

Red Cliff Band of Lake Superior Chippewa Indians

Special Council Meeting

September 17, 2019

1:00 p.m. Legendary Waters Grand Ballroom

Secretary Laura J. Gordon called the meeting to order at 1:00 p.m.

ROLL CALL:

Richard Peterson, Excused
Nathan Gordon, Excused
Laura J. Gordon, Present
Dennis Soulier, Present

Bryan Bainbridge, Present
Chris Boyd, Excused @ 4:20 p.m.
Nicholas DePerry, Excused
Steven, Boyd, Present
Marvin Defoe, Present

QUORUM

Others present: Dave Ujke – Tribal Attorney, Wade Williams – Assistant Tribal Attorney, Jared Blanche – Education Director, Chris Livingston – Finance, Jamie Goodlet King – Interim ECC Administrator, Nicole Boyd – Tribal Planner, Pam Calhoun – Planning, Theron Rutyna – IT Director, Shelly Gurnoe – Fisheries, Diane Erickson – Health Division Administrator, Kurt Schmitt – GM Legendary Waters, Ashley Peterson – Finance Department, Amorin Mello – Lands Office, Charles Bresette – Compliance, Robert Powless – Public Works, Mark Duffy – Chief Warden, Ernie Grooms – TNR and community members.

OPENING CEREMONY

Opening Ceremony was performed by Richard LaFernier.

Dennis Soulier moved to appoint Bryan Bainbridge as the acting Secretary. Seconded by Marvin Defoe. Motion carried.

AGENDA

Chris Boyd moved to approve the agenda as amended. Seconded by Dennis Soulier. Motion carried.

EXECUTIVE SESSION

Bryan Bainbridge moved to go into Executive Session at 1:06 p.m. Seconded by Marvin Defoe. Motion carried.

REGULAR SESSION

Steven Boyd moved to return to Regular Session at 4:30 p.m. Seconded by Bryan Bainbridge. Motion carried.

ACTION FROM EXECUTIVE SESSION

Dennis Soulier moved to add "Accept Health Board Resignation" under agenda item #23. Seconded by Bryan Bainbridge. Motion carried.

Dennis Soulier moved to approve a conforming Resolution **9/17/19A** pertaining to Resolution of Rehabilitation two (2) year update for Chanel Wachsmuth. Seconded by Marvin Defoe. Motion carried.

Bryan Bainbridge moved to approve a conforming Resolution **9/17/19B** pertaining to Resolution of Rehabilitation for Guy C. Defoe. Seconded by Steven Boyd. Motion carried.

Bryan Bainbridge moved to approve Red Cliff Band of Lake Superior Chippewa Legendary Waters Resort and Casino FY20 Budget. Seconded by Dennis Soulier. Motion carried.

Dennis Soulier moved to approve the Red Cliff Clinic Provider Contracts for Ann Reitz, Khou Xiong, Tiffany Darling, Carol Nyman, Janice Wilber, Patrick Brown and Brent Sunday. Seconded by Steven Boyd. Motion carried.

OLD BUSINESS

NEW BUSINESS

COMMUNITY COMMENTS AND ANNOUNCEMENTS

Kurt Basina became aware that the Living Adventures property may be up for sale. He understood that the Tribe has right of first refusal and would like the Council to know he was interested in this property.

George Newago announced that two youth from Red Cliff will be participating in the 2020 Indigenous Games and he will be assisting in the fundraising. He also asked who the Tribe's "Media Manager" and what role do they play. The Media Manager is currently Theron Rutyna and is the spokesperson for the Tribe when communicating with outside media outlets. A "Communications Manager" position is included in the Indirect Cost Proposal which is up for approval later in the agenda. This new position will handle outside communications in the future. He also had questions regarding the Social Media and Ethics Policies and how they are applied to him when he is speaking as a tribal member and not an employee.

George also spoke in support of Rustic Makwa Den and owner Travis Barningham. He suggested the Tribe adopt the same guidelines at the National Park Service and issue its own permits. As a sovereign government, the Tribe should have the ability to regulate its own members and permit process. Marvin Defoe stated he believes more discussion is needed on this and is in support of the Tribe implementing a permitting process. He also stated there may have been action taken on this subject in the past.

Michael Soulier expressed concerns regarding his involuntary lease cancellation. He stated he wasn't aware of the code changes and he would like to know who sits on the appeals board. He does not want to lose his lease.

Red Cliff Cultural Days is scheduled for September 20-22, 2019.

Treaty Day 2019 is scheduled for September 29 and 30, 2019.

TREASURERS REPORT FOR AUGUST 2019

A few points were discussed.

Bryan Bainbridge moved to approve the report. Seconded by Marvin Defoe. 1-Abstention (Dennis Soulier) Motion carried.

APPROVAL OF TREATY POSITIONS EXEMPT FICA

Discussion on how the percentages are applied to positions. This item will be further discussed in Executive Session.

Marvin Defoe moved to discuss this item in Executive Session. Seconded by Bryan Bainbridge. Motion carried.

APPROVAL OF FY20 INDIRECT COST BUDGET

Dennis Soulier, Interim CFO stated the proposal is currently under review and decision may be delay due to it being turned over to a different negotiator at the BIA. He expects an update this Friday.

Bryan Bainbridge moved approve the budget as presented. Seconded by Marvin Defoe. Discussion: Marvin Defoe asked that enrollment be included in the proposal in the future. In the past was funded at 50% the department is currently funded by THPO. Motion carried.

APPROVAL OF OCTOBER 2019 LW CASH FLOW BUDGET

Total cash needs are 592,750.00.

Bryan Bainbridge moved approve the proposed budget. Seconded by Marvin Defoe. Motion carried.

APPROVAL OF GAMING COMMISSION REPORT

Chris Livingston and Charles Bresette presented the report. Overview of profit and loss throughout departments. New machines were installed by the bar area that are showing some profit. The kitchen was recently inspected and had minor findings, but the health report was favorable overall.

Marvin Defoe moved accept Gaming Commission report. Seconded by Bryan Bainbridge. Motion carried.

APPROVAL OF GAMING COMMISSION FY20 BUDGET

Total budget of \$186,875.38.

Dennis Soulier moved approve FY2020 budget. Seconded by Marvin Defoe. Motion carried.

APPROVAL OF COMPLIANCE REPORT

The audit is ongoing. Charles had spent time addressing questions regarding the background check audit findings, he didn't agree with the language used and believes the casino is in compliance with this.

Steven Boyd moved accept report. Seconded by Bryan Bainbridge. Motion carried.

LAND DEPARTMENT UPDATE – INVOLUNTARY LEASE CANCELLATIONS MEMO

Lands Specialist Amorin Mello provided a memo regarding two recent involuntary lease cancellations due to environmental violations. Tribal Court Case No. 99-CV-08 and No. 117-NR-08(3).

APPROVAL OF RESOLUTION PERTAINING TO LEASE SITE MORATORIUM ON 37455 NORTH BRADUM ROAD

The Red Cliff Land Office and Red Cliff Environmental Department jointly requested a moratorium on this site due to the presence of groundwater contamination and hazardous materials found by two separate environmental assessments conducted in the past year. This resolution will establish an indefinite moratorium of this site but will be subject to reconsideration at the Council's discretion.

Bryan Bainbridge moved to approve Resolution **9/17/19C** pertaining to Moratorium on residential lease 37455 North Bradum Road. Seconded by Dennis Soulier. Motion carried.

WATER & SEWER FY2020 BUDGET APPROVAL – UTILITIES COMMISSION

Total budget for both Water & Sewer is 374,751.50.

Dennis Soulier moved approve the budget. Seconded by Marvin Defoe. Discussion: \$85,000 will be reallocated within the budget. Motion carried.

WATER & SEWER GOAL RATES – UTILITIES COMMISSION

As requested by Council at a previous meeting, the Utilities Commission provided estimated increase in rates. A 62% increase would be needed to cover all operational costs. The current approved rate increase for this year is 1.3%. No action taken.

APPROVAL OF BE-18-K26 FOR 2019 IHS PROJECTS

Bryan Bainbridge moved Scattered sites for Daniel Defoe (Schedule B), Daniel Defoe (Schedule C), Joni Gierczie (Schedule D) and Sandra Lukasiewicz (Schedule D) and to retain Tribovich Construction and Nehls & Webster for these projects. Seconded by Dennis Soulier. Motion carried.

APPROVAL OF FM FY20 BUDGET

Marvin Defoe moved to approve the Facilities Management FY20 Budget and Cost Allocation Plan. Seconded by Bryan Bainbridge. Motion carried.

APPOINT ONE (1) MEMBER AS THE ALTERNATE TO THE LAW ENFORCEMENT COMMISSION

One applicant submitted by Catherine Elmer.

Steven Boyd moved to appoint Cathy Elmer as the Alternate to the Law Enforcement Commission. Seconded by Marvin Defoe. Motion carried.

APPOINT ONE (1) MEMBER TO THE JOM COMMITTEE

One applicant submitted by Jim Pete.

Dennis Soulier moved to appoint Jim Pete to the JOM Committee. Seconded by Steven Boyd. Motion carried.

APPOINT ONE (1) MEMBER TO THE CCS COMMITTEE

One applicant submitted by Lawrence Deragon.

Bryan Bainbridge moved to appoint Larry Deragon to the CCS Committee. Seconded by Dennis Soulier. Motion carried.

APPOINT ONE (1) MEMBER TO THE RED CLIFF HOUSING BOARD

One applicant submitted by Ernie Grooms.

Bryan Bainbridge moved to appoint Ernie Grooms to the Red Cliff Housing Board. Seconded by Marvin Defoe. Motion carried.

APPROVAL OF BUSINESS PERMIT FOR SHELLY HOLLAND (2ND)

Presented by Attorney Williams. Ms. Holland has re-applied for a permit for 2019 to operate a boat charter business out of Legendary Waters Marina. With her application she supplied insurance and licensure documentation.

Marvin Defoe moved approve the business permit. Seconded by Bryan Bainbridge. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO APPROVING OF CHILD CARE AND DEVELOPMENT FUND (CCDF) FOR THE TRIBE FFY 2020 – 2022

Dennis Soulier moved to ratify Council Poll pertaining to approving the child care and development fund CCDF for the Tribe FFY 2020-2022. Seconded by Bryan Bainbridge. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO APPROVING TO SUBMIT THE HEALTHY KIDS GRANT APPLICATION

Bryan Bainbridge moved to ratify Council Poll pertaining to approving to submit the Healthy Kids Grant application. Seconded by Steven Boyd. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO APPROVAL OF SINGLE SOURCE WAIVER REQUEST FOR ECIVIS CONTRACT

Dennis Soulier moved to ratify Council Poll pertaining to approval to single source waiver request for an eCivis contract. seconded by Marvin Defoe. Motion carried.

OTHER

APPROVAL OF THE PILCROW FOUNDATION CHILDREN'S BOOK PROJECT GRANT SUBMISSION

Steven Boyd moved to approve the Pilcrow Foundation Children's Book Project grant application for submission, deadline is October 1, 2019. Seconded by Marvin Defoe. Motion carried.

ACCEPTANCE OF HEALTH BOARD RESIGNATION

Bryan Bainbridge moved to accept the resignation of Steven Boyd from the Red Cliff Health Board and to repost. Seconded by Dennis Soulier. Discussion: send a letter of appreciation to Steven for his time he served on the board. Motion carried.

EXECUTIVE SESSION

Steven Boyd moved to go into Executive Session at 7:17 p.m. Seconded by Marvin Defoe. Motion carried.

REGULAR SESSION

Bryan Bainbridge moved to return to Regular Session at 7:45 p.m. Seconded by Steven Boyd. Motion carried.

Bryan Bainbridge moved to approve the Treaty positions as presented except for the Compliance Officer Position, to move back to 30%. Seconded by Marvin Defoe. Motion carried.

Dennis Soulier moved to have the HR Department provide an annual list to Council on any changes. Seconded by Steven Boyd. Discussion: this will be brought back on the first Regular Council meeting every September. Motion carried.

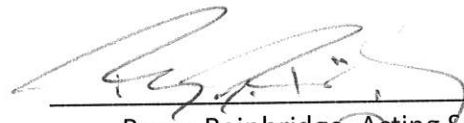
ADJOURN

Bryan Bainbridge moved to adjourn at 7:47 p.m. Seconded by Steven Boyd. Motion carried.

Respectfully Submitted:


Alana Babineau, Recording Secretary

ATTEST:


Bryan Bainbridge, Acting Secretary
Red Cliff Tribal Council