

Red Cliff Band of Lake Superior Chippewa Indians

Special Council Meeting

March 23, 2021

12:00 p.m. Red Cliff Health Center

Chairman Richard Peterson called the meeting to order at 12:00 p.m.

ROLL CALL:

Richard Peterson, Present
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

QUORUM

Others present: Dave Ujke – Tribal Attorney, Wade Williams – Asst. Tribal Attorney, Amarin Mello – Lands Office, Michael Christiansen – Finance Department, Charlie Bresette, Compliance Officer, Chris Livingston – Gaming Commission and community members.

OPENING CEREMONY

A moment of silence was observed in our own way.

AGENDA

Bryan Bainbridge moved to approve agenda as amended. Seconded by Nathan Gordon. Motion carried.

EXECUTIVE SESSION

Nicholas DePerry moved to go into Executive Session at 12:01 p.m. Seconded by Dennis Soulier. Motion carried.

REGULAR SESSION

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

ACTION FROM EXECUTIVE SESSION

Laura J. Gordon moved to approve Legendary Waters Resort & Casino Independent Auditor's Report for the fiscal year ending September 30, 2020. Seconded by Dennis Soulier. Motion carried.

Laura J. Gordon moved to approve Legendary Waters Resort and Casino Cash Flow Budget for month of April 2021 in the amount of \$511,300. Seconded by Steven Boyd. Motion carried.

Laura J. Gordon moved to approve Resolution **3/23/21B** pertaining to a two-year update for Resolution of Rehabilitation for Christopher Boyd. Seconded by Nathan Gordon. 1-Abstention (Chris Boyd). Motion carried.

Resolution number for this item was initially missed but assigned later in the meeting.

Laura J. Gordon moved to approve the Red Cliff Business Development Corporation (RCBDC) revised By-Laws. Seconded by Nicholas DePerry. 1-Abstention (Dennis Soulier). Motion carried.

Laura J. Gordon moved to approve the Red Cliff Business Development Corporation (RCBDC) revised Charter, along with Resolution **3/23/21C** pertaining to Amended and Restated Charter and Bylaws. Seconded by Nathan Gordon. 1-Abstention (Dennis Soulier). Motion carried.

Laura J. Gordon moved to approve the Red Cliff Business Development Corporation (RCBDC) revised and amended loan agreement. Seconded by Chris Boyd. 1-Abstention (Dennis Soulier). Motion carried.

Dennis Soulier noted he is the Tribal Council liaison to the Red Cliff Business Development Corporation. This is the reason he abstained from the previous three (3) motions.

Laura J. Gordon moved to approve the Child Care Facilities Policies and Procedures. Seconded by Nathan Gordon. Motion carried.

Laura J. Gordon moved to approve the ECC Continuing Grant requests pertaining to:

1. Annual Report
2. Training Plan
3. Self-Assessment
4. Community Assessment
5. Budget
6. Goals and Objectives for 2020-2021
7. Eligibility / Selection Criteria
8. Application for submission.

Seconded by Dennis Soulier. 1-Abstention (Nicholas DePerry). Motion carried.

OLD BUSINESS

ACCEPT TREASURERS BALANCE SHEET FOR JANUARY 2021 (TABLED ON 3/1/21)

Dennis Soulier noted the bank balance for the operating account is correct on the report.

Nathan Gordon moved to accept the Treasurers Balance sheet for the month of January 2021. Seconded by Nicholas DePerry. 1-Abstention (Dennis Soulier). Motion carried.

NEW BUSINESS

COMMUNITY COMMENTS AND ANNOUNCEMENTS

The Red Cliff Ad Hoc Cemetery Committee has proposed a new Burial Ordinance and is requesting community input. The committee is hosting a listening session on Tuesday March 30 from 5-8 PM via WebEx. Community members can join virtually via WebEx. Meeting Number: 187 301 1866. Meeting Password: 2021 Cemetery. All participants will be eligible to receive raffle prizes. For any questions, please contact the Tribal Historic Preservation Office at 715-779-3700.

The Red Cliff Band of Lake Superior Chippewas Primary Election will be held on Friday May 7th, 2021. If you would like to declare your candidacy for Tribal Council Chairperson or Tribal Council Treasurer, please submit your intentions in writing no later than April 7th, 2021 by 6:00 p.m. to the Red Cliff Tribal Council Secretary, Laura J. Gordon. Polls will be open 8am to 8pm at Legendary Waters Resort and Casino. For more information, please contact Laura J. Gordon @ secretary@redcliff-nsn.gov, 715-779-3741 or 715-779-5518.

The Red Cliff Tribal Council is seeking seven (7) community members to serve on the 2021 Election Board. You must be 18 years of age, a Red Cliff Tribal Member and eligible to vote at the Tribal Elections. The Election Board will serve both the Primary and General Elections. If you are interested to serve on the Election Board pick up an application At the Tribal Administration Building. Applications need to be submitted to the Front Desk of the Administration Office by April 1, 2021 by Noon. For further Information Contact: Laura J. Gordon, Tribal Council Secretary, at 779-3741 ext. 2406 or secretary@redcliff-nsn.gov

A Food Giveaway will be held at the Boys and Girls Club on Thursday, March 25th. This is open to anyone. For more information, call Food Distribution at 715-779-3740.

The TANF Plan for FY 2022-2024 is available for public comment. The Plan can be reviewed at the Family and Human Services Building. For more information call, 715-779-3706. Please provide your comments by April 29, 2021.

2021 Spring Spearing Meeting will be held on Wednesday March 31 for Red Cliff Tribal Members interested in spearing this season. The meeting will start at 5:30 PM at the Red Cliff Cultural Grounds. Participants can also join virtually. To receive the virtual meeting link, contact: Mark Duffy, Chief Conservation Warden mark.duffy@redcliff-nsn.gov, 715-779-3732 or Marvin Defoe, THPO Manager marvin.defoe@redcliff-nsn.gov, 715-209-0374.

Marvin Defoe acknowledged the passing of Father Kevin Gordon. He stated Father Kevin was a good man and expressed his condolences to the family and community. Father Gordon's funeral is scheduled for Thursday, March 25th.

Attorney Ujke encouraged the community to participate in the upcoming election on April 6th for Bayfield County Circuit Court Judge. Red Cliff Tribal member Vince Kurta is running against the incumbent Judge John Anderson. Early in-person voting is open now.

Chris Boyd also announced the election for Town of Russell Board is coming up and several Red Cliff Tribal members are running for the year.

Jason Charette, a tribal member, requested special permission and waiver of Section 18.6.2, RCCL in order to develop his pending lease site located on Blueberry Road after execution of a lease authorized by the Tribal Council but before BIA approval and issuance of the final lease documents. He stated he is scheduled to return to work, out of state, in early April. His lease application is currently being processed by the Lands Office.

Bryan Bainbridge moved to approve this Special Permission request by Jason Charette, subject to compliance with all other permitting conditions or requirements. This will allow Jason Charette to develop the subject property in an expedited manner. Seconded by Nicholas DePerry. 1-Abstention (Nathan Gordon). Discussion: Tribal Attorney, Dave Ujke would like this to be in the minutes that Mr. Charette has submitted a Lease and a PAC application already. Motion carried.

APPROVAL OF TREASURERS REPORT FOR FEBRUARY 2021

A few points were discussed.

Laura J. Gordon moved to approve the Treasurers Report for the month of February 2021. Seconded by Chris Boyd. 1-Abstention (Dennis Soulier). Motion carried.

APPROVAL OF GAMING COMMISSION REPORT

Chris Livingston was present and minutes from the March 8, 2021 were provided to the Tribal Council.

The commission will be applying to become a member of the National Tribal Gaming Commission Regulators (NTGC). With the membership, the commission will have access to webinars and training.

The Slot Department SOPs were recently returned and approved from the Legal Department. These will be approved at the next Commission meeting then submitted to the Tribal Council. A few more departments are being completed.

Nathan Gordon moved to approve the Gaming Commission report. Seconded by Nicholas DePerry. Motion carried.

APPROVAL OF THE COMPLAINT REPORT

Charles Bresette gave an overview of his written report. He also noted the trainings included in the NTGC membership are all virtual so there is no need for travel funds.

Charles continues to work with the GM on the SOPs, the independent audit and other business. Management is also working to upgrade software and Charles will include Attorney Ujke in discussions regarding a possible change to the shipping notification requirement.

Bryan Bainbridge moved to approve the Compliance Report for February 2021. Seconded by Steven Boyd. Motion carried.

GIWIIDOSENDIMIN PROJECT LAUNCH YEAR 1 REPORT

Johanna Wilson, Launch Director gave an update and overview of the program goals & objectives. A report was compiled by the program evaluator Brazelton Touchpoints. Johanna noted the grant required the Tribe have an independent evaluator be involved in the project.

APPROVAL OF UTILITIES COMMISSION ANNUAL REPORT

Ernie Grooms presented the report. He is currently the interim Public Works Administrator and also sits on the Utilities Commission. He discussed the Commission's ongoing concerns on operating costs and future upgrades needed for the facility. The community is growing, and the facility is already near capacity. Goals should be set to ensure the facility can accommodate the need. Marvin asked that the Commission provide clear recommendations to the Council so that the areas of need can be addressed. He asked if a study could be done and stated he believed IHS should be responsible for this cost.

Bryan Bainbridge added that cost projections should be estimated and most importantly, sustainability of a larger facility.

Nathan Gordon moved to approve the Utilities Commission Annual report as presented. Seconded by Nicholas DePerry. Motion carried.

APPROVAL OF CHANGE ORDER #16 (DECREASE) FOR PROJECT BE-18-K45

The proposed change will decrease of \$5,044.48 from the total project amount.

Dennis Soulier moved to approve Change Order #16 for Project BE-18K-45. Seconded by Marvin Defoe. Motion carried.

APPROVAL OF CONTRACT WITH TWIN PORTS CUSTOM CLIMATE

Contract is in the amount of \$1,368.15 for the replacement of a pressure switch.

Steven Boyd moved to approve Change Order #17 for the Project BE-18-K45 and the contract with Twin Ports Custom Climate. Seconded by Nicholas DePerry. Motion carried.

LEASE

Laura J. Gordon moved to approve Resolution **3/23/21A** pertaining to a short-term Residential Lease Renewal for Dale P. Gordon and Janelle R. Gordon, located at 94850 Raspberry Shore

Road, effective October 14, 2021. Seconded by Chris Boyd. 2-Abstentions (Nathan Gordon and Dennis Soulier). Motion carried.

APPROVAL OF LEGENDARY WATERS POLICIES/ADDITIONS

Seth Morris was not present.

Nathan Gordon moved to approve the additions. Seconded by Laura J. Gordon. Discussion: Chris Boyd noted the additions include an FMLA update, Drug Policy and Attendance Policy additions. Motion carried.

APPROVAL OF SECURITY AND ALARM POLICY

Nathan Gordon moved to approve the Security and Alarm Policy. Seconded by Nicholas DePerry. Motion carried.

APPROVAL OF SOCIAL MEDIA POLICY

Theron Rutyna presented revisions to the existing Social Media Policy.

Bryan Bainbridge moved to approve the revisions made to the Social Media Policy. Seconded by Nathan Gordon. Discussion: Marvin Defoe requested clarification on social media use by tribal staff. Theron noted the existing policy already prohibited staff for using Facebook during their workday or messaging clients via Messenger. Marvin spoke of the importance of Facebook when communicating with the community. Nathan Gordon clarified the motion was to approve only revisions to the existing policy. Bryan Bainbridge added that the policy be looked and be brought back for review in the future. Motion carried.

APPROVAL TO POST CHANGES TO CHAPTER 16 (BUSINESS LICENSE AND TAX LAW)

Nathan Gordon moved to approve the posting of Chapter 16. Seconded by Dennis Soulier. Motion carried.

APPROVAL TO POST CHAPTER 18 (LAND LEASE REGULATIONS SECTION 18.4.2c(ii))

Nathan Gordon moved to approve the posting of Chapter 18. Seconded by Bryan Bainbridge. Motion carried.

APPOINT ONE (1) MEMBER TO THE JOM COMMITTEE

Steven Boyd moved to appoint Edwina Buffalo-Reyes to the JOM Committee. Seconded by Nicholas DePerry. Motion carried.

RATIFY COUNCIL POLL PERTAINING TO WAIVING THE FM FOR THE USDA VAPG GRANT

Bryan Bainbridge moved to ratify the Council poll. Seconded by Steven Boyd. Discussion: Marvin Defoe mentioned that he voted No on this item and added he did not agree that the FM cost should be waived. 1-Opposed (Marvin Defoe) Motion carried.

RATIFY COUNCIL POLL PERTAINING TO APPROVING EIGHTEEN (18) BEW LEASE APPLICATIONS ALONG WITH THE EIGHTEEN (18) SPECIAL PERMISSION REQUEST TO BEGIN DEVELOPMENT

Dennis Soulier moved to ratify Council Poll. Seconded by Bryan Bainbridge. 2- Abstentions (Steven Boyd & Nicholas DePerry). Motion carried.

RATIFY COUNCIL POLL PERTAINING TO APPROVING THE FDPIR GRANT PROPOSAL FOR SUBMISSION

Dennis Soulier moved to ratify Council Poll. Seconded by Steven Boyd. Motion carried.

OTHER

APPROVAL TO SUMBIT THE FY20 COVID EMERGENCY SUPPLEMENTAL FUNDING PROGRAM

Steven Boyd moved to approve the FY20 Covid Emergency Supplemental Funding program grant submission. Seconded by Nathan Gordon. Motion carried.

ADJOURN

Chris Boyd moved to adjourn at 6:22 p.m. Seconded by Nicholas DePerry. Motion carried.

Respectfully Submitted:


Alana Babineau, Recording Secretary

ATTEST:


Laura J. Gordon, Secretary
Red Cliff Tribal Council