

# Red Cliff Band of Lake Superior Chippewa Indians

## Special Council Meeting

April 23, 2019

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, Excused @ 5:30 p.m.

Carolyn Gouge, Present

Dan Duffy, Excused

Nicholas DePerry, Excused @ 3:50 p.m.

Bryan Bainbridge, Excused

Chris Boyd, Present

### QUORUM

Others present: Dave Ujke, Tribal Attorney, Wade Williams – Assistant Tribal Attorney, Kurt Schmidt, GM/Legendary Waters, Rebecca Benton, Family/Human Services Division Administrator and Community Members.

### OPENING CEREMONY

Opening Ceremony was performed by Jim Pete.

### AGENDA

Nathan Gordon moved approve agenda with deletion. Seconded by Chris Boyd. Motion carried.

### EXECUTIVE SESSION

Nicholas DePerry moved to go into Executive Session at 1:11 p.m. Seconded by Johanna Wilson. Motion carried.

### REGULAR SESSION

Laura J. Gordon moved to return to Regular Session at 4:33 p.m. Seconded by Nathan Gordon. Motion carried.

### ACTION FROM EXECUTIVE SESSION

Laura Gordon moved to select Diane Peterson for the CFO position and authorize Tribal Administration and HR to negotiate the terms of employment. Seconded by Carolyn Gouge. 1- Abstention (Johanna Wilson) Motion carried.

### OLD BUSINESS

## **NEW BUSINESS**

### **COMMUNITY COMMENTS AND ANNOUNCEMENTS**

Laura J. Gordon announced current and upcoming community events.

Travis Barningham gave an update regarding Rustic Makwa Den and the National Park Service relationship. He recently met with the new Superintendent and feels she is open to working with his business as well the Tribe.

The MOU is still under review with GLIFWC, Carolyn asked that the Council be updated regularly on its status. Travis will forward all email correspondence with the new Superintendent to the Tribal Council.

### **TREASURERS REPORT FOR MARCH 2019**

Johanna Wilson gave an overview of the final report for March 2019.

A few points were discussed. Laura Gordon had questions regarding Family Services Division programs, Johanna will forward to the Division Administrator.

Nathan Gordon discussed the TNR Division will be posting the Youth Summer interns positions sometime in May.

Chris Boyd moved to approve the Treasurer's Report for March 2019. Seconded by Laura J. Gordon. 1-Abstention (Johanna Wilson) Motion carried.

### **APPROVAL OF MAY 2019 CASH FLOW BUDGET FOR LW**

Total cash need for May 2019 is \$583,750.00

Laura J. Gordon moved to approve the cash flow budget. Seconded by Nathan Gordon. Motion carried.

### **APPROVAL OF GAMIN COMMISSION REPORT**

This was the first report given by the newly appointed Chairman Chris Livingston. The minutes from the most recent meeting were unavailable but Mr. Livingston gave an overview of several items discussed. A financial report was given to the Commission by GM Schmitt, it was noted that Food & Beverage & Hotel revenue is below what was estimated for the year. Molly Hatchett will be performing, and it is predicted to be a well-attended event. A request was made to Tribal IT department to audit the existing systems for compliance and security. Draft SOPs will be submitted one at a time, per department, as requested by the Legal. Table Games show an increase in findings but is believed to be due to increased surveillance coverage, which was requested by the Gaming Manager. Ken George, longtime Wisconsin Gaming Regulators Association Board member has recently resigned. The Commission would like to offer Mr. George a gift, possibly a quilt made by Maxine Babineau.

Chris Boyd moved to approve the Gaming Commission Report. Seconded by Carolyn Gouge. Motion carried.

### **APPROVAL OF COMPLIANCE REPORT**

WGRA Training conference is scheduled for June 26-28, 2019 in Green Bay, WI. Bally's was onsite in March providing training to departments. Charles noted the increase in Table Games findings as well as findings regarding staff to-go boxes. Chairman Peterson asked that Charles revise the formatting of some sections of his report, some areas are difficult to read.

Laura J. Gordon moved to approve the Compliance Report for the month of March 2019. Seconded by Carolyn Gouge. Motion carried.

### **LEASES**

Nathan Gordon moved to approve Resolution **4/23/19A** pertaining to a new short-term Residential Lease for Lincoln S. Morris located in the Bradum Subdivision, Lot 29 (located along Buffalo Drive). Seconded by Carolyn Gouge. Motion carried.

Nathan Gordon moved to approve Resolution **4/23/19B** pertaining to rescinding new Residential Lease Resolution No. **9/06/10F** and authorize a new 1.25-acre lease effective retroactively to January 1, 2015 to Joseph Basina and Antoinette Basile located at 94180 Little Sand Bay Road. Seconded by Chris Boyd. Discussion: was the lease providers updates on the new lease acreage. Yes, they were notified. Motion carried.

Laura J. Gordon moved to approve Resolution **4/23/19C** pertaining to rescinding new Residential Lease Resolution No. **07/04/11F** and authorize a new lease effective retroactively to January 1, 2014, located 34170 Blueberry Road to John F. "Rabbit" Strickland. Seconded by Chris Boyd. Motion carried.

Laura J. Gordon moved to approve Resolution **4/23/19D** pertaining to new short-term Residential Lease for Beverly R. Benton and Wanda J. Benton located 94040 Little Sand Bay Road. This residential lease will be retroactively effective on March 31, 2019. Seconded by Carolyn Gouge. Motion carried.

Carolyn Gouge moved to approve Resolution **4/23/19E** pertaining to new short-term Residential Lease for Ellie and Stephanie Bresette, located 94810 Raspberry Shore Road. This residential lease will be retroactively effective on March 5, 2019. This lease site has now been reduced to 1.25 acres from 1.76 acres for lease renewal. Seconded by Nathan Gordon. Motion carried.

Carolyn Gouge moved to approve Resolution **4/23/19F** pertaining to new short-term residential lease renewal for Thomas A. Gordon and Andrew Defoe, located 37215 Gordon Road. This short-term residential lease will be effective to begin on June 12, 2019. Seconded by Laura J. Gordon. 1-Abstention (Chris Boyd). Motion carried.

Nathan Gordon moved to approve Resolution **4/23/19G** pertaining to a short-term Residential Lease renewal for Matthew L. Montano, located 32480 Ridge Road. This short-term residential lease will be effective retroactively to March 31, 2019. Seconded by Carolyn Gouge. Motion carried.

Chris Boyd moved to approve Resolution **4/23/19H** pertaining to authorizing a Residential Lease Modification for Jeffrey A. Gordon and Denise Carlson to remove Jeffrey A. Gordon as co-lessee from their long-term Residential Lease, located 89890 Bradum road. Seconded by Carolyn Gouge. Discussion: the 18-month time extension is still in effect to occupy the lease site before May 20, 2020. Motion carried.

Michelle Basina requested a transfer of her long-term lease located at 37410 Daley Road to Jeffrey A. Gordon. This lease transfer will have an effective date of April 23, 2019. The Council had questions regarding this request and noted that per Tribal Law limits one residential lease per household. Council asked the Lands Specialist to verify that Jeffrey Gordon & Denise Carlson are no longer a household together.

Nathan Gordon moved to table this request until the first Tribal Council meeting in May. Seconded by Carolyn Gouge. Motion carried.

**APPROVAL TO SOLE SOURCE WITH VEMCO FOR PURCHASE OF ACOUSTIC TELEMETARY EQUIPMENT**

Shelly Gordon and Ian Harding requested a sole source vendor for purchasing acoustic telemetry equipment for the fisheries department. Total cost is \$63,351.00.

Laura J. Gordon moved to approve this request. Seconded by Nathan Gordon. Motion carried.

**APPOINT ONE (1) MEMBER TO THE CCS COMMITTEE**

Nathan Gordon moved to appoint Linda Lamoreaux to the CCS Committee. Seconded by Carolyn Gouge. 1-Abstention (Chris Boyd). Motion carried.

**APPOINT ONE (1) MEMBER TO THE GAMING COMMISSION**

Vote conducted by secret ballot which resulted in a tie between the two applicants, Charles Babineau & Josh Gordon.

Laura J. Gordon moved to table this appointment. Seconded by Chris Boyd. Motion carried.

**APPROVAL TO ACCEPT RESIGNATION FROM STEPHANIE DEFOE FROM MEMBERSHIP COMMITTEE**

Letter submitted by Ms. Defoe, she is no longer able to make this commitment.

Carolyn Gouge moved to accept Stephanie Defoe's resignation and Tribal Council will send a letter of appreciation. Seconded by Nathan Gordon. Motion carried.

**APPOINT ONE (1) MEMBER TO THE MEMBERSHIP COMMITTEE**

Nathan Gordon moved to appoint Edwina Buffalo-Reyes to the Membership Committee. Seconded by Carolyn Gouge. Motion carried.

**APPROVAL OF CHAPTER 24 – FISH MARKETING**

One comment was received by Councilman Bainbridge who also requested this item be tabled until the next meeting.

Nathan Gordon moved to table this item. Seconded by Laura J. Gordon. Motion carried.

**APPROVAL OF CHAPTER 7 – COMMERCIAL FISHING REGULATIONS**

This Chapter was posted for public comment and no comments were received.

Nathan Gordon moved to approve Chapter 7 – Commercial Fishing Regulations. Seconded by Chris Boyd. Motion carried.

**APPROVAL OF THE 2019 PRIMARY BALLOT**

Carolyn Gouge moved to approve the 2019 Primary Ballot. Seconded by Chris Boyd. Motion carried.

**RATIFY COUNCIL POLL PERTAINING TO THE CERTIFICATION OF THE CANDIDATES AND REMOVAL**

Carolyn Gouge moved to Ratify Council Poll pertaining to approval of the Certification of Candidates for the 2019 Primary Elections and to remove Joshua Gordon from the Election Board and appoint Charlie Babineau as the second alternate to the Election Board. Seconded by Chris Boyd. Motion carried.

**RATIFY COUNCIL POLL PERTAINING TO APPOINTING THERON RUTYNA TO THE SAFECOMM BOARD**

Laura J. Gordon moved to Ratify Council Poll pertaining to appointing Theron Rutyna to the SAFECOMM Board through the NCAI. Seconded by Nathan Gordon. Motion carried.

**RATIFY COUNCIL POLL PERTAINING TO THE SUBMISSION OF THE ANA-SEDS GRANT**

Carolyn Gouge moved to Ratify Council Poll pertaining to the submission of the ANA-SEDS grant application titled “Developing a Tribal Food Sovereignty Enterprise”. Seconded by Laura J. Gordon. Motion carried.

**RATIFY COUNCIL POLL PERTAINING TO THE SUBMISSION OF THE SAMSHA PROJECT LAUNCH GRANT**

Carolyn gouge moved to Ratify Council Poll pertaining to the submission of the SAMSHA Project LAUNCH grant application. Seconded by Chris Boyd. Motion carried.

**RATIFY COUNCIL POLL PERTAINING TO PURCHASING OF A PARCEL ON BIG SAND BAY ROAD**

Nathan Gordon moved to Ratify Council Poll pertaining to purchasing a 40-acre parcel for sale on Big Sand Bay Road. Seconded by Carolyn Gouge. Discussion: we submitted an offer to late and somebody else had purchased the property. Motion carried.

**OTHER**

**EXECUTIVE SESSION**

Nathan Gordon moved to go into Executive Session at 6:12 p.m. Seconded by Laura J. Gordon. Motion carried.

**REGULAR SESSION**

Carolyn Gouge moved to return to Regular Session at 6:43 p.m. Seconded by Chris Boyd. Motion carried.

Laura J. Gordon moved to approve Resolution **4/23/19I** pertaining to submission of the Clean Water Act (CWA) Treatment as a State (TAS) application with additional revisions by the Treaty Natural Resource staff. Seconded by Carolyn Gouge. Motion carried.

Carolyn Gouge moved to approved to Authorize to Commence Litigation against CenturyLink and Northern States Power (Xcel). Seconded by Chris Boyd. Discussion: Northern States Power is the predecessor over Xcel. Motion carried.

**ADJOURN**

Nathan Gordon moved to adjourn at 6:45 p.m. Seconded by Laura J. Gordon. Motion carried.

Respectfully Submitted:

ATTEST:

  
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Alana Babineau, Recording Secretary

  
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Laura J. Gordon, Secretary  
Red Cliff Tribal Council