

Red Cliff Band of Lake Superior Chippewas

REGULAR MEETING

October 3, 2016

4:30 p.m. Legendary Waters, Buffalo Bay Grand Ballroom

ROLL CALL

Bryan Bainbridge, Present

Nathan Gordon, Present

Mercie Gordon, Present

Krystle Topping, Present @ 4:32 p.m.

Daniel Duffy, Absent

Jeanne Gordon, Present

Antone Basina, Present

Chris Boyd, Present

Steven Boyd, Present

Quorum

Chairman Bryan Bainbridge called the meeting to order at 4:30 p.m.

Others present: David Ujke -Tribal Attorney, Wade Williams - Assistant Tribal Attorney, Dennis Soulier - Interim CFO, Charles Bresette - Compliance Officer, Patty Deragon-Navarro - Health Division Administrator, Liz Marcoux - Clinic Manager, Jennifer Bouley - ZHV Program Coordinator, Shelly Gordon - Water & Sewer Administrative Assistant and community members.

AGENDA

1. Date correction for September 3rd minutes, changed to September 5th.
2. Removed #18 COC Ad Hoc Advisory Amendment
3. Correct #22 Ratify Council Poll Pertaining to NALEMP Cooperative Agreement for FY2017, changed to FY2016
4. Add Approval of Oracle contract as #25
5. Add Resolution pertaining to "Leveraging Traditional and Tribal Ecological Knowledge for Cancer Prevention and Control among American Indian Communities" Project as #26

Nathan Gordon moved to approve the amended agenda. Seconded by Mercie Gordon. Motion carried.

OPENING CEREMONY

Opening ceremony performed by Jim Pete.

MINUTES

Krystle Topping moved to approve the September 5, 2016 minutes. Seconded by Jeanne Gordon. Motion carried.

Steven Boyd moved to approve the September 20, 2016 minutes with corrections. Seconded by Krystle Topping. Motion carried.

COMMUNITY COMMENTS/ANNOUNCEMENTS

Treaty Day event was held on September 30th. Miigwech to staff assisting with the event and to those who attended.

Pat Kruse will be here on October 7th, he will have birch bark art and wild rice for sale.

Vendors will be setting up at Legendary Waters starting on Thursday for Apple Fest weekend. Those interested in selling goods may contact Antone Basina. A shuttle will also be available all weekend.

The Circles of Care Final Visioning event will be held on November 2nd at Legendary Waters.

TREASURER'S MONTHLY REPORT

Dennis Soulier announced that he is now the Interim CFO. Lisa Bissell is no longer in this position. Desiree Livingston will also serve as Assistant CFO. Krystle Topping presented the Balance sheet. The auditors were in the office last Friday assisting with the close out of FY2016.

Jeanne Gordon moved to accept the Treasurer's Report. Seconded by Chris Boyd. Motion carried.

OLD BUSINESS

GAMING COMMISSION REPORT FOR AUGUST & SEPTEMBER 2016

Charles Bresette stated he had made contact with a Michigan casino regarding their fine schedule but this project for LW continues to be in the early stages.

Dave Ujke stated he sent a correction for the August 18, 2016 minutes to the Commission; this has yet to be reflected in the minutes. A number of corrections will be done to the August 18 and September 12, 2016 minutes. Desiree also confirmed that the Gaming Commission was provided the financials as required by Tribal Council action.

Discussion was had on whether employees are aware of their obligation to report new charges to the Commission and Legendary Waters. Background checks are valid for two years. Charles stated information of this requirement is on the application and posted in employee break areas. Chris Boyd suggested it be clearly stated and include a timeframe to further instruct employees. There also may be a misunderstanding on whether they are obligated to report charges or convictions.

Krystle Topping moved to accept the Gaming Commission report of August and September 2016. Seconded by Nathan Gordon. Motion carried.

COMPLIANCE REPORT FOR AUGUST 2016

Charles Bresette provided his written report. He was asked to provide details in future reports. Antone Basina asked that it be made clear that the Commission and Compliance Department's sole responsibility is to regulate gaming.

Krystle Topping moved to accept the Compliance Report for August 2016. Seconded by Jeanne Gordon. Motion carried.

WATER AND SEWER BUDGET FOR FY2017

Legendary Waters' outstanding balance is one reason for short fall. Krystle Topping highlighted that the department will continue to run in a deficit as user rates and/or revenue do not satisfy costs. This does not align with zero deficit plan of the Tribe.

Krystle Topping moved to approve the Water and Sewer Budget for FY2017. Seconded by Mercie Gordon. Motion carried.

CHANGE ORDER #2 FOR BE-11-G34

The change order will extend the contract time to allow for final payment to be made to Tribovich Construction by December 31st, 2016. The final payment date prior to this change order was September 30th. There is no change to the contact cost.

Chris Boyd moved to approve change order #2 for BE-11-G34. Seconded by Nathan Gordon. Motion carried.

APPROVAL OF WAIVER OF 3-BID PROCESS FOR BERTRANG ROOFING

The Public Works Department requested the three bid process be waived for the Fish Hatchery roof repair. They have chosen the contractor Bertrang Roofing and determined this contractor could complete the roof in a timely

fashion; they had used this contractor previously on the Fire Hall roof and they were able to complete in two days at a good price.

The Council spoke of the importance of adhering to policy and asked that the department be timely in their requests in the future.

Jeanne Gordon moved to approve the waiver of the three bid process for this project. Seconded by Antone Basina. Motion carried.

CHANGE LINE ITEMS FOR CAPITAL IMPROVEMENT PROJECTS

Request to move \$15,000 from Family/Human Services Bldg., roof patch & seal and \$1,250 from Youth Center, roof patch & seal to Hatchery, roof patch & seal line. This would give the Hatchery roof repair a total of \$26,250.

Chris Boyd moved to approve the budget modification to move funds to the Hatchery roof repair. Seconded by Jeanne Gordon. Discussion: Krystle Topping asked that the department make the Youth Center roof a priority. Motion carried.

POLE BARN LOCATION

Krystle Topping moved to table this item until location and exact measurements are clarified. Seconded by Jeanne Gordon. Motion carried.

FINAL VISIONING EVENT

No discussion or action taken.

ZHV EVALUATION BRAZELTON CONTRACT FOR FY2017

This contract cost has increased from \$90,000 to \$109,500 from the previous year. Jennifer Bouley requested Tribal Council approval to move forward with legal review.

Jeanne Gordon moved to approve contract for legal review only. Seconded by Nathan Gordon. Motion carried.

ZHV CONTRACT FOR DOREEN DAY FY2017

The ZHV Program requested to a waiver of the three bid process for Cultural Reflective Practice contract for Doreen Day. Jennifer Bouley stated the program acquired her services in FY2016. At that time, the program followed the procurement policy and only received a proposal from Ms. Day. The program has established a positive working relationship with Ms. Day and would like to obtain her services for another year.

Nathan Gordon moved to waive the three bid process for the Doreen Day contract with ZHV Program. Seconded by Mercie Gordon. Discussion: Nathan asked that Jennifer provide records from the previous year to show the property and procurement process was followed for this contractor and send to the Tribal Secretary. Motion carried.

APPROVAL OF MIDWEST PROFESSIONALS TRAVEL

It was discussed that Tribal Council must approve any increase in travel for this contract.

Jeanne Gordon moved to approve an increase of \$1,115 Midwest Professionals travel costs for a total of \$3,615.00. Seconded by Nathan Gordon. Discussion: Approving travel for FY2017 only, this item will be brought back for approval of FY2018 if necessary. Motion carried.

COMMITTEE APPLICATIONS 2016

Housing Board: Selection done by secret ballot.

Larry Deragon, 0 votes
Chris Boyd, 1 vote

Marvin Defoe 2 votes
Krystle Topping, 3 votes

Ernie Grooms, 1 vote
Betsy Hudson, 3 votes (2 votes, tie broken by
Chairman Bainbridge)

Stephanie Defoe-Haskins, 1 vote

Mercie Gordon moved to appoint Krystle Topping and Betsy Hudson to the Housing Board. Seconded by Nathan Gordon. 1-Abstension (Krystle Topping) Motion carried.

Health Board: Selection done by secret ballot.

Ernie Grooms, 7 votes
Marvin Defoe, 5 votes

Gretchen Morris, 3 votes
Joshua Newago, 6 votes

Jeanne Gordon moved to appoint Josh Newago, Ernie Grooms & Marvin Defoe to the Health Board. Discussion: Josh Newago and Ernie will serve 2-year terms and Marvin Defoe will serve the 1-year term (fulfill Carl Butterfield's term). Seconded by Nathan Gordon. Motion carried.

Steven Boyd moved to appoint Josh Newago as Chairman of the Health Board. Seconded by Antone Basina. Motion carried.

JOM Committee:

Chris Boyd moved to appoint Rachel Garramone and Barb Gadbois to the JOM Committee. Seconded by Steven Boyd. Discussion: Only two applications received. Motion carried.

Law Enforcement Committee: Selection done by secret ballot.

Doug Defoe, 5 votes
Ernie Grooms, 2 votes

Jeffery Gordon, 0 votes

Jeanne Gordon moved to appoint Doug Defoe to the Law Enforcement Committee. Seconded by Steven Boyd. Discussion: Jeanne Gordon to send letter to the Committee to ask if any members interested in serving as Chair. Motion carried.

Membership Committee:

Krystle Topping moved to appoint Stephanie Defoe-Haskins to the Membership Committee. Seconded by Chris Boyd. Discussion: One application received. Chairman Bainbridge asked that Council look into action taken at retreat to reserve a seat for THPO on board. Motion carried.

Fishing Committee: Selection done by secret ballot. A second vote was taken to ensure accuracy of the count.

Joanne Peterson, 6 votes
Martin Peterson, 4 votes
Richard Gurnoe, Jr., 5 votes
Richard Peterson, 6 votes

Joseph Duffy, 5 votes
Sean Charette, 1 vote
Cecil Peterson, 3 votes

Krystle Topping moved to appoint Joanne Peterson, Martin Peterson, Richard Gurnoe Jr., Richard Peterson, and Joseph Duffy to the Fishing Committee with Sean Charette and Cecil Peterson as alternates. Seconded by Antone Basina. Motion carried.

Utilities Commission: Selection done by secret ballot.

Mark Duffy, 4 votes
Ernie Grooms, 3 votes.

Krystle Topping moved to appoint Mark Duffy to the Utilities Commission. Seconded by Nathan Gordon. Motion carried.

Tribal Board of Education:

Nathan Gordon moved to appoint Jennifer Defoe, Nicole Boyd and Barb Gadbois and to post for an alternate. Seconded by Steven Boyd. Discussion: Three applications received. Motion carried.

Mercie Gordon moved to destroy the ballots. Seconded by Jeanne Gordon. Motion carried.

TRIBAL COUNCIL COMMITTEE APPOINTMENTS

Krystle Topping moved to appoint Dave Ujke as an alternative on State of WI Joint Legislative Council. Seconded by Jeanne Gordon. Motion carried.

Steven Boyd to replace Bryan Bainbridge as alternate on Voight Task Force.

Jeanne Gordon will send out dates and times for the Bayfield County/Tribal Relations Committee to all Council.

Mercie Gordon to replace Dan Duffy on the Family/Social Services Board. One more member is needed on the Board.

RATIFY POLL VOTE PERTAINING TO WAIVER OF 3-BID PROCESS FOR CHILD SUPPORT TRAINER

Nathan Gordon moved to ratify poll. Seconded by Chris Boyd. Motion carried.

Suggestion made by Dennis Soulier to include clarification and/or description on poll vote cover sheet for auditing purposes.

RATIFY POLL VOTE PERTAINING TO NALEMP COOPERATIVE AGREEMENT FOR FY2017

Krystle Topping moved to ratify the poll. Seconded by Antone Basina. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO RED CLIFF CREEK PROJECT

Steven Boyd moved to ratify the poll. Seconded by Chris Boyd. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO THE PRINTED AND POSTED MEDIA POLICY

Jeanne Gordon moved to ratify the poll. Seconded by Mercie Gordon. Motion carried.

APPROVAL OF ORACLE CONTRACT

Steven Boyd moved to approve the Oracle contract with Legendary Waters as presented. Seconded by Jeanne Gordon. Motion carried.

APPROVAL OF RESOLUTION PERTAINING TO NARCH GRANT

This resolution will authorize the application for a research grant entitled "Leveraging Traditional and Tribal Ecological Knowledge for Cancer Prevention and Control among American Indian Communities". Submitted as a pilot project as part of the Native American Research Centers for Health (NARCH) Grant.

Nathan Gordon moved to approve Resolution **10/03/16A**. Seconded by Chris Boyd. Motion carried.

Krystle Topping moved to go into Executive Session at 7:00 p.m. Seconded by Jeanne Gordon. Motion carried.

Steven Boyd moved to return to Regular Session @ 7:48 p.m. Seconded by Krystle Topping. Motion carried.

LAND LEASE DISCUSSION

Mercie Gordon moved approve the special accommodation to waive Section 18.4.2(c) prohibiting lease to applicant with felony conviction to controlled substance to Elizabeth Boyd. Seconded by Jeanne Gordon. Motion carried. (2-Abstentions, Steven Boyd and Chris Boyd)

EMPLOYEE CONTRACTS ANNUAL REVIEW

Mercie Gordon moved to approve the annual contract reviews for Patrick Brown, Khou Xiong, and Janice Wilber as presented with the implementation of the standardized of all three contracts. Seconded by Krystle Topping. Motion carried.

OTHER

Nothing further to discuss.

ADJOURN

Steven Boyd moved to approve to adjourn.. Seconded by Chris Boyd. Motion carried.

Adjourned at 7:41 p.m.

Respectfully Submitted:



Alana Babineau
Recording Secretary

ATTEST:



Mercie Gordon, Secretary
Red Cliff Tribal Council