

Red Cliff Band of Lake Superior Chippewas

SPECIAL COUNCIL MEETING

November 22, 2011

Legendary Waters Buffalo Bay Grand Ballroom

4:30 p.m.

Meeting called to order at 4:30 by Rose Soulier, Tribal Chairperson.

ROLL CALL:

Rose Soulier, Present

Marvin Defoe, Present

Laura J. Gordon, Present

Jim Pete, Absent

Jeanne Gordon, Present

Mike Gurnoe, Present

Joanne Peterson, Present

Bryan Bainbridge, Present

Robert Bear, Present

Quorum

In attendance: Mark Montano, Director Tribal Operations, David Ujke, Tribal Attorney and community members.

OPENING CEREMONY

Opening ceremony performed by Frank Montano.

AGENDA

Marvin Defoe moved to approve agenda with changes under Casino Report a. Approval of LW's Resort and Casino Financing & Tribal Council Oversight, b. Red Cliff Loan. Take off #12 and add Brown Plumbing and Heating Contract. Combine #13 and #15. And under Other add ECC Resolution to become an "Active Early 2.0 Pilot Site" to prevent Childhood Obesity. Seconded by Bryan Bainbridge. Motion carried.

COMMUNITY INPUT/ANNOUNCEMENTS

Thanksgiving Dinner meal will be held on Thursday November 24, 2011 at 1:00 p.m. at the Elderly Center, for all Community.

Mark Montano had introduced Jim Meyer the new MIS Director.

Rose Soulier read a letter from Jim Pete, resigning as the Tribal Treasurer. Marvin Defoe moved to accept the resignation letter and to appoint Dennis Soulier. Seconded by Joanne Peterson. Motion carried. The next highest vote getter is Dennis Soulier and Dennis accepts the position as Tribal Treasurer.

Marvin Defoe moved to approve Dennis Soulier as the Tribal Treasurer. Seconded by Mike Gurnoe. Motion carried. Marvin Defoe will set up the swearin' ceremony tomorrow 11/23/11.

Dee Gokee-Rindal mentioned that there is a Community Listening Session and input Night for the Ginanda Gikendaamin "We seek to Learn" facility next Tuesday November 29, 2011 from 4 to 6 p.m. at the Legendary Waters Grand Ballroom.

TRIBAL PRIORITIES PRESENTATION

Mark Montano and Division Administrators were present. Mark gave an overview on the 1st version of the Strategic Plan for Tribal Priorities. Mark Montano stated that after the Strategic Plan for Tribal Priorities is all done it will get out to the Community.

Mark Montano took the Council through the Final Version of the Strategic Plan for Tribal Priorities; there are 12 objectives and 26 tasks in the final version. Mark Montano will give an update as to the progress at the January's Council mini Retreat.

CASINO REPORT

Jeanne Gordon moved to table the October Casino Report until the December 5, 2011 Council meeting. Seconded by Bryan Bainbridge. Motion carried.

APPROVAL OF LW'S RESORT & CASINO FINANCING & TRIBAL COUNCIL OVERSIGHT

Randy Hella and Mark Montano gave the presentation on the LW's Resort and Casino Financing and Tribal Council Oversight there was discussion on the recommendations. Laura J. Gordon moved to approve the LW's Resort and Casino Financing and Tribal Council Oversight to reflect the changes. Seconded by Jeanne Gordon. Motion carried.

RED CLIFF LOAN

Marvin Defoe moved to approve the General Government Budget of \$277,257.00 with changes. Seconded by Joanne Peterson. Motion carried.

Joanne Peterson moved to transfer (not to exceed) \$30,000.00 out of the Segregated Restricted account and put into the Secured Obligations account to pay the interest. Seconded by Bryan Bainbridge. Motion carried.

Marvin Defoe moved to transfer \$52,577.89 out of the Segregated Restricted account and put into the Construction account to fully pay the original draw request #17. Seconded by Mike Gurnoe. Motion carried.

COMPLIANCE REPORT

Tom Jeffords went through the Compliance report for Council. Tom mentioned that there are two items left to be worked on from the Audit. Question was asked about the Progressives that were set wrong. Tom replied that the stand alone Progressives he had to get back up and set it to the right percent. The Progressives are all set and back up and running.

There was discussion on the Gaming Commission board, not enough to make quorum. Jeanne Gordon will post this out right away in the community.

Jeanne Gordon moved to approve the Compliance Report. Seconded by Laura J. Gordon. Motion carried.

GAMING COMMISSION REPORT

Joanne Peterson moved to table the Gaming Commission report until next month. Seconded by Mike Gurnoe. Motion carried.

LEGENDARY WATERS CONSTRUCTION REPORT

Ron Jack, Doug Niesen and Joe Gordon were there to present the report. The remaining balance if the loan is \$7,814.80. There are some bills that will be coming in and \$4,000.00 of this will go to signage.

Doug and Joe explained the punch list to Council and right now there are 10 to 12 items that are left to do. This will be an ongoing process. The punch list will be done in about two weeks. On 8/1/12 they will do a one year walk through.

There was some discussion on the pool area (an inadequate door way) they informed Council wasn't a warranty issue. It is an architect issue. The structure has a 10 year warranty on it.

OLD BUSINESS

RED CLIFF FINANCE COMMITTEE REQUEST FOR APPROVAL (tabled from 11/7/11)

There still needs to be work done on this. Mike Gurnoe moves to table this until the next Special Council meeting (12/20/11). Seconded by Bryan Bainbridge. Motion carried.

UPDATE ON FEMA TRAILERS (tabled from 11/7/11)

Laura J. Gordon moved to approve Option three to go ahead and charge fees and give remaining balance back to purchasers. "Option three states Charge the Budgeted amount of \$100 per trailer as Administration fee and give balance back to purchasers FY 09 \$1,879.24 – 1,500.00 (15 trailers) = \$379.24, 379.24 / 15 = \$25.29 to each purchaser. FY 11 10,594.48 – 1,400.00 (14 trailers) = 9,194.48, 9,194.48 / 14 = 656.75 to each purchaser". Seconded by Jeanne Gordon. Motion carried.

NEW BUSINESS

LEASES

Joanne Peterson moved to approve the Resolution **11/22/11A** for Lisa M. Newago for a short term residential lease. Seconded by Jeanne Gordon. Motion carried. It is Council consensus that Lisa can relocate immediately.

APPROVAL OF THE REVISIONS TO THE JOM BY-LAWS

Carmen Vander Venter explained the changes to the revised JOM By-Laws. Carmen received an award in October 2011 for a national level of exemplary work. Red Cliff JOM was one of nine

tribes that received the award! Marvin Defoe moved to approve the JOM By-Laws. Seconded by Jeanne Gordon, Motion carried.

BROWN PLUMBING & HEATING

Jeanne Gordon moved to approve the waiver with Brown Plumbing & Heating; the waiver is for the sealed bid process for existing contracts to include additional work based on the prices the Tribes MOA for Project BE-G47. Seconded by Laura J. Gordon, Motion carried.

APPLICATION FOR POND CONSTRUCTION

Present for discussion Greg Fischer, Jeff Benton, Chad Abel & Jacob Maas. Greg Fisher explained the ponds intent would be for experimental research for data. There is no intention to sell fish. Sometimes they do sell fish only to replace costs for feeding. Raising walleyes on formula feed. No competition for sales of fish. That facility is the leading facility in the MIDWEST for technology. If Greg waits for water study by next fall he might have to cancel the project.

Discussion re: Aquifer & its hazards.

Water management funds have been received. There is no suitable spawning habitat here in Red Cliff for brook trout? Chad Abel & Jacob Maas mentioned that there is a need to waiting till ground water study is done. Study will tell us how much water available for people of Red Cliff, how much is flowing, and how much it can store. There is a recharge. Climate change affects recharge. It is possible that we will never run out of water. The study may or may not give any indication.

Greg Fischer mentioned that these ponds are meant to be small, experimental ponds that may not be used every year, may not be filled full all the time and may only be used for specific projects to help with pond fish rearing research to benefit other hatcheries.

Marvin Defoe moved to not grant the permit until we receive the study for ground water/aquifer. Seconded by Bryan Bainbridge. 2 Contrary (Mike Gurnoe and Jeanne Gordon), 0 Abstentions. Motion carried.

FISHING COMMITTEE RECOMMENDATIONS

Chad Abel mentioned that in the RCCL Section 19: Michigan Fishing Regulation-add 7.19.16 to maintain the current code with no changes. Marvin Defoe moved to approve the Fishing Committee recommendations. Seconded by Mike Gurnoe. Motion carried.

Marvin Defoe moved to approve all the Big Boat/Small Boat Applications along with the late licenses application of Gilmore and Chris Peterson. 2 Abstentions (Joanne Peterson and Brian Bainbridge), Motion carried.

Number 5-Dock Fees. Discussion. If any code changes to be made would first need to be taken to Legal Department and then back to fishing committee, and then back to Red Cliff Tribal Council. No Motion.

TENANT ASSOCIATION

Laura J. Gordon read an e-mail received from Pauline Gordon stating that no Tenant Association members will be attending, as there were no new updates. Tenant Association continues to meet once a month and continue to be an active group.

CONSTITUTION COMMITTEE

Update by Dave Wagner. Currently working on the first five articles of the constitution and seeking community input. No Motion.

RESIGNATION OF RC GAMING COMMISSIONER

Bryan Bainbridge moves to approve the Resignation of the Red Cliff Gaming Commission of Tom Jeffords. Seconded by Jeanne Gordon, Motion carried.

GAMING COMMISSION

Council will not be appointing the chairman tonight. Gaming Commission recommends that Larry Deragon be reappointed. We need people interested in Gaming Commission. We need three new members. Jeanne Gordon will re-post as soon as possible. No Motion.

CONSTITUTION COMMITTEE

Joanne Peterson moved to approve Rob Goslin to the Constitution Committee. Seconded by Bryan Bainbridge. Motion carried.

POWWOW COMMITTEE

Marvin Defoe moved to refer this application back to Pow-wow Committee for recommendation. Seconded by Mike Gurnoe. Motion carried.

JOM COMMITTEE MEMBER

Jeanne Gordon moved to approve Sierra Christensen to the JOM Committee. Seconded by Joanne Peterson, Motion carried.

WAIVER FOR ECC

Joanne Peterson moved to approve the waiver for ECC on the three bid process for Jason Schlender for Ojibwe Language & Consulting. Seconded by Laura J. Gordon. Motion carried.

OTHER

ECC RESOLUTION

Jeanne Gordon moved to approve the resolution **11/22/11B** to Prevent Childhood Obesity and to strike out "BE IT FURTHER RESOLVED". Discussion. Seconded by Laura J. Gordon. Motion carried.

Jeanne Gordon moved to go into Executive Session. Seconded by Bryan Bainbridge. Motion carried.

Robert Bear moved to go back into Regular Session. Seconded by Jeanne Gordon. Motion carried.

Jeanne Gordon moved to approve the Resolution 11/22/11C for Rehabilitation of Guy Defoe. Seconded by Robert Bear. Motion carried.

Robert Bear moved to Re-post the Director of Compliance position. Seconded by Mike Gurnoe, Motion carried.

Joanne Peterson moved to hire Mike Andrews for the Part Time Assistant Child Care Teacher with Clarissa Gokee as the Alternate. Seconded by Marvin Defoe. Motion carried.

Joanne Peterson moved to hire Melonee Montano as Environmental Department Director with Eric David as Alternate. Seconded by Jeanne Gordon. Motion carried.

Marvin Defoe moved to begin lawsuit with First American Prevention Center. Seconded by Robert Bear. Motion carried.

Mike Gurnoe moved to adjourn. Seconded by Jeanne Gordon. Motion carried.

Adjourned: 9:20 p.m.

Respectfully Submitted:



Jeannie Balber
Recording Secretary

ATTEST:



Laura J. Gordon, Secretary
Red Cliff Trial Council