

# Red Cliff Band of Lake Superior Chippewa Indians

## Special Council Meeting

September 18, 2018

1:00 p.m. Legendary Waters, Buffalo Bay Grand Ballroom

Chairman Rick Peterson called the meeting to order at 1:00 p.m.

### ROLL CALL:

Richard Peterson, Present  
Nathan Gordon, Present  
Laura J. Gordon, Present  
Johanna Wilson, Present

Carolyn Gouge, Present  
Dan Duffy, Present  
Nicholas DePerry, Present  
Bryan Bainbridge, Present  
Chris Boyd, Present

### QUORUM

Others present: Dave Ujke – Tribal Attorney, Wade Williams – Assistant Tribal Attorney, Robert Powless – Facilities Management, Kurt Schmidt – General Manager/Legendary Waters, Jeff Benton – Planning Department, Rebecca Benton – Family/Human Services, Linda Nguyen – Environmental Department, Charles Bresette – Compliance, Desiree Livingston – Senior Accountant, Amorin Mello – Lands Office, Shelly Gordon – Public Works, Diane Erickson – Health Center and community members.

### OPENING CEREMONY

Opening Ceremony was performed by Leo LaFernier Jr.

### AGENDA

Laura J. Gordon moved to approve the agenda with additions. Seconded by Carolyn Gouge. Motion carried.

### EXECUTIVE SESSION

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

Ethics Training for Tribal Council presented by the National Indian Justice Center.

Casino Financials presented by Kurt Schmidt, General Manager of Legendary Waters Resort & Casino.

Johanna Wilson moved to return to Regular Session at 4:30 p.m. Seconded by Nathan Gordon. Motion carried.

## **OLD BUSINESS**

### **BALANCE SHEET FOR AUGUST 2018 (TABLED ON 9/3/18)**

Treasurer Wilson asked that this item be tabled until the next meeting.

Bryan Bainbridge moved to table this item until the October 1, 2018 Regular Council meeting. Seconded by Laura J. Gordon. Discussion: Both the August and September 2018 Balance Sheets will be presented at said meeting. Motion carried.

## **NEW BUSINESS**

### **COMMUNITY COMMENTS/CONCERNS**

George Newago spoke of his ongoing court proceeding in which he alleged Attorney Williams recently filed an action based on false information.

Carolyn Gouge announced an event scheduled on Madeline Island on September 30th. A lot of activities planned to include the debut of the Madeline Island Jingle Dress dancer.

Betsy Hudson stated the elders are concerned that the clinic does not have a full-time Physician. It is difficult to for some to get appointments. Diane Erickson welcomed Ms. Hudson to the clinic to discuss elder needs.

Betsy Hudson also inquired about her sister's lease site that has been unused since her passing in 2010. She asked of the possibility of her brother acquiring this lease. The Council asked that her brother submit the necessary application.

Melissa Defoe asked that something be done about individuals driving ATVs through New Housing at high speeds. She stated her children were almost hit by one of them the previous evening. Chairman Peterson stated discussions were being had with RCHA regarding this issue and they hope to have a solution soon. Speed bumps and increased patrols by Law Enforcement were suggested.

Noojimo'iwewin Manoomin Sobriety Pot Luck at 5:00 p.m. on September 18, 2018.

Free Eye Exam & Glasses at Legendary Waters on October 1-5. Individuals must pre-register.

Red Cliff Cultural Days September 21-23, 2018.

GLITC is seeking elders interested in participating in the Foster Grandparents program. For information, they may contact Anthony March at GLITC.

Elk Hunt meeting scheduled for September 26th.

**TREASURERS REPORT, AUGUST 2018**

A few points were discussed, and corrections were noted. Desiree Livingston was asked to provide a breakdown of business tax and other funds owed by Legendary Water to the Tribe.

Chris Boyd moved to approve the Treasurer's Report for August 2018. Seconded by Carolyn Gouge. 1-Absention (Johanna Wilson) Motion carried.

**APPROVAL OF OCTOBER 2018 LW CASH FLOW BUDGET**

Total cash needs for October 2018 is \$620,950.00.

Chris Boyd moved to table this item until next week's meeting. Seconded by Bryan Bainbridge. Motion carried.

**APPROVAL OF GAMING COMMISSION REPORT FOR AUGUST 2018**

Minutes from the September 10, 2018 were provided.

Bryan Bainbridge moved to approve the Gaming Commission report for September 2018. Seconded by Johanna Wilson. Motion carried.

**APPROVAL OF COMPLAINCE REPORT FOR AUGUST 2018**

Charles Bresette presented his report for August. SOPs have yet to be completed for departments. Discussion had on surveillance reports specifically those pertaining to the kitchen. Reports of staff eating without paying has increased. The Council asked that the GM provide reports in response to the surveillance reports to describe corrective action is being taken.

Laura J. Gordon moved to approve the Compliance Report for August 2018. Seconded by Nathan Gordon. Motion carried.

**APPROVAL OF GAMING COMMISSION FY19 BUDGET**

Total budget is \$187,358.52.

Nathan Gordon moved to approve the budget as presented. Seconded by Chris Boyd. Motion carried.

**OGICHIDAA FIGHT PROMOTION**

Chris Hicks requested support from the Council in offering Ogichidaa Fight Promotions event at Legendary Waters. He stated the GM asked that the business pay \$4,000 to rent the space. He stated there are many upfront costs that he would have to pay, including hotel rooms for fighters. He added that the casino will make money in many areas and asked that the space cost be waived. GM Schmidt stated the \$4,000 was not a required charge and he is willing to work this out with Mr. Hicks.

**APPROVAL OF GRANT PROPOSAL FOR VETERANS MEDICAL APPTS. TRAVEL ASSISTANT**

In August of 2018, the RCCHC received an award from the Wounded Warriors Family Support, Native American Veterans Support, Transition and Respite (NAVSTaR) Program to purchase a vehicle for use specifically in transporting veterans to and from their medical appointments. The RCCHC would like to submit an additional grant to Wisconsin Department of Veterans Affairs that will fund the development, implementation, promotion and management of the new veteran's transportation service as well as the purchase of safety equipment for the vehicle. The total funding requested is \$10, 309.87.

Carolyn Gouge moved to approve the submission of this application. Seconded by Johanna Wilson. Motion carried.

**APPROVAL OF 2019 DNR RECYCLING GRANT**

Linda Nguyen, Environmental Director requested approval to submit the 2019 DNR Recycling grant. The application is submitted annually and funds the Transfer Station Manager position and solid waste/recycling services. The total funding amount is \$65,312.00.

Bryan Bainbridge moved to approve the submission of the application. Seconded by Nathan Gordon. 1-Abstention (Johanna Wilson) Motion carried.

**APPROVAL OF WATER AND SEWER FY19 BUDGET**

Total budget for the next fiscal year is \$658,185.59. The amount has increased from last year as they are now including capital improvements in the budget.

Bryan Bainbridge moved to approve the FY19 Budget for Water & Sewer. Seconded by Laura J. Gordon. Motion carried.

**APPROVAL OF FM FY19 BUDGET**

Total budget for the next fiscal year is \$1,913,144.65.

Nathan Gordon moved to approve the FY19 budget for Facilities Management. Seconded by Johanna Wilson. Motion carried.

**APPROVAL OF CHAPTER 34**

The revised version was posted and one comment was received only suggesting to change "he" to "he/she" throughout the document.

Carolyn Gouge moved to approve the enact the revised Chapter 34. Seconded by Johanna Wilson. Motion carried.

**APPROVAL OF LEASES**

Bryce Stevenson, tribal member, requested a new short-term residential lease. The least site is located along Acord Rd. on the corner of Moccasin Rd. at Lot 114 in the Bradum Subdivision.

Public notice of the proposed lease action was posted on August 13, 2018 and no comments were received.

Nicholas DePerry moved to approve Resolution **9/18/18A**. Seconded by Bryan Bainbridge. Motion carried.

Steven A. Basley, tribal member, jointly requested that Russell A. Basley be added as a co-lessee to Steven A. Basley's existing short-term residential lease No. 4352004561020. The lease is located at 34190 Blueberry Rd. Public notice of the proposed lease action was posted on August 13, 2018 and no comments were received.

Laura J. Gordon moved to approve Resolution **9/18/18B**. Seconded by Johanna Wilson. Motion carried.

Leon F. Basina, Jr. requested special permission and waiver of Section 18.6.2, RCCL in order to develop his property at his pending lease site located at Bradum Lot 110 after execution of a lease authorized by the Tribal Council but before BIA approval and issuance of the final lease documents. Mr. Basina's lease was previously authorized by Tribal Council by Resolution No. 7/17/18B and his PAC review is complete. Approval of this request does not eliminate any requirements for PAC application review of applicant's project pursuant to Chapter 37, RCCL, and the Band PAC policies and procedures, if applicable. If the lease is not approved by the BIA for any reason, the applicant has no recourse and will not be reimbursed for any expenses incurred by Mr. Basina.

Bryan Bainbridge moved to approve Mr. Basina's special permission request subject to compliance with all other permitting conditions or requirements. This will allow Mr. Basina to develop this subject property in an expedited manner. Seconded by Dan Duffy. 1-Abstention (Johanna Wilson) Motion carried.

**APPROVAL OF CHANGE ORDER #2 TO CONTRACT WITH NORTHWOODS PAVING**

Small increase of \$178.69 to contract.

Bryan Bainbridge moved to approve the change order. Seconded by Carolyn Gouge. 1-Abstention (Johanna Wilson) Motion carried.

**APPROVAL OF CHANGE ORDER #2 FOR ASHLAND CONSTRUCTION CONTRACT**

The change order will extend the project through September 30, 2018.

Chris Boyd moved to approve the change order. Seconded by Dan Duffy. 1-Abstention (Johanna Wilson) Motion carried.

**APPROVAL OF CONTRACT WITH COMMUNITY TRANSPORTATION ASSOC. OF AMERICA**

Chris Boyd moved to approve the Memorandum of Understanding (MOU) with Community Transportation Association of America. Seconded by Dan Duffy. Motion carried. This will only be used for Technical Assistant.

**APPROVAL OF MEMBERSHIP COMMITTEE RECOMMENDATIONS**

Carolyn Gouge moved to approve the request of changing the cost to "Free for Elder 55 and older. The cost will remain at the \$10.00 fee for all other members. Seconded by Laura J. Gordon. 1 Abstention (Bryan Bainbridge). Motion carried.

**APPROVAL OF AUTOMATIC MEMBERSHIP APPLICATIONS**

Carolyn Gouge moved to approve the Automatic Membership Applications for:

**CHILD**

Matthew John Nelis Jr.  
Charles Anthony James Fields  
Maxwell Lewis Treado  
Norah April Renfro  
William Eric Zimmerman  
Harlee Joann Palmer  
Bostin Ryan Barningham  
Andrew Mijien Vincent DePerry

Grayson John Earl Andrews  
Emberly Rose Bresette  
Kaydriel Joy Hiatt  
Eleanor Grace Tennes  
Jemma Diane Barningham

**PARENT**

Chanell L. Curran  
Tarissa J. Deragon  
Matthew L. Treado  
Meghan E. Renfro (Voorhees)  
Kara J. Zimmerman (Gordon)  
Amanda J. Topping  
Tyler S. Barningham  
Amaris N. Andrews-DePerry  
Nicholas R. DePerry Sr.  
Skylar B. Andrews  
Robin W. Bresette  
Joyce A. Barningham  
Heather N. Tennes (Lauren)  
Chad R. Barningham

Seconded by Nathan Gordon. 1 Abstention (Nicholas DePerry). Motion carried.

**APPROVAL TO POST CHANGES TO CHAPTER 23 CURFEW AND LOITERING**

Nathan Gordon moved to post Chapter 23 Curfew and Loitering. Seconded by Johanna Wilson. Motion carried.

**APPROVAL TO POST CHAPTER 41 RED CLIFF DOMESTIC, FAMILY AND COMMUNITY VIOLENCE**

The Family Violence Program had contracted with WI. Judicare to revise Chapter 41 and requested authorization to post the revised chapter..

Carolyn Gouge moved to post Chapter 41 Red Cliff Domestic, Family and Community Violence. Seconded by Johanna Wilson. Motion carried.

**APPOINT COUNCIL MEMBER TO THE ECC POLICY COUNCIL (LIASION)**

Carolyn Gouge moved to appoint Johanna Wilson as the Council Liaison for the 2018-2019 ECC Policy Council. Seconded by Laura J. Gordon. 1 Abstention (Johanna Wilson). Motion carried.

**APPROVAL OF RESOLUTION PERTAINING TO BIA REORG. OPPOSITION**

The presented Resolution would indicate the Tribe's opposition to the BIA's Proposed reorganization.

Chris Boyd moved to approve Resolution 9/18/18C pertaining to Opposition to the proposed Reorganization of the Bureau of Indian Affairs (BIA) Regions. Seconded by Bryan Bainbridge. Motion carried.

**APPROVAL OF APPOINTMENT TO THE LAW ENFORCEMENT COMMISSION/CHAIR**

Nathan Gordon moved to appoint Melonee Montano as the Chair for the Red Cliff Law Enforcement Commission. Seconded by Johanna Wilson. Motion carried.

**CITIZEN OF THE QUARTER DISCUSSION**

Jeanne Gordon presented a draft application. Individuals will be selected by the committee each quarter.

Nick DePerry moved to approve the Citizen of the Quarter Recognition Award. Seconded by Carolyn Gouge. Motion carried.

**OTHER**

Crystal Newago requested the Tribe to assist the "Money Follows the Person" grant in paying a vendor that will be reimbursed.

Nathan Gordon moved to table this item. Seconded by Carolyn Gouge. 1-Abstention (Johanna Wilson) Motion carried

**EXECUTIVE SESSION**

Nick DePerry moved to go into Executive Session at 7:25 p.m. Seconded by Nathan Gordon. Motion carried.

**REGULAR SESSION**

Laura J. Gordon moved to return to Regular Session. Seconded by Dan Duffy. Motion carried.

Bryan Bainbridge moved to authorize the Chair to sign the Joint Fisheries Management Plan with Bad River, subject to additional changes as discussed in Executive Session and any changes proposed by Bad River as a result of their Council's review. Seconded by Carolyn Gouge. Motion carried.

**ADJOURN**

Bryan Bainbridge moved to adjourn at 8:40 p.m. Seconded by Nathan Gordon. Motion carried.

**Respectfully Submitted:**

  
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Alana Babineau, Recording Secretary

**ATTEST:**

  
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Laura J. Gordon, Secretary  
Red Cliff Tribal Council