

# Red Cliff Band of Lake Superior Chippewas

## SPECIAL COUNCIL MEETING

March 28, 2017

2:00 p.m. Legendary Waters, Buffalo Bay Grand Ballroom

### ROLL CALL

Bryan Bainbridge, Present  
Nathan Gordon, Present  
Mercie Gordon, Present  
Krystle Topping, Present  
Daniel Duffy, Present  
Jeanne Gordon, Present

Antone Basina, Present  
Chris Boyd, Present  
Steven Boyd, Present

Quorum

Chairman Bainbridge called the meeting to order at 2:00 p.m.

Others in attendance: Wade Williams – Assistant Tribal Attorney, Dave Ujke – Tribal Attorney, Rebecca Benton – Interim FS/HS Division Administrator, Dee Gokee – Rindal – Education Division Administrator, Seth Morris – LW Human Resources, Nicole Boyd – Head Start Director, Lavonne Goslin – ECC, Pamela Calhoun – Planning Department, Robert Powless – Public Works Division Administrator, Bob Powless., Dr. Goswami – Health Division Administrator, Dennis Soulier – Interim CFO and community members.

### AGENDA

#### *Additions:*

1. Approval of Resolution pertaining to Health and Wellness of the Red Cliff Nation.
2. Approval of Resolution pertaining to new lease application for Max Paap
3. Approval of Resolution pertaining to Deragon lease transfer application.

*Deletions:* none

*Other changes:* Move “2016 Annual Report for the Red Cliff Band of Lake Superior Chippewas”, after Opening Ceremony.

Krystle Topping moved to approve the amended agenda. Seconded by Dan Duffy. Motion carried.

Nathan Gordon moved to go into Executive Session. Seconded by Jeanne Gordon. Motion carried.

### EXECUTIVE SESSION

Steven Boyd moved to return to Regular Session. Seconded by Krystle Topping. Motion carried.

### ACTION FROM EXECUTIVE SESSION

Chris Boyd moved to support the Integrated Project Proposal partnership as presented in Executive Session. Seconded by Antone Basina. Motion carried.

Krystle Topping moved to approve the Legendary Waters General Manager contract with corrections discussed in Executive Session. Seconded by Steven Boyd. Motion carried.

### OPENING CEREMONY

Honor song by Frank Morris.

## **2016 ANNUAL REPORT:**

The 2016 elder honoree is Marylou Gary. Honor song by Frank Morris. Short break for cake and refreshments. Copies of the report were provided to those in attendance.

## **COMMUNITY COMMENTS/ANNOUNCEMENTS**

Patsy Ruth DePerry questioned LW General Manager contract. Jeanne Gordon stated the decision to approve was unanimous.

Lori and Savannah Duffy requested donations for Savannah's trip to Australia. They have \$3,300 remaining to raise, the deadline is June 2<sup>nd</sup>. The total cost is \$6,100.

Betsy Hudson returned to discuss the petition signed by 42 elders and issues with Aging Program Director. She stated the elders would like Crystal Newago to return to her position. She also spoke of various complaints elders have expressed regarding the Director. Antone Basina stated issues with the Director need to be addressed.

Antone Basina moved to direct the Aging Program to develop and conduct a survey of all 275 elders in the service area in order to evaluate the Director. Seconded by Dan Duffy. Discussion: The Elder Voices project recently concluded and data was collected to address elder needs. 115 elders were surveyed and the results will be available soon. Jim Pete suggested having a special Council meeting with elders. 4 – in Favor, (Antone, Danny, Steve and Krystle), 1-opposed (Chris Boyd), 3 – Abstentions (Mercie, Jeanne and Nathan). Motion carried.

Patsy Ruth stated she is filing an official complaint regarding the LW poker sign up system. She had made an unrelated complaint in the past to the GM but received no response. The Table Games Department allows players to sign up for poker over the phone, which is unfair to those who show up to play in person. Some players are holding spots. Antone Basina noted that LW will be adding another table soon. Patsy Ruth will submit her written complaint to Julie Gordon to the Tribal Council. She asked that she receive a response within two weeks.

Patsy Ruth DePerry also voiced her concerns on the new Health Director. She had court documents from a case he was involved in while living in California. The Council stated they are fully aware of this and have done their research.

Laura Johnson asked if Raspberry and Blueberry Roads are scheduled for repair, she stated they are bad. Jeff Benton stated they have begun grading the roads today but these roads are not scheduled for blacktop in the near future. Laura also asked why Marvin Defoe is the caretaker of Buffalo's pipe. She questioned his character and spoke of a recent incident where Marvin had conflict with another tribal member at the Northland College Pow-Wow. The Council stated the family had asked Marvin to take care of the pipe and they respect their wishes.

## **TREASURER'S REPORT**

The Child Support Program and Food Distribution are doing a good job at reporting their in-kind match. ICW: Kinship dollars are nearly depleted, the program is encouraging caregivers to apply for foster care through Bayfield County. Jeanne asked that the program ensure all providers are aware of the long waiting period for foster care payments; there may be a 2 to 3 month delay in payment. Krystle Topping highlighted unpaid water and sewer bills as well as unpaid court fines. Funds were also allotted for

the for enrollment department in order to hire staff and clean up records. The Stark Agency is now collecting on unpaid court fines, tax intercepts are being done.

Jeanne Gordon moved to accept the Treasurer's report for February 2017. Seconded by Antone Basina. 1-Abstension (Krystle Topping). Motion carried.

## **OLD BUSINESS**

### **APPROVAL OF LEGENDARY WATERS EMPLOYEE HANDBOOK REVISIONS**

Proposed changes were unclear. The Council asked for further clarification.

Antone Basina moved to table the LW Employee Handbook revisions. Seconded by Chris Boyd. Discussion: Seth Morris was instructed to resubmit the information with cover letter explaining all changes along with clearly marked copy of policies being revised. Dave Uke offered to provide assistance. Motion carried.

### **APPROVAL OF 2016-2017 RED CLIFF EARLY CHILDHOOD CENTER SELF-ASSESSMENT & IMPROVEMENT PLAN**

Nicole Boyd, Dee Gokee Rindal and Lavonne Goslin presented the Early Childhood Center items. Nicole stated all recommended changes from discusses at the March 6, 2017 meeting have been included.

Krystle Topping moved to approve the 2016-2017 Red Cliff Early Childhood Self-Assessment and Improvement Plan with additional corrections. Seconded by Nathan Gordon. Motion carried.

### **APPROVAL OF RED CLIFF EARLY CHILDHOOD CENTER 2017-2018 HS/ES BUDGET**

#### **APPROVAL OF ECC FY2018 GRANT NARRATIVE**

Krystle Topping moved to go into Executive Session. Seconded by Mercie Gordon. Motion carried.

Steven Boyd moved to return to Regular Session. Seconded by Jeanne Gordon. Motion carried.

Jeanne Gordon moved to table both the Red Cliff Early Childhood Center 2017-2018 HS/ES Budget and FY2018 Grant Narrative. Seconded by Antone Basina. Motion carried.

### **ADD RESOLUTION NUMBER TO KELLY PETERSON RESOLUTION OF REHABILITATION**

Mercie Gordon moved to add Resolution number 02/1/2017B to Kelly Peterson Resolution of Rehabilitation. Seconded by Steven Boyd. Motion carried.

### **APPROVAL OF RESOLUTION PERTAINING TO HEALTH AND WELLNESS OF THE RED CLIFF NATION.**

The Red Cliff Tribal Council hereby acknowledges the ongoing drug epidemic within and outside of the reservation and stands vehemently opposed to the illegal use, trade, delivery and /or commerce of any illegal drug, mind-altering chemical or substance. This includes illegal trade or unauthorized use of legal prescription medications, and declares that the Red Cliff Tribal Police Department, Tribal Court and other legal resources under the Tribe's authority and control will proactively enforce and protect the integrity, health and wellbeing of our Nation through strict adherence and enforcement of criminal drug laws and ordinances with the assistance of outside law enforcement agencies, including but not limited to criminal prosecution and banishment of offenders from Tribal lands. The Red Cliff Band, it's Tribal Police Department and assisting law enforcement agencies will be conducting both open-air and clandestine anti-drug operations as one part of a multi-tiered approach to eradicating this epidemic from our people and lands, and further commit to the health, safety and wellbeing of our Tribal members, descendants and families.

Steven Boyd moved to approve Resolution 03/28/17A. Seconded by Mercie Gordon. Motion carried.

### **GAMING COMMISSION REPORT**

Nathan Gordon moved to table the Gaming Commission report. Seconded by Jeanne Gordon Discussion: Desiree Livingston was not present. Motion carried.

#### **COMPLIANCE REPORT**

Jeanne Gordon moved to table the Compliance report. Seconded by Mercie Gordon. Discussion: Charles Brette was not present. Motion carried.

#### **APPROVAL OF LEGENDARY WATERS CASH FLOW BUDGET FOR APRIL 2017**

Total Cash needs for April 2017 is \$427,750.00.

Antone Basina moved to approve the LW Cash Flow budget for April 2017. Seconded by Mercie Gordon. Motion carried.

#### **APPROVAL OF 3-BID WAIVER REQUEST FOR BID SELECTION ON METER PURCHASE**

The Water and Sewer Department is interested in acquiring additional waters meters and radio transmitters. The meters and transmitters needed are specific to the software and the handheld reader purchased through the North Pump House Project. The brand of meters are supplied by Sensus and HD Supply. The Department is requesting to waive the bid process in order to purchase the specific equipment. Two quotes have been obtained. 2 bids already obtained for equipment. Council would like comparison of prices. Dennis Soulier asked that Council deny the request due to IHS's specific criteria for sole sourcing. He stated program should acquire one more bid. Shelly Gordon stated there is no other vendor that sells the specific meters. Dennis said a quote for similar meter is acceptable. No waiver needed if one more bid obtained.

Mercie Gordon moved to table the waiver request. Seconded by Chris Boyd. Discussion: The waiver is not needed if one more bid is obtained. Motion rescinded.

Jeanne Gordon moved to deny the waiver request. Seconded by Steven Boyd. Motion carried.

#### **APPROVAL OF SCATTERED SITES RECOMMENDATION**

Four qualifying bids submitted for Scattered sites 2017: POWTS and Community Connections (Bid Schedule Items B to D). IHS has recommended Tribovich Construction, LLC based on project total cost.

Krystle Topping moved to not accept IHS's recommendation and go with Bayfield Construction, INC based on tribal preference. Seconded by Antone Basina. Discussion: Steven Boyd expressed concerns on this contractor and asked this be discussed in Executive Session. Motion rescinded.

Krystle Topping moved to discuss the Tribovich Construction, LLC and Bayfield Construction, INC bid selection in Executive Session. Seconded by Antone Basina. Motion carried.

One qualifying bid was submitted for Project BE-16-J70 Scattered Sites 2017 (Individual Well and Water Systems included in Bid Schedule A)

Nathan Gordon moved to accept IHS's recommendation of Nehls & Webster Well Drilling for Project BE-16-J70 Scattered Sites 2017 (Individual Well and Water Systems included in Bid Schedule A) in the amount of \$30,000. Seconded by Krystle Topping. Motion carried.

#### **LETTER FOR WATER AND SEWER CHANGES DISCUSSION**

Notice was sent to users regarding Appendix B changes and shut off date of May 1st, 2017. Ordinance gives the Utilities Commission the authority to amend Appendix B. Jeanne Gordon asked for consistent-

cy for all users. Users with delinquent accounts will need to make arrangements to pay or they will be set for shut off. A suggestion was made to consider users with medical conditions and disabilities prior to services shut off. Shelly Gordon will bring to Utilities Commission for discussion.

#### **APPROVAL OF FY2017 ANA ERE ZONING GRANT APPLICATION**

The application presented is requesting funding from the Administration for Native Americans – Environmental Regulatory Enhancement Grant, Non-Competitive Continuation of the Miskwaabekong Seventh Generation Project (Year 2) in the amount of \$117,766 for grant year 2018. The project will develop and improve existing legal codes and processes to protect natural resources.

Krystle Topping moved to approve the application. Seconded by Dan Duffy. Motion carried.

#### **APPROVAL OF RESOLUTION PERTAINING TO THE IMLS GRANT**

Steven Boyd moved to approve **Resolution 03/28/2017B** pertaining to the IMLS grant application requesting \$7,000 for the Red Cliff Library. Seconded by Dan Duffy. Discussion: Library to be moved next year to THPO. Motion carried.

#### **APPROVAL OF RESOLUTION PERTAINING TO THE HEALTH CONNECT GRANT APPLICATION**

The Red Cliff Community Health Center is requesting approval to submit an application to the Universal Service Administrative Co. for the project title: "Health Connect Fund Program" that will address funding for IT infrastructure for the Health Center.

Nathan Gordon moved to **RESOLUTION 03/28/17C**. Seconded by Dan Duffy. Motion carried.

#### **APPROVAL OF RESOLUTION PERTAINING TO THE 2016-2019 TRIBAL TRANSPORTATION IMPROVEMENT PLAN (TTIP)**

Krystle Topping moved to approve **RESOLUTION 03/28/17D**. Seconded by Mercie Gordon. Discussion: Nathan Gordon asked if Pike Rd/Community Road is scheduled for repair. Jeff Benton stated the IHS project needs to be completed first and should be repaved by summer 2018. Motion carried.

#### **APPROVAL OF THPO REQUEST TO WAIVE 3-BID REQUIREMENT FOR TWO (2) CONTRACTS**

The first contract will be with Cynthia Stiles, Archaeologist to (1.) provide 40 hour training for tribal members to become certified tribal monitors and (2.) complete Phase 1 fields surveys of tribal lands as practical field training. The total contract will be \$4,188.00.

The second contract will be with Jim Pete, Consultant to provide work space for LTE staff to conduct the tribal census for a period of six (6) months. The total contact will not exceed \$1,200.00.

Larry Balber was not present. Council had questions regarding space cost contract. Additional information needed.

Krystle Topping moved to table. Seconded by Jeanne Gordon. Discussion: More information needs to be provided. Motion carried.

#### **APPROVAL OF RESOLUTION PERTAINING TO MEMBERSHIP RELINQUISHMENT OF FRANCIS E. GARCIA**

Nathan Gordon moved to approve **RESOLUTION 03/28/17E** Relinquishment request of Frances Elizabeth Garcia, enrollment number 435A001779. Seconded by Mercie Gordon. Motion carried.

#### **RATIFY COUNCIL POLL PERTAINING TO ADDITIONAL FUNDS FOR FIBER OPTIC PROJECT**

Poll vote conducted to allocate additional funds from Settlement funds not to exceed \$40,000 for the Fiber Optic Funding Project.

Mercie Gordon moved to ratify the poll vote. Seconded by Dan Duffy. Discussion: Correction to be made on Poll sheet, change "Forest County Potawatomi" to "Settlement Funds". Motion carried.

**RATIFY COUNCIL POLL PERTAINING TO FROG BAY LAND ACQUISITION PROPOSAL**

Poll vote request from Chad Abel to submit a proposal regarding the Frog Bay Land Acquisition requesting funding in the amount of \$959,000 to purchase 86.75-acre parcel at Frog Bay owned by the Smith/Melburg Family.

Steven Boyd moved to ratify the poll vote. Seconded by Dan Duffy. Motion carried.

**APPROVAL OF MAX PAAP NEW LEASE APPLICATION**

Max Paap, tribal member, has applied for a short-term residential lease of Lot 35 in the Bradum Subdivision at the north end of the cul-de-sac on Buffalo Drive. Public notice of this proposed new lease was posted on March 10, 2017.

Krystle Topping moved to approve **RESOLUTION 03/28/17F**. Seconded by Dan Duffy. Motion carried.

**APPROVAL OF LEASE TRANSFER -- DERAGON TO BERQUAM**

Larry and Alice Deragon, both tribal members, have requested that the Red Cliff Tribal Council authorize transfer of their long-term residential lease No. 4352003140757 to Beverly D. Berquam, a tribal member. The lease site is located at 94120 Little Sand Bay Road. The annual rent will be increased from \$10.00 to \$50.00 in accordance with Section 18.15.1, RCCL. Public notice of the proposed lease transaction was posted on March 10, 2017 and no adverse comments were received. The lease will be for a term of 25 years with automatic renewal for an additional 25 years, effective July 27, 2007.

Nathan Gordon moved to approve **RESOLUTION 03/28/17G**. Seconded by Antone Basina. Motion carried.

Jeanne Gordon moved to go into Executive Session. Seconded by Nathan Gordon. Motion carried.

**EXECUTIVE SESSION**

Steve Boyd moved to return to Regular Session. Seconded by Jeanne Gordon. Motion carried.

Steve Boyd moved to table the Scatter Sites Recommendations upon full clarification on bids and to bring back to the Tribal Council on the April 18, 2017 meeting. Seconded by Jeanne Gordon. Motion carried.

Nathan Gordon moved to adjourn. Seconded by Antone Basina. Motion carried.


Adjourned at 11:09 p.m.

Respectfully Submitted:



Alana Babineau  
Recording Secretary

ATTEST:



Mercie Gordon, Secretary  
Red Cliff Tribal Council