/streaming](http://www.FargoND.gov/streaming). They are rebroadcast each Tuesday at 8:00 p.m. and Thursday at 5:00 p.m. Minutes are available on the City of Fargo Web site at <http://fargond.gov/city-government/boards-commissions/native-american-commission>.

People with disabilities who plan to attend the meeting and need special accommodations should contact the Planning Office at 701.241.1474. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements.

Individuals wishing to address the commission virtually during public comment must contact the Planning Department in advance at 701-241-1474 for instructions.

## MEMORANDUM

**TO:** Native American Commission  
**FROM:** Catlyn Christie, Assistant Planner  
**DATE:** March 25, 2021  
**SUBJECT:** Meeting Report

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**Item 1. Welcome and Introductions**

**Item 2. Approve Agenda & Minutes**

Chair King will seek a motion to approve or amend the agenda.

Recommended Action: Approve the April 1, 2021 agenda.

Recommended Action: Approve the minutes of the February 4, 2021 meeting.

**Item 3. Public Comment – Citizens to be Heard**

Chair King will open the floor to public comment. Speakers must state their name and will be limited to two minutes. Comments should not contain profanity or personal attacks. At the chair's discretion, an overall time limit may be placed on this agenda item. If time permits, the chair may choose to call on staff or liaisons to engage in dialog about any of the public comments received.

**Item 4. North Dakota Legislative Session**

The North Dakota legislature is in session. This agenda item is a place for commission members to provide updates on legislation relevant to the NAC. A reminder to commissioners: if you are seeking testimony from the City or the NAC, please e-mail the Executive Committee and copy staff.

**Item 5. Indigenous Association Report**

A representative of the Indigenous Association will provide an update.

**Item 6. Subcommittee Reports**

The Chair of each subcommittee will provide a progress report and present any action items recommended by their subcommittee.

**Item 7. Announcements**

Chair King will open the floor to commission members for any announcements.

**Item 8. Staff Report**

See attachment. Chair King will open the floor to commission member and staff for any questions or discussion related to the staff report.

**Item 9. Next Meeting – April 1, 2021**

Upon no further business, Chair King will adjourn the meeting.

## **BOARD OF NATIVE AMERICAN COMMISSIONERS MINUTES**

### **Regular Meeting:**

**Thursday, February 4, 2021**

The Regular Meeting of the Board of Native American Commissioners of the City of Fargo, North Dakota, was held in the Commission Chambers at City Hall at 12:00 p.m., Thursday, February 4, 2021.

The Native American Commissioners present or absent were as follows:

Present: Lenore King, John Strand, Anna Johnson, Rebecca Knutson, Sharon White Bear, Whitney Fear, Emily Sargent

Absent: Chalsey Snyder, Sonya Donahue

### **Item 1. Welcome and Introductions**

Chair King welcomed Members to the meeting and introductions were made.

### **Item 2. Approve Order of Agenda & Minutes**

Member Johnson moved the Order of Agenda and the minutes of the January 7, 2021 Native American Commission meeting be approved. Second by Member Strand. All Members present voted aye and the motion was declared carried.

Member Knutson present.

Item 4 was heard before Item 3.

### **Item 3: Public Comment**

No public comment was provided.

### **Item 4: Honoring Outgoing Member Heather Keeler**

Chair King thanked Heather Keeler for her service to the Native American Commission. Ms. Keeler gave a brief statement.

Willard Yellow Bird Jr. provided a blessing and the Buffalo River Singers performed an honoring song.

### **Item 5. Induction of New Member Emily Sargent**

Chair King welcomed new member Emily Sargent to the Native American Commission.

Member Fear present.

Willard Yellow Bird, Jr. gave a blessing, prayer, and smudging for the new Native American Commissioner Emily Sargent. The Buffalo River Singers performed a prayer song.

Member White Bear thanked Ms. Keeler for her services and welcome Member Sargent.

**Item 6. Savanna's Law and Missing and Murdered Indigenous Women**

Tanya RedRoad presented an overview of Savanna's Law.

Laura Youngbird gave an overview of the February 14 Missing and Murdered Indigenous Women event being held via Zoom, and shared the significance of the red dress and earrings on display during the meeting.

Members thanked Ms. RedRoad and Ms. Youngbird for their ongoing work.

**Item 7. North Dakota Legislative Session**

Chair King noted the North Dakota Legislature is in session and Representative Ruth Buffalo will be providing updates at upcoming meetings.

**Item 8. Woodrow Wilson High School Renaming**

Member Knutson introduced David Burkman, Principal of Woodrow Wilson High School, and Melody Staebner, Indian Education Coordinator from Fargo Public Schools.

Mr. Burkman and Ms. Staebner gave a brief presentation and update on the new high school name of Dakota High School. They shared the plan to have an opening ceremony in September 2021 and requested anyone that would like to help with the planning to contact them.

Discussion was held regarding the spelling of Dakota as it varies between different tribes and the State.

**Item 9. Indigenous Association Report**

Member Fear shared that the lease for the location has been finalized and the location will be in the Plains Art Museum. Member Fear noted that strategic planning meetings are being held.

**Item 10. Subcommittee Reports**

No updates were presented from the subcommittees.

**Item 11. Announcements**

No announcements were presented.

**Item 12. Staff Report**

Chair King stated the staff report is included in the meeting packet.

**Item 13. Next Meeting March 4, 2021 - Adjourn**

The time of adjournment was 1:02 p.m.

## **MEMORANDUM**

**TO:** Fargo Native American Commission

**FROM:** Catlyn Christie, Assistant Planner

**DATE:** March 25, 2021

**RE:** March Staff Report

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This agenda item is an effort to summarize and memorialize issues, concerns, or staff action related to the work of the Human Relations Commission since the last meeting. During the meeting, the Chair may open for discussion or questions concerning these items.

### **1. Local COVID-19 Response**

Staff continues to support overflow shelter needs through the Gladys Ray's temporary homeless quarantine and engagement center downtown, as well fitting up a temporary shelter in Moorhead. Staff also continue to support and administer funds for several other supportive services, such as direct housing assistance, enhanced quarantine capacity at local shelters, and case management. Please note, that this activity will continue to take a larger portion of staff's time throughout the recovery for our community during and post pandemic. We are beginning to focus on the impacts to housing, rent assistance through state programs and continue to coordinate amongst social service providers to learn more about system issues.

As a reminder, if you know someone in need of assistance, call FirstLink at 2-1-1. If there are system issues you would like to bring to our attention, please do so. It is very important to use the 2-1-1 system when possible; doing so ensures that the City and other agencies are aware of the services that are available and the coordination required to administer these services to as many people as possible.

### **2. North Dakota Legislative Session**

The 2021 North Dakota legislative session began on January 5, 2021. As a reminder, unless previously coordinated with staff and City Administration, members should be careful not to speak on behalf of the City or the NAC when submitting testimony.

Last month, the Human Relations Commission submitted testimony in support of HB1443, the bias crime bill. It also submitted testimony in opposition of HB 1298, the anti-trans youth athletics bill. Both testimonies are attached. Staff was unable to respond quickly enough to submit testimony in support of SB2232, the bill to recognize Juneteenth as a holiday.

### **3. Anti-Bias Ordinance**

Last month, Fargo City Commissioner Arlette Preston presented a local anti-bias ordinance to the Human Relations Commission and the City Commission. Attached is a cover memo from Commissioner Preston as well as the draft ordinance.

**4. City of Fargo Director of Diversity, Equity, and Inclusion**

The application window for the Director of Diversity, Equity, and Inclusion closed near the end of January. Over 60 applications were received. The selection committee is currently reviewing these applications.

**5. Budget Process**

As mentioned in previous staff reports, the City of Fargo's budget process has been updated with changes relevant to the Native American Commission. Attached is a memo detailing these updates.


**6. May 6, 2021 NAC Meeting**

The May 6, 2021 NAC meeting is tentatively an in-person meeting. Members would all be on the floor, wearing masks, and spaced six feet apart. If you have concerns, please bring them to the April 1 meeting during the Planning Staff Report item or contact staff directly with any concerns.

**7. Fargo Police Department**

A representative will provide updates from the Fargo Police Department (FPD).

TO: HUMAN RELATIONS COMMITTEE

FROM: ARLETTE PRESTON   
FARGO CITY COMMISSIONER

DATE: MARCH 11, 2021

RE: ANTI-BIAS ORDINANCE

There have been multiple reports in the past of individuals in our community targeted with violence or threats of violence due to their race, color, ethnicity, national origin, religion, disability, gender, sexual orientation or gender identity. There is not a full understanding of the residents or law enforcement of how to identify, report, and respond to this type of crime.

The attached local ordinance establishes those behaviors as bias crimes and allows for a separate criminal offense with a penalty attached. It also requires training for law enforcement and a requirement for reporting.

I am requesting your support for this ordinance and respectfully request your recommendation to the City Commission for its passage.

I'll be happy to answer any questions you may have at the meeting of the HRC.

## **FARGO, NORTH DAKOTA HATE CRIMES ORDINANCE**

**BE IT ORDAINED** BY THE CITY COMMISSION OF FARGO, NORTH DAKOTA AS FOLLOWS:

**SECTION 1:** The Municipal Code of the City of Fargo, North Dakota is hereby amended to create a new Article **[X]** entitled “Hate Crimes” to read as follows:

### **Hate Crimes.**

- (a) A person who commits a crime in violation of Section 10-0319 (Incendiary devices), 10-0321 (Criminal mischief), 10-0322 (Harassment), 10-0323 (Simple Assault), or 10-0304(C) (Discharge of dangerous weapons) within the City of Fargo and with the intent in whole or in part to cause harm, injury, or damage to the person or property of the victim or to cause the victim to fear harm, injury, or damage to their person or property, because of the victim’s actual or perceived race, color, ethnicity, national origin, religion, disability, gender, sexual orientation, gender identity, or association with a person or group with one or more of these actual or perceived characteristics, is guilty of a separate hate crime offense.
- (b) Every person who aids, abets, counsels, encourages, hires, commands, induces, or otherwise procures another to violate this ordinance shall also be guilty of a separate offense.
- (c) A violation of this ordinance shall be a misdemeanor and punishable by a fine of not more than \$1500.00 and/or by imprisonment for not more than 30 days. The sentence imposed must be consecutive to the sentence for the underlying criminal offense unless the court articulates on the record the reasons why the sentences should run concurrently. Any sentence may be suspended upon completion by the defendant of appropriate education, counseling, or community service employment as ordered by the court. The court may also designate all or part of the imposed fine to be directed to the support of programs designed to combat bias based on actual or perceived race, color, ethnicity, national origin, religion, disability, gender, sexual orientation, or gender identity.
- (d) In addition to the penalties provided for above, the court may order restitution up to the limits of the court's jurisdiction for damages sustained by the victim directly related to the commission of the crime which may include compensation for medical bills, counseling or therapy, or damage to property.

### **Hate Crimes Training and Reporting.**

- (a) For purposes of this section, a hate crime shall be defined as any crime committed in whole or in part because of the victim’s actual or perceived race, color, ethnicity, national origin, religion, disability, gender, sexual orientation, or



gender identity, or the victim's association with a person or group with one or more of these actual or perceived characteristics.

- (b) The Fargo Police Department shall develop best-practice guidelines for the proper identification, investigation, documentation, and reporting of hate crimes committed within the City of Fargo.
- (c) Fargo Police Department personnel shall be trained on the proper identification, investigation, documentation, and reporting of hate crimes, as defined herein, at least biennially. This training shall include information on local, state, and federal hate crime laws.
- (d) The Fargo Police Department shall develop and implement a standardized system for collecting and analyzing hate crimes committed within the City and shall provide annual statistical data regarding the occurrence of hate crimes and the groups or individuals targeted to the Federal Bureau of Investigation, pursuant to 28 U.S.C. 534, for entry into the national crime information databases.

## Testimony Presented on HB 1298 to the

Senate Judiciary Committee

Senator Diane Larson, Chairman

by

Matuor Alier, Chair of Human Relations Commission

Nicole Crutchfield, Planning Director City of Fargo

On behalf of the City of Fargo's Human Relations Commission, we submit testimony in opposition of HB 1298.

We know that the State of North Dakota prides itself on being an inviting and welcoming community and opposes discrimination. We believe this proposed bill is contrary to this goal. This bill negates fairness and equal rights for all people in our state and counters freedom for individuals defining their identity and gender.

National research tells us that 75% of transgender youth feel unsafe at school, have significantly lower GPAs, are more likely to miss school out of concern for their safety, and are less likely to continue their education.

According to Municipal Equality Index, gender identity and expression are central to the way we see ourselves and engage in the world around us. We know that transgender people, especially youth, are targeted unfairly and suffer from increased difficulties at school, including bullying and denial of participation based on identity. This can lead to depression, anxiety and suicidal thoughts.

The proposed legislation singles out school-aged students and risks that students are not able to find a safe place to participate in their sports or community based on their identity. We believe this bill creates an additional barrier and causes harm to our youth. To keep and enhance a welcoming and inclusive community in North Dakota, we strongly encourage DO NOT PASS.

## Testimony Presented on HB 1443 to the

### House Judiciary Committee

Representative Lawrence R. Klemin, Chairman

Dr. Timothy J. Mahoney, Mayor for City of Fargo  
Matuor Alier, Chair of Human Relations Commission  
Nicole Crutchfield, Planning Director City of Fargo

February 8, 2021

Chairman Klemin, members of the House Judiciary Committee, we wish to speak in support of HB 1443. We recognize that hate crimes happen in our community and our state. According to the FBI, there were 18 reported hate crimes in North Dakota.

North Dakota is one of four states without hate crime legislation. This legislation would provide equal protection for all North Dakota residents, visitors, and workers.

We know that law enforcement including rank, file and leadership of the Fargo Police Department support state hate/bias crime legislation as it would provide law enforcement additional options to address and hold accountable those who would commit a crime based on someone's protected status.

A strong aspect of this bill is the fact that protected communities are enumerated. Any resident could be subject to a hate crime, but it is important that communities known to be at higher risk are clearly listed. Members of communities of color, of minority religion, of the Lesbian, Gay, Bisexual and Transgender, of communities of people with disabilities are known to receive the greatest amount of hate directed at them.

We also support the importance HB 1443 places upon data collection and training of members of law enforcement. As much as we are encouraged and support the efforts of the Fargo Police Department to address this need, we recognize the importance of consistency throughout the state and believe appropriations to support the implementation of the measure will aid law enforcement agencies.

We recognize that hate crime goes largely unreported. The reasons for this are that many people do not know of their rights, they may fear retaliation, or they do not believe their community would support them.

Our strongest basis for supporting HB1443 is the belief that ALL residents of our community and our state have a right to live with safety and security and without fear. Passing HB1443 sends a clear and inconvertible message: our communities do not sanction hate at any level.



## MEMORANDUM

**TO:** Members of Human Relations Commission, Arts and Culture Commission, and Native American Commission

**FROM:** Nicole Crutchfield, Planning Director

**DATE:** January 27, 2021

**RE:** Planning Department supported commissions' budget processes – Human Relations Commission (HRC), Arts and Culture Commission (ACC), Native American Commission (NAC), Fargo Youth Initiative (FYI)

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City activities and programs are accounted for annually in the City of Fargo's annual budget. This memo further explains the budgeting and purchasing processes.

The adoption of 2021's budget clarifies the Planning Department's activities and programs, including the work of the boards and commissions that the department oversees. Beginning this year, funds are now combined by activity category in lieu of by board name. This means Native American Commission, Human Relations Commission, Fargo Youth Initiative, and Arts and Culture Commission no longer have their own budget. This change allows more flexibility. As an example, a city - wide initiative such as increasing diversity, equity and inclusion (a focus area for multiple city boards) can be more swiftly aligned for city and community integration for broader impact, since it's the activity or program that is the subject of discussion and action, not necessarily the funding that is the subject of discussion. This financial oversight change also aligns with other boards that historically have no budget, such as, Planning Commission and Community Development Committee.

The source of funds remains the same. Activities or initiatives continue to be funded through the City's Social Services Funds and the Planning Department General Fund. In order to understand how best to impact City spending, a description of city budget and purchasing policy is presented below. Practices for spending prior to 2021 have not been in compliance with City Purchasing policies, so part of this governance change is also to rectify this.

### **Integrated work:**

This year also marks a shift in budgeting for funds historically part of the Native American Commission and the Arts and Culture Commission in order to simplify expectations and procedures. This year the budget identified two specific partner agencies that are key to the community and work on behalf of City of Fargo's missions and goals. This year a direct line item was created for allocation for the Indigenous Association for \$30,000 and The Arts Partnership for an allocation of \$90,000. The payments for these activities will not need to come forward in front of regular business of the Arts and Culture Commission or Native American Commission since they were included within the City of Fargo budget and continue the work of programs that are already in existence.

## **The City's Budget Process**

The City's fiscal year runs January 1 through December 31. Planning for the following year's budget happens much earlier, a year in advance. In Spring 2021, departments will present initiatives, activities, and priorities to the Mayor's Budget committee for the 2022 fiscal year. Budget proposals may include new ideas or programs in addition to regular operational costs and capital costs. In general, budget increases are very modest, if at all, and need to connect to a strategy or work plan item. Generally, these goals and initiatives are led through major studies or strategic plans. Examples for the Planning Department would be Downtown InFocus, GO2030, or the upcoming Core Neighborhood Plan. These plans and documents are vetted and approved at the City Commission and are formed by input from stakeholders, steering committees, and boards and commissions.

The Mayor then considers these requests from each department head and city commissioner and then drafts a proposed budget for the public and City Commission's review and approval. This entire process typically occurs from May through October with the department head's involvement primarily focused over 4-6 weeks in March-May.

## **Implications of the City Budget Process to Individual Board Work**

We no longer can continue to support and receive sponsorship applications without a direct tie to work plan and initiatives or goals. While January 2021 may feel like a budgetary "fresh start," the Planning Department (and the City) already have identified priorities and initiatives for the year with adoption in October 2020. For historic context, the work of some boards and commissions, including their individual budgets have sat outside the city budget process for good reason which made sense 20 years ago. However this also means, the individual boards have not been able to operationalize within the city's organizational structure as it evolved. City leadership desires the work of the boards to be operational and integrated into the overall city governance for effective and transparent long-term change.

Staff recognizes that not all initiatives and goals can be captured in strategic planning processes, and a goal or initiative may arise during a fiscal year after the Planning Department's budget is adopted. In these situations, the new goal or initiative could be pursued under the following process:

1. The new initiative or goal is brought to and vetted by full board as an action to pursue.
2. The Planning Director coordinates with Liaison City Commissioner and Assistant City Administrator to confirm the item aligns with the City's priorities.
3. If supported by the full board and it is recommended to Finance Committee and the City Commission for final approval.

Combining the steps above, adopting a new initiative or goal in the middle of a year could be ninety days or more.

## **Budget**

To help illustrate the Planning Department and Social Services budget, a table is included below as well as brief explanations of each funding category. The amounts listed are shared with other boards and commissions and in some cases other departments. To access these funds, City staff must follow the City Purchase Policy. The authority to allocate those funds depends on the activity and dollar amount, as referenced in the purchase policy (explained below).

Social Services & Arts Fund	\$223,400
Boards Support	\$8,000
Event Support	\$25,000

*Social Services and Arts Fund.* This fund is under the City of Fargo's general fund, but managed by the Planning Department. The fund supports critical programs or pilot projects carried out by nonprofit agencies or specific project initiatives generally sought out through an application or request for proposals. Primarily these assist community partners to carry out activities, such as, during COVID, education and outreach to vulnerable populations during COVID testing and quarantine and isolation support for housing and food assistance. These funds also have been recently refocused on assisting with housing, homelessness and continued quarantine support during the pandemic. Pre-pandemic, and over the past five years, these funds have also been used for public art projects.

*Boards Support.* This category is new and is used by the Planning Department to promote training or registration fees for board members to attend local conferences or booth rentals at community events.

*Event Support.* This category is intended for City of Fargo signature events led by board and commissions. These events are typically developed through an event planner in collaboration with community volunteers and city staff.

### **Expenditure Approval Process**

For an expense to be approved, it must meet these requirements:

- It is appropriate to the budget category. There should be clear answers to how the request meets the goals of the board or activity, and how the activity supports the goal and mission.
- The activity is in line with the initiative, policy or goal as adopted and the activity is confirmed by the board overseeing that activity.
- The appropriate approvals are obtained according to the City Purchase Policy (e.g., Director, Finance Committee and City Commission)
- The expense meets a goal or priority of the Planning Department's work plan

### **City Purchase Policy**

The full City of Fargo Purchase Policy is attached. A summary table of relevant purchase levels is below. All purchases made must be appropriate to the account to which it is charged. As described above, every new activity or operational element regardless of purchase amount must be approved by Finance Committee or City Commission; otherwise it needs to be allocated as part of a budget adjustment or proposed in the preceding year.

<b>Purchase Description</b>	<b>Approval Requirement</b>
\$10,000 or less	Planning Director
Sole Source or Piggyback and purchases between \$10,001 - \$50,000	Finance Committee
\$100,000+	City Commission

### **Follow up:**

Staff sincerely hopes this report serves to explain in more detail the City of Fargo budget process and the roles of staff, the appointed boards, and the approval authorities. As we begin 2021 and the budget process for 2022, please do reach out with any questions or comments.

## Purchasing Requirements At-A-Glance

	Micro Purchase, Sole Source and Piggyback Contract Purchases \$0 - \$10,000	Purchases \$10,001 - \$25,000	Purchases \$25,001 - \$50,000	Sole Source and Piggyback Contract Purchases \$10,000 - \$50,000	Sole Source and Piggyback Contract Purchases \$50,000 & Over	Purchases \$50,001 & Over
<b>Decision Made By:</b>	Division Head or Department Head	Division Head with Department Head concurrence	Department Head	Finance Committee Approval	Formal Process - Requires City Commission Approval	Formal Process - Requires City Commission Approval
<b>Quote Form:</b>	No	<b>Yes (if no RFP)</b> The purchasing <b>quote form</b> must accompany the first invoice.	<b>Yes (if no RFP)</b> The purchasing <b>quote form</b> must accompany the first invoice.	No	No	No
<b>Fixed Asset Form:</b>	Yes (if Applicable)	Yes (if Applicable)	Yes (if Applicable)	Yes (if Applicable)	Yes (if Applicable)	Yes (if Applicable)
<b>AD #:</b>	No	<b>Optional</b> A QF number may be obtained & referenced on all subsequent invoices.	<b>Optional</b> A QF number may be obtained & referenced on all subsequent invoices.	SSP or PBC	SSP or PBC	Yes
<b>AD #'s: (Formal advertised process)</b>	RFP	Request for Proposal: Proposal for products or services. Proposals will be collected on due date and are not opened publicly.				
	RFQ	Request for Qualifications: Proposal from companies that might pre-qualify to do services under specific criteria. Proposals will be collected on due date and are not open publicly.				
	RFV	Request for Vendor: Proposal for vendors to do services. Proposals will be collected on due date & are not opened publicly.				
	RSA	Rental Service Agreement				
	AFB	Advertise Bids: Bids from companies for product or services. Bids will be opened & read publicly on a bid opening date.				
<b>Finance Committee</b>	SSP	Sole Source Procurement: Procurement directed to a single vendor without going through a competitive procurement process.				
	PBC	Piggyback Contract: Purchases off of a competitively procured contract executed by State officials.				
<b>Quote Form</b>	QF	Quote Form: If the department requests to have a number assigned instead of attaching a quote form to subsequent invoices.				
<b>Other</b>	NDCC	ND Century Code				