MENOMINEE TRIBAL LEGISLATURE – REGULAR
JANUARY 6, 2011
MENOMINEE TRIBAL OFFICE BOARD ROOM
KESHENA, WI 54135
5:00 P.M.

MEMBERS PRESENT:

Laurie A. Boivin, Tribal Chairwoman
Randal Chevalier
Lynnette A. Miller
Myrna R. Warrington
Lisa S. Waukau
Bruce J. Pecore
Kenneth A. Fish
David A. Miller
Rebecca D. Alegria – *(Late in at 5:32 P.M.)*

1. **Call to Order – Roll Call.**

Chairwoman Boivin called the meeting to order at 5:03 P.M. Roll Call was taken with a quorum present.

2. **Menominee Prayer.**

Legislator Pecore said the Menominee Prayer in the Menominee and English Language.

3. **Public Comment Period.**

Tribal Member Betty Jo Wozniak – Seasons Greetings: *"She showed the Tribal Legislature a card board postcard that was left for her and her staff after the tenant was evicted. She requested that the Legislature send any complaints to her first as the Director of Housing before sending them anywhere else."*

Chairwoman Boivin thanked her for her comments.

Gerald W. Dick – Woodstoves: *"He spoke about the woodstoves and how they continue to run after the coals have burned out, and it runs up your electricity bill."*

Chairwoman Boivin informed him to take his complaint to the Housing Director or the Housing Committee.

4. **1st Consideration of Ordinance No. 10-34 Program Lease Requests.**

MOTION BY LYNNETTE MILLER TO APPROVE ORDINANCE NO. 10-34 PROGRAM LEASE REQUESTS AND SEND TO PUBLIC HEARING ON JANUARY 20, 2011 AT 4:30 P.M. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

5. **10-Day Waiver Request(s).**

There were no 10-day waiver request(s) made at this time.

6. **Bid Recommendation to rebid the Housing HVAC Services for 34 Homes Project.**

MOTION BY DAVID MILLER TO REBID THE HOUSING HVAC SERVICES (34 HOMES PROJECT). SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

7. Bid Recommendation for the Housing Foundation Work for 11 Homes Project.

MOTION BY LISA WAUKAU TO APPROVE THE RECOMMENDATION OF THE BID EVALUATION TEAM TO AWARD THE HOUSING FOUNDATION WORK FOR 11 HOMES PROJECT TO JEFF'S CONCRETE CONSTRUCTION FOR $155,054 INCLUDING THE ATTACHED WORK PLAN UNDER THE MENOMINEE PREFERENCE IN CONTRACTING ORDINANCE. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 6 FOR, 2 OPPOSED (CHEVALIER & FISH), 0 ABSTENTIONS, AND 0 ABSENT.

PLEASE NOTE: Legislator Fish qualified his opposition as follows: *"For the last 6 yrs I was questioning all this money leaving the reservation and local Contractors in my opinion not getting a fair shake through the process that we've developed. Although the process has gotten better, but I think that I don't like hearing how we can't do something. I want to hear how we can do something for the local community, and a local people, and I think that hopefully there will be a day when a preference on the reservation for Contractor's that they have been offered a bid on these contracts solely on distance, and I think that we could get away with requiring a distance on the contracts so that you're not discriminating, and then expand that difference if you don't have the qualified Contractors. But again, it's how you can do something, not how you can't do something, and that's why I opposed this motion."*

Legislator Chevalier qualified his opposition as follows: *"I believe C & L should have gotten the reward, I believe the points weren't that far apart from one another, they are a Tribal business, and I believe they should have gotten the reward."*

8. Resolution No. 10-___Resolution in Support of an Application to Bureau of Indian Affairs, Indian Highway Safety Program Comprehensive Impaired Driving Program in Native American Communities.

MOTION BY REBECCA ALEGRIA TO APPROVE MENOMINEE TRIBAL RESOLUTION NO. 10-78 RESOLUTION IN SUPPORT OF AN APPLICATION TO BUREAU OF INDIAN AFFAIRS, INDIAN HIGHWAY SAFETY PROGRAM COMPREHENSIVE IMPAIRED DRIVING PROGRAM IN NATIVE AMERICAN COMMUNITIES, WAIVE THE READING, AND AUTHORIZE CHAIRWOMAN LAURIE BOIVIN AND TRIBAL SECRETARY LYNNETTE MILLER TO SIGN. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

9. Other Business.

MOTION BY REBECCA ALEGRIA TO ENTERTAIN AGENDA ITEM NUMBER 9 "OTHER BUSINESS" – 1) A PROCLAMATION FOR FORMER SECRETARY KAREN TIMBERLAKE; 2) GLITC & MENOMINEE INDIAN TRIBE OF WISCONSIN SENIOR COMPANION PROGRAM MEMORANDUM OF UNDERSTANDING; & 3) GLITC & MENOMINEE INDIAN TRIBE OF WISCONSIN FOSTER GRANDPARENT PROGRAM MEMORANDUM OF UNDERSTANDING. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

1) A Proclamation for Former Secretary Karen Timberlake;

MOTION BY RANDAL CHEVALIER THAT WE APPROVE THE PROCLAMATION FOR FORMER SECRETARY KAREN TIMBERLAKE. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

2) GLITC & Menominee Indian Tribe of Wisconsin Senior Companion Program Memorandum of Understanding; &

MOTION BY REBECCA ALEGRIA TO APPROVE THE MEMORANDUM OF UNDERSTANDING (SENIOR COMPANION PROGRAM) BETWEEN GREAT LAKES INTER-TRIBAL COUNCIL INC

AND THE MENOMINEE INDIAN TRIBE OF WISCONSIN, AND CHANGE THE ACRONYM "MEN" TO "MITW," AUTHORIZE THE SIGNATURE. SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

3) **GLITC & Menominee Indian Tribe of Wisconsin Foster Grandparent Program Memorandum of Understanding.**

MOTION BY BRUCE PECORE TO APPROVE THE FOSTER GRANDPARENT PROGRAM MEMORANDUM OF UNDERSTANDING BETWEEN GREAT LAKES INTER-TRIBAL COUNCIL INC AND THE MENOMINEE INDIAN TRIBE OF WISCONSIN, BETWEEN GREAT LAKES INTER-TRIBAL COUNCIL INC AND THE MENOMINEE INDIAN TRIBE OF WISCONSIN, AND CHANGE THE ACRONYM "MEN" TO "MITW," AUTHORIZE THE SIGNATURE. SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

10. 1st Consideration of Amendment to Ordinance No. 79-04 Cigarette and Tobacco Products.

The Legislature was concerned that this Ordinance did not go through Committee and came directly from the MIGA Board. However, because of the problem that exists with the Casino the Legislature realized they had no other alternative, but to take this issue up.

MOTION BY LISA WAUKAU THAT WE APPROVE THE 1ST READ OF AMENDMENT TO ORDINANCE NO. 79-04 CIGARETTE AND TOBACCO PRODUCTS, AND MOVE IT TO PUBLIC HEARING ON JANUARY 20, 2011 AT 4:30 P.M. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 1 OPPOSED (FISH), 0 ABSTENTIONS, AND 0 ABSENT.

PLEASE NOTE: Legislator Fish qualified his opposition for the record as follows: *"Madam Chairman we're really good at this crisis management; we're good at this as Menominee's and we gotta get out of this, and what we're going to do is slap in the face Tribal Governmental powers to accommodate a mistake made in business, and I think that if there's alternatives they should have been brought to us earlier. We saw it coming a couple of weeks ago or actually a year or so and nothing was done about it we dragged our feet and now we're going to suffer the consequences so I'm opposing this."*

MOTION BY RANDAL CHEVALIER TO SET A SPECIAL MEETING WITH THE MIGA BOARD OF DIRECTOR'S AND THE LEGISLATURE FOR JANUARY 10, 2011 AT 5:30 P.M. TO BE HELD IN EXECUTIVE SESSION. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

11. Legislative Time on Task Reports.

The Legislature discussed their Legislative time on task reports, and made the following motions:

MOTION BY DAVID MILLER TO SEND THE TRIBAL FOOD POLICY TO THE HEALTH AND FAMILY COMMITTEE (61) AS WELL AS LOOKING AT THE AGRICULTURE RECOMMENDATIONS. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

MOTION BY BRUCE PECORE TO PASS ITEMS 57 – 60 AS DISCUSSED. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

12. Travel Authorization Requests.

MOTION BY REBECCA ALEGRIA TO APPROVE TRAVEL AUTHORIZATION FOR

CHAIRWOMAN LAURIE BOIVIN TO ATTEND THE GREAT LAKES INTER-TRIBAL COUNCIL, INC. ANNUAL MEETING ON JANUARY 13, 2011 IN LAC DU FLAMBEAU, WI. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

13. Committee Reports and Recommendations:

a. Housing Committee of December 13, 2010.

i. Request a Presentation of Section 184 Programs be given to MTL.

MOTION BY KENNETH FISH T TO CONCUR WITH THE HOUSING COMMITTEE OF DECEMBER 13, 2010 THAT A PRESENTATION OF THE SECTION 184 PROGRAMS BE GIVEN TO THE MTL WITHIN 90 DAYS, AND PROPER NOTICE SHOULD BE SENT TO TRIBAL MEMBERS THAT ARE INTERESTED IN OBTAINING SECTION 184 HOME MORTGAGES. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

ii. Request a delegation to go to Area Office in MN to discuss Land into Trust Applications and Leases.

MOTION BY KENNETH FISH TO CONCUR WITH THE HOUSING COMMITTEE OF DECEMBER 13, 2010 THAT A DELEGATION (INCLUDING THE HOUSING DIRECTOR) GO TO THE AREA OFFICE IN MINNESOTA TO DISCUSS LAND INTO TRUST APPLICATIONS AND LEASES FOR THE HOUSING DEPARTMENT. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 1 ABSTENTION (CHEVALIER), AND 0 ABSENT.

PLEASE NOTE: Legislator Chevalier qualified his abstention as follows: *"Only that it's really sketchy on what we're going to be doing and whose going to be making all the preparations, and I think we really need to be prepared before we go out on the road."*

iii. Request for a Proclamation to be issued to Melody Page and Maintenance Staff on an excellent job during power outage.

MOTION BY KENNETH FISH TO CONCUR WITH THE HOUSING COMMITTEE OF DECEMBER 13, 2010 THAT WE WOULD LIKE TO ACKNOWLEDGE AND COMMEND MELODY PAGE AND THE MAINTENANCE STAFF ON AN EXCELLENT JOB DURING THE POWER OUTAGE, AND RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE THAT A PROCLAMATION IS ISSUED AT THE NEXT AVAILABLE MEETING. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

b. Community Development Committee of December 14, 2010

i. Request Legal Department to review the legalities of the Cross Connection Control Ordinance.

MOTION BY DAVID MILLER TO CONCUR WITH THE COMMUNITY DEVELOPMENT COMMITTEE OF DECEMBER 14, 2010 TO RECOMMEND TO THE LEGISLATURE TO DIRECT THE LEGAL DEPARTMENT TO REVIEW THE LEGALITIES OF THE CROSS CONNECTION CONTROL ORDINANCE WITHIN THE NEXT 30 DAYS SO THAT IT CAN COME BACK TO THE COMMITTEE AT THEIR NEXT MEETING TO FINALIZE THE ORDINANCE. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

c. Enforcement and Resource Protection Committee of December 15, 2010.

i. Request Approval of Menominee Tribal Police Department Vehicle Equipment and Maintenance Policy 01-25.

MOTION BY BRUCE PECORE TO CONCUR WITH THE ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE OF DECEMBER 15, 2010 TO RECOMMEND TO THE

LEGISLATURE TO APPROVE THE MENOMINEE TRIBAL POLICE DEPARTMENT VEHICLE EQUIPMENT AND MAINTENANCE POLICY 01-25. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

PLEASE NOTE: *Legislator Alegria stepped out of the meeting at 8:24 P.M., and didn't return until 8:26 P.M.*

ii. Request Approval of the Gypsy Moth Spray Proposal.

MOTION BY BRUCE PECORE TO CONCUR WITH THE ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE RECOMMENDATIONS OF DECEMBER 15, 2010 TO MOVE THE GYPSY MOTH SPRAY PROTOCOL (AS RECOMMENDED BY TRUST RESOURCES) TO THE LEGISLATURE FOR APPROVAL. NO SECOND NECESSARY. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

d. Health and Family Committee of December 16, 2010.
i. Request Approval of reappointments at Menominee Tribal Clinic.

MOTION BY REBECCA ALEGRIA TO CONCUR WITH THE HEALTH AND FAMILY COMMITTEE RECOMMENDATIONS OF DECEMBER 16, 2010 TO RECOMMEND TO THE LEGISLATURE TO APPROVE THE REAPPOINTMENT OF 1) RONALD FREEMAN, D.M.D.; STEPHEN EISFELDER, M.A.; AND CAROL FOSS, PHD TO ACTIVE MEDICAL STAFF FOR A PERIOD OF TWO (2) YEARS; 2) TO APPROVE THE REAPPOINTMENT TO ASSOCIATE MEDICAL STAFF FOR ELIZABETH RADTKE-PETRI, R.N., A.P.N.P. AND GONZALO HERNANDEZ, D.D.S., AND 3) REAPPOINTMENT TO COURTESY MEDICAL STAFF FOR A PERIOD OF TWO (2) YEARS FOR SANDRA WALLIN, AUDIOLOGIST. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 1 ABSTENTION (CHEVALIER), AND 0 ABSENT.

PLEASE NOTE: Legislator Chevalier did not qualify his abstention.

e. Human Services Planning Committee of December 21, 2010.
i. Request Approval for a Proclamation for Secretary Timberlake.

MOOT – issue was taken up under Other Business.

14. 2010 Legislative Goals Progress Reports.

The Legislature updated each other on the progress they have reached thus far. There was action required to finalize the FMP.

MOTION BY KENNETH FISH THAT WE AUTHORIZE THE FMP TASK FORCE TO HAVE A MEETING WITH CHRIS CALDWELL (TRUST RESOURCES COMPLIANCE OFFICER/DIRECTOR) TO GO OVER THE DOCUMENT. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

15. As per LRP 5.03 – EXECUTIVE SESSION: (A) Legal – 1) ; 2) ; 3) ; (B) Personnel & (C) Gaming – 1) Kenosha Project Update; & 2) MIGA Board Updates.

MOTION BY LISA WAUKAU TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

*****EXECUTIVE SESSION WAS NOT RECORDED*****

MOTION BY REBECCA ALEGRIA TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

(A) Legal

1);

MOTION BY REBECCA ALEGRIA TO APPROVE THE REQUEST OF THE LITIGATION TEAM IN THE CASE OF MENOMINEE V. DEPARTMENT OF INTERIOR (DOI) NEED FOR A TWO (2) WEEK CONTINUANCE. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

2);

There was no motion made after coming out of Executive Session.

3);

There was no motion made after coming out of Executive Session.

(B) Personnel &

There was no motion made after coming out of Executive Session.

(C) Gaming

1) Kenosha Project Update; & 2) MIGA Board Updates.

There was no motion made after coming out of Executive Session.

16. Adjournment.

MOTION BY RANDAL CHEVALIER/LYNNETTE MILLER TO ADJOURN. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

Meeting Adjourned at 9:40 P.M.

Respectively submitted by,

Debra A. Bowman

Debra A. Bowman, Recorder/Transcriber
EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE