

**Enforcement & Resource Protection Committee
Regular Meeting
June 23, 2004 - 2:00 p.m.
Tribal Office Conference Room A**

1. **Call to Order & Roll Call-**

Committee Chairman Gary Besaw called the meeting to order at 2:03 p.m. Those present: Gary Schuettpelz, Barb Nelson, Tony Warrington, Lew Boyd, Al Fowler and Mark Waukau. Lynette Miller, Bill Kussel and Bryan Lepscier were absent. Also present for the meeting was Tony Waupochick Jr., Al Quinney, Gene Caldwell, Linda Caldwell, John Reiter, Doug Cox, John Wilhelmi, Pat Grignon, Eldon Spady and Louis Washinawatok.

2. **Moment of Silence** - A moment of silence was observed.

3. **Review Minutes Dated June 3, 2004-**

Motion made by Barb Nelson to approve the minutes dated June 3, 2004. Motion was seconded by Tony Warrington. All those in favor of the motion signify by saying aye, 5-for, 0-opposed, 4-absent. Motion carried.

Mark Waukau arrived at 2:07 p.m.

4. **Review Monthly Reports-**

Committee reviewed the reports that were submitted. No action was taken.

5. **Surface Water Ordinance-**

Doug Cox and the Environmental Services Department has made a new draft ordinance for surface water. MTE has been meeting with Environmental Services and really doesn't want a new ordinance but would like an amendment to the ordinance to allow log sprinkling.

The current ordinance allows the withdrawal of 25,000 gallons per day from the surface waters of the Reservation and MTE is proposing to withdraw a maximum of 527,040 gallons per day to operate the sprinkling system.

Doug stated that if Ordinance 87-29 were to be amended there would not be any appeal process or legal avenue for the applicant to take if a dispute should arise. Gary Schuettpelz stated that the new ordinance has a variance procedure.

Environmental Services employees, MTE employees and concerned community members were present to voice their concerns on the issue. Committee went into lengthy discussion regarding the ordinance and made the following decision;

Motion made by Al Fowler to approve the Draft Surface Water Quality Ordinance and send to the Menominee Tribal Legislature for 1st Consideration. Motion was seconded by Lew Boyd. All those in favor of the motion signify by saying aye, 5-for, 0-opposed, 3-absent, 1-abstention (Gary Schuettpelz). Motion carried.

6. **Update on Alcohol Taxation Issue-**

John Wilhelmi was present and reminded the committee of a memo that he sent to them regarding tax and how tough it would be to recover any past taxes because the tax is put on the brewers and distillers which do not operate on the reservation. John would like to know from the committee what kind of action they would like him to do on the issue.

Chairman Besaw stated that the Point of Sale Ordinance is in the process after the Menominee Tribal Legislature sent it to the Tribal Attorney.

Committee discussed the issue and for right now would like Chairman Besaw to find out when the next Joint Legislative Council Meeting (State) is and would like Chairman Besaw along with John Wilhelmi to bring the issue to that meeting and report back to the committee.

7. **Juvenile Alcohol Prevention Recommendation-**
Joe Holl was supposed to report to the committee but is currently waiting on a legal opinion and will report to the next meeting.
8. **Criminal Code/John Wilhelmi-**
Motion made by Gary Schuettpelz to table. Motion was seconded by Tony Warrington. All those in favor of the motion signify by saying aye, 6-for, 0-opposed, 3-absent. Motion carried.
9. **Motor Vehicle Code/Bill Kussel-**
Motion made by Barb Nelson to table. Motion was seconded by Lew Boyd. All those in favor of the motion signify by saying aye, 6-for, 0-opposed, 3-absent. Motion carried.

10. Committee Goals and Objectives-

Chairman Besaw created a list of goals and objectives for the committee. Committee members discussed them and after a few minor changes agreed on the following motion.

Motion made by Tony Warrington to approve the 2004 goals for the Enforcement & Resource Protection Committee as follows;

1. **To create a process for evaluating all existing tribal ordinances of general applicability.**
2. **To recommend ordinances that attempt to decrease the alcoholism rates and associated alcohol problems in the Menominee Community.**
3. **To send a draft criminal code ordinance to the Menominee Tribal Legislature for approval.**
4. **Begin to review tribal motor vehicle code ordinance and approve a draft to be sent to the Menominee Tribal Legislature for approval.**

Motion made seconded by Gary Schuettpelz. All those in favor of the motion signify by saying aye, 6-for, 0-opposed, 3-absent. Motion carried.

11. Other Business-

Lew Boyd had an issue to discuss with the committee regarding a tribal towing business and them charging too much to store the vehicles there. Lew stated that because of the prices he was unable to get the vehicle out and lost his vehicle now and would like to know if the committee can do something about it. Mark Waukau stated that he can go through the complaint process at the Menominee Tribal Police Department. Lew agreed to file a complaint.

12. Adjournment-

Motion made by Lew Boyd to adjourn. Motion was seconded by Tony Warrington. All those in favor of the motion signify by saying aye, 6-for, 0-opposed, 3-absent. Motion carried.

Meeting adjourned at 5:05 p.m.

Respectfully Submitted by
Legislative Staff Services