

Red Cliff Band of Lake Superior Chippewa Indians

Special Council Meeting

September 22, 2020
2:00 p.m. Virtual (WebEx)

Vice Chairman Nathan Gordon called the meeting to order at 2:00 p.m.

ROLL CALL:

Richard Peterson, Present @ 5:10 p.m.
Nathan Gordon, Present
Laura J. Gordon, Present
Dennis Soulier, Present

Bryan Bainbridge, Present
Chris Boyd, Present
Nicholas DePerry, Present
Steven Boyd, Present
Marvin DeFoe, Present @ 3:40 p.m.

QUORUM

Others present: Dave Ujke – Tribal Attorney, Wade Williams – Assistant Tribal Attorney, Amarin Mello – Lands Office, Chris Livingston – Gaming Commission, Charles Bresette – Compliance, Shelly Gordon – FM Asst. Director and Alana Babineau, Child Support Director.

OPENING CEREMONY

Opening Ceremony was performed by Nicholas DePerry.

AGENDA

Nicholas DePerry moved to approve agenda with additions. Seconded by Dennis Soulier.
Motion carried.

EXECUTIVE SESSION

Chris Boyd moved to go into Executive Session at 2:06 p.m. Seconded by Dennis Soulier.
Motion carried.

REGULAR SESSION

Dennis Soulier moved to return to Regular Session at 4:03 p.m. Seconded by Bryan Bainbridge.
Motion carried.

ACTION FROM EXECUTIVE SESSION

Laura J. Gordon moved to approve the Cash Flow Budget for the month of October 2020 for Legendary Waters Resort & Casino in the amount of 578,850. Seconded by Nicholas DePerry.
Motion carried.

OLD BUSINESS

NEW BUSINESS

COMMUNITY COMMENTS AND ANNOUNCEMENTS

Red Cliff Transfer Station has new business hours beginning on 10/1/20: Tuesday from 10 to 6 p.m., Thursday from 10 to 6 p.m. and Saturday from 8 to 12 p.m. If there are any questions you can reach out to the Environmental Department at 715-779-3650.

There will be a Free Drive Up Narcan Training on Friday September 25, 2020 at the Legendary Waters Casino parking lot from 9:00 a.m. until noon.

2020 Virtual Mikwendaagoziwag "They are Remembered" Ceremony on September 30, 2020. Join in for an afternoon of history and remembrance of the Sandy Lake tragedy.
www.glifwc.org or www.facebook.com/GLIFWC

Nicholas DePerry expressed his condolences to the Joe Duffy family.

APPROVAL OF TREASURERS REPORT FOR AUGUST 2020

A few points were discussed. It was noted that Division Administrators did not receive a WebEx invite to this meeting. The issue of end of the year spend down was discussed. Dennis stated programs should be spending 10-12% each month to avoid a large spend down in September. He also noted it is ultimately the responsibility of program Directors to spend funds accordingly. Bryan Bainbridge asked that a report be provided to the Council on programs receiving no-cost extensions for FY2020.

Chris Boyd moved to approve the Treasurer's Report. Seconded by Bryan Bainbridge. 1-Abstention (Dennis Soulier) Motion carried.

APPROVAL OF GAMING COMMISSION REPORT

Chris Livingston presented the report. The financial reports provided to the Commission showed a successful month for August. The Casino shut down due to the Stay at Home order on September 3rd. Chris also noted several department SOPs will be presented to the Commission for poll vote soon and will then be sent to Legal for review.

Dennis Soulier moved to accept the Gaming Commission report for August 2020. Seconded by Nicholas DePerry. Motion carried.

APPROVAL OF COMPLIANCE REPORT

Charles Bresette stated he recently met with Rob from NIGC regarding the fingerprinting process and will now be using a checklist provided.

Nicholas DePerry moved to approve the August 2020 Compliance report. Seconded by Steven Boyd. Motion carried.

APPROVAL OF FY21 GAMING COMMISSION BUDGET

The budget was reduced by \$5,000.

Dennis Soulier moved to approve the budget as presented. Seconded by Marvin DeFoe. Motion carried.

APPROVAL OF LEASE CANCELLATION

Bryan Bainbridge moved to approve Resolution **9/22/20A** pertaining to Voluntary Cancellation from James E. Pete for Long Term Residential Lease No. RL-4151(05) located at 88215 State Highway 13. Seconded by Nicholas DePerry. Motion carried.

APPROVAL OF THREE (3) CHANGE ORDERS FOR ICW WITH BLACK WOLF CONSTRUCTION

Three change orders were submitted for the ICW contract with Black Wolf Construction. Secretary Gordon recommended these be combined into one change order.

Additional costs include \$7,136 for privacy fencing, \$1,352 for wire shelving and four commercial lock sets and \$26,433 for parking lot expansion and landscaping.

Steven Boyd moved to approve change order #1 to include the three proposed additions. Seconded by Bryan Bainbridge. Motion carried.

APPROVAL OF PROTECTION OF CLIENT INFORMATION POLICY

Alana Babineau, Child Support Director presented this policy for the Economic Support Department/Family Services. This policy was developed to address a finding resulting from a compliance review conducted by the Social Security Administration (SSA). Both SSA and Dave Ujke reviewed and approved this document.

Laura J. Gordon moved to approve the Protection of Client Information policy for the Economic Support Department/Family Services. Seconded by Dennis Soulier. Motion carried.

APPROVAL OF SAFEGUARDING FEDERAL DATA POLICY

This policy was also developed in response to the SSA compliance review and will apply to both the Economic Support and Red Cliff Child Support Services Agency under the Family & Human Services Division.

Chris Boyd moved to approve the Safeguarding Federal Data policy. Seconded by Nicholas DePerry. Motion carried.

PUBLIC WORKS REQUESTS

APPROVAL TO SOLE SOURCE PRICE INCREASE

Shelly Gordon requested approval of the increased cost for the project to install new condensers and DX coils at 88385 Pike Road (Family & Human Services Building). On April 21, 2020, the Tribal Council approved to Sole Source Stack Bros. Mechanical for this project, at that

time the quote included only the A/C unit and original fuel tank removal at \$8,400. This new quote is for a total of \$85,854.30 which includes the removal of old equipment, installation of new condensing units as well as new slab and fencing. Shelly ensured funds were available.

Nicholas DePerry moved to approve the project and contract with Stack Bros. Mechanical in the amount of \$85,854.30. Seconded by Steven Boyd. Motion carried.

APPROVAL OF FM FY21 BUSGET REVISION AND FM FY21 COST ALLOCATION PLAN

Shelly Gordon presented the revised budget that included an \$259,374.37 increase. Two custodial positions were added as well as \$170,000 siding for the FHS Building and another \$30,000 to purchase two trucks. Discussion was had on the burden an increase of the FM cost may cause on programs. Bryan Bainbridge added that the FHS Building is in poor condition and replacing the building should be a priority. It was also discussed that FM should look at existing or used vehicles as another means of saving costs.

Dennis Soulier moved to approve the FY21 Budget Revision to include only the two additional positions. Seconded by Nicholas DePerry. Discussion: The FM Department should prioritize capital improvements and explore options and funding sources to replace the FHS Building. Motion carried.

APPROVAL OF WATER AND SEWER FY21 BUDGET

A few points were discussed.

Dennis Soulier moved to approve the Water and Sewer's Combined Budget of 637,850. Seconded by Chris Boyd. Motion carried.

FYI SEWER RATE INCREASE 2020

The Utilities Commission recently approved a \$7.00 increase to the monthly sewer rate to begin October 1, 2020. Water rate will remain the same.

Bryan Bainbridge and Laura J. Gordon advised that increasing any household costs would not be right at this time due to the hardship COVID-19 has caused to the community.

Steven Boyd moved to deny the sewer rate increase until Council discusses the matter with the Utilities Commission. Seconded by Bryan Bainbridge. Motion carried.

Steven Boyd added that the Red Cliff Housing Authority should also be notified when an increase is being proposed as they cover Water & Sewer costs for some of their units.

APPROVAL OF CHAPTER 40 EXCLUSION AND REMOVAL OF NON-MEMBERS

Comments were submitted by community members stating the chapter was not detailed enough – allowing for too much discretion and was discriminatory to non-members particularly non-member spouses. Council members discussed that the development of this Chapter was in response to ongoing reports of non-members squatting and selling drugs within the reservation

boundaries. This Chapter would provide the Council the means to vacate them from the community.

Nicholas DePerry moved to revise the Chapter to include language pertaining to minor non-members (as suggested by the Tribal Court) and repost for public comment. Seconded by Steven Boyd. Discussion: Attorney Ujke added that he will make additional non-substantive edits to the document. Motion carried.

APPROVAL TO POST CHAPTER 39 GENERAL ORDINANCES

Nicholas DePerry moved to post out Chapter 39 General Ordinances, Section 39.6 Disorderly Conduct. Seconded by Bryan Bainbridge. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO WAIVING THE PROCUREMENT POLICY RELATED TO THE SEALED BID PROCESS AND SELECT NUSS TRUCK AND EQUIPMENT FOR THE WHEEL LOADER IN THE AMOUNT OF \$148,980.00

Steven Boyd moved to ratify the Council poll. Seconded by Bryan Bainbridge. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO WAIVING THE PROCUREMENT POLICY RELATED TO THE SEALED BID PROCESS AND TO SOLE SOURCE WITH BLACK WOLF CONSTRUCTION FOR THE ADMIN REMODEL IN THE AMOUNT OF \$125,812.00

Dennis Soulier moved to ratify the Council poll. Seconded by Chris Boyd. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO CHAPTER 60 EMERGENCY DECLARATION/CONFORMING RESOLUTION 9/17/20A

Steven Boyd moved to ratify the Council poll. Seconded by Laura J. Gordon. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO WAIVING THE PROCUREMENT POLICY TO SOLE SOURCE WITH BLACK WOLF CONSTRUCTION TO COMPLETE EMERGENCY REHAB ON FORMER LIVING ADVENTURES IN THE AMOUNT OF \$38,933.00

Nicholas DePerry moved to ratify the Council poll. Seconded by Dennis Soulier. Motion carried.

OTHER

APPROVAL OF LTE EXTENSION OF 90 DAYS FOR LTE WIRING TECH

Bryan Bainbridge moved to approve the LTE Extension of 90 days for the LTE Wiring Tech. seconded by Dennis Soulier. 1-Abstention (Nicholas DePerry). Motion carried.

RATIFY COUNCIL POLL PERTAINING TO SUBMISSION PF THE 2021 WI DNR RECYCLING GRANT APPLICATION

Bryan Bainbridge moved to ratify the Council poll. Seconded by Steven Boyd. Motion carried.

ADJOURN

Nicholas DePerry moved to adjourn at 6:18 p.m. Seconded by Marvin DeFoe. Motion carried.

Respectfully Submitted:



Alana Babineau, Recording Secretary

ATTEST:



Laura J. Gordon, Secretary
Red Cliff Tribal Council