



LITTLE RIVER BAND OF OTTAWA INDIANS

3-7-01
APPROVED

TRIBAL COUNCIL

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REGULAR MEETING OF THE TRIBAL COUNCIL
Open Session
January 10, 2001
Little River Band Community Center

Connie Waitner

I. Silent Prayer

II. General Business

A. Call to Order

Meeting called to order at 1:18 p.m. on Wednesday, January 10, 2001.

B. Roll Call

Members Present: Joan Spalding, Speaker; Charles Fisher, Recorder; Councilors: Carol Bennett; Kathy Berentson; Tammy Kleeman; Lisa McCatty; Elaine Porter; Connie Waitner.

Members Excused:

Members Absent: Janine Szpliet, Councilor.

Others Present: Candice Chapman, Bob Davis, Brenda Hyma, Bill Brooks, Jo Anne House, Bridgette Cole, Phil Memberto, Richard Sprague

C. Consent Agenda

Summary: General discussion regarding corrections, additions, and matters which were on the agenda. No amendments to agenda identified.

MOTION TO APPROVE THE AGENDA FOR TODAY'S MEETING, by Connie Waitner, second by Elaine Porter.

Roll Call:

C. Bennett - Absent	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (7-0-0-2)¹

Approval of Open Session Minutes

Summary: No minutes presented for review or approval.

¹ (Yes-No-Abstain-Absent)

D. Public Comment

Summary: No public comments were made.

III. Old Business

A. Review and Approval of Professional Services Contract: James B. LaPorte. (Bob Davis)

Summary: The item was requested to be removed from the agenda by the submitter.
MOTION TO REMOVE OLD BUSINESS "A" FROM THE TRIBAL COUNCIL'S AGENDA FOR THE DAY, by Charles Fisher, second by Kathy Berentsen.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliets - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (8-0-0-1).

IV. New Business

A. Resolution Authorizing the Tribal Ogema to Execute Contract with Bay Shores Construction to Provide Owner's Representative Services in Connection with the Casino Expansion (Permanent Casino/Resort) and Agreeing to a Limited Waiver of Sovereign Immunity in that Contract. (Bill Brooks)

Summary: The discussion identified that the Tribal Council met with Bayshore and that there were still minor contract issues identified and discussion about tabling until a final contract received.

MOTION TO TABLE ITEM UNTIL A FINAL CONTACT IS PRESENTED, by Elaine Porter, second by Lisa McCatty.

Roll Call:

C. Bennett - Yes	T. Kleeman - No	J. Spalding - No
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliets - Absent
C. Fisher - No	E. Porter - Yes	C. Waitner - No

Motion Fails. (4-4-0-1).

MOTION TO APPROVE RESOLUTION # 01-0110-01, by Tammy Kleeman, second by Elaine Porter.

Roll Call:

C. Bennett - No	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - No	L. McCatty - No	J. Szpliets - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - No

Motion Fails. (4-4-0-1).

Summary: Discussion regarding the difference between negotiating the contract and the resolution which states that the Ogema will enter into the contract; discussion

regarding the difference between the RFP and the scope of work which was negotiated; discussion regarding the final few issues between Tribe and Bayshores Construction.

MOTION TO APPROVE RESOLUTION #01-0110-01 AUTHORIZING THE TRIBAL OGEMA, OR IN HIS ABSENCE THE TRIBAL COUNCIL SPEAKER TO EXECUTE A CONTRACT RETAINING BAYSHORES CONSTRUCTION TO PROVIDE OWNER'S REPRESENTATION SERVICES IN CONNECTION WITH THE CASINO EXPANSION PROJECT AND COMMUNITY WATER/WASTEWATER SYSTEMS PROJECT, by Connie Waitner, second by Elaine Porter.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (8-0-0-1).

B. Resolution Authorizing the Tribal Ogema to Execute Letter (Revised Engagement) With Miller Schroeder Investments Corporation to Secure Financing for the Casino Expansion. (Bill Brooks)

Summary: No discussion took place.

MOTION TO APPROVE RESOLUTION #01-0110-02 AUTHORIZING THE TRIBAL OGEMA OR IN HIS ABSENCE THE TRIBAL COUNCIL SPEAKER TO EXECUTE A REVISED ENGAGEMENT LETTER WITH MILLER AND SCHROEDER INVESTMENTS CORPORATION TO SECURE FINANCING FOR THE EXPANSION OF THE LITTLE RIVER CASINO RESORT, by Connie Waitner, second by Elaine Porter.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - <u>Yes-No</u>
K. Berentsen - Yes	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (6-0-0-1).²

C. Construction Materials Sign-Off Request From Cunningham-Limp (Joan Spalding & Bill Brooks)

Summary: Identification of the materials presented as being from the Cunningham-Limp contract as those items agreed to be completed by the Tribe.

MOVE TO APPROVE THE MATERIALS ORDER AND SALES TAX SAVINGS FOR THE LITTLE RIVER CASINO RESORT HOTEL PROJECT by Connie Waitner, second by Elaine Porter.

Roll Call:

² It appears from the record that there were errors in the voting process. One member was not called upon, and one member may have voted twice.

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliets - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (8-0-0-1).

D. Approval of Resolution Creating the Construction Management Team for the New Casino. (Jo Anne House)

Summary: No discussion took place.

MOTION TO PASS RESOLUTION # 01-0110-02 CREATING THE CONSTRUCTION MANAGEMENT TEAM FOR THE NEW CASINO; ADDING THE TRIBAL REPRESENTATIVES NAMES AS BOB GUENTHARDT, BILL WILLIS AND DON KOON, SR.; AND ADDING THE LANGUAGE ON PAGE 4 UNDER CHANGE ORDER 4, ITEMS D(3) – “TO EXCEED 1%”; PAGE 4, CHANGE ORDER 4, ITEM E, “ANY CHANGE ORDER THAT WOULD INVOLVE REALLOCATING MORE THAN 10% OR \$50,000, WHICHEVER OS GREATER, FROM THE CONSTRUCTION BUDGET...”

MOTION TO AMEND TO JUST APPOINT THE ‘TRIBAL OGEMA,’ AND TRIBAL REPRESENTATIVES OF DON KOON AND BILL WILLIS, by Lisa McCatty, second by Kathy Berentsen.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (8-0-0-1).

Vote on Main Motion as Amended.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Absent

Motion Carries. (7-0-0-2).

E. Internship Approval Through the Education Department. (Yvonne Parsons - Bridget Cole.)

Summary: There were two applications, one applicant withdrew. The program is set up such that, if more than one person applied, that the highest scoring applicant from the questionnaire would be chosen. There was discussion regarding whether the program guidelines that were passed out were ever approved – they were presented within the budget, as well as at a work session. There was also a question regarding the scope of the program including the gaming operations.

MOTION TO APPROVE THE INTERN PROGRAM ON AN EVALUATION PERIOD FROM JANUARY 10, 2001 TO DECEMBER 31, 2001, PROVIDED

THAT THE INTERN IS NOT AN EMPLOYEE, NOT SUBJECT TO COLA OR MERIT INCREASES, AND THE RE-EVALUATION SHALL BE SUBMITTED AT THE COMPLETION OF THE EVALUATION PERIOD, by Joan Spalding, second by Tammy Kleeman.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (7-0-0-2).

MOTION TO APPROVE SANDY WALTERS AS A PARTICIPANT OF THE TRIBAL INTERN PROGRAM, by Joan Spalding, second by Elaine Porter.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (7-0-0-2).

Summary: Discussion about arranging a chairperson for this committee.

MOTION TO APPOINT LISA MCCATTY, CONNIE WAITNER, BRENDA HYMA, YVONE PARSONS, AND MATT STRATTON TO THE TRIBAL LEADERSHIP COMMITTEE TO REVIEW PROGRAM GUIDELINES AND OTHER RELATED DOCUMENTS, INCLUDING PERSONNEL POLICIES TO DEVELOP THE LEADERSHIP INTERN PROGRAM, by Joan Spalding, second by Tammy Kleeman.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Absent	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner -

Motion Carries. (5-0-0-3).

F. Resolution Approval for Grant Submission to the National Park Service. (John Bussey.)

Summary: No discussion took place.

MOTION TO TABLE, by Lisa McCatty, second by Tammy Kleeman.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - No
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (6-1-0-2).

G. Approval of Request for a Permanent Spot on the Tribal Council Agenda for Grants and Contracts. (John Bussey)

Summary: No discussion took place.

MOTION THAT ALL FUTURE TRIBAL COUNCIL AGENDA'S HAVE A SECTION ENTITLED 'GRANTS AND CONTRACTS BUSINESS' TO BE LOCATED BETWEEN 'PUBLIC COMMENT' AND 'OLD BUSINESS,' by Joan Spalding, second by Tammy Kleeman.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (7-0-0-2).

MOTION TO TAKE ITEM F FROM THE TABLE, by Charles Fisher, second by Connie Waitner.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (7-0-0-2).

F. Resolution Approval for Grant Submission to the National Park Service. (John Bussey.)

Summary: No discussion took place.

MOTION TO ADOPT RESOLUTION # 01-0110-04, by Tammy Kleeman, second by Connie Waitner.

MOTION TO AMEND THE PREVIOUS MOTION TO INCLUDE THE TITLE, "SURVEY OF TRADITIONAL SKILLS AND INFORMATION, by Joan Spalding, second by Charles Fisher.

Roll Call:

C. Bennett - Absent	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (6-0-0-3).

Vote on Main Motion as Amended.

Roll Call:

C. Bennett - [redacted]	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - [redacted]

Motion Carries. (5-0-0-2).

H. For Information Only – Presentation of Various Resolution Formats That May Be Considered by the Tribal Council. (John Bussey)

Summary: Presentation on different types of resolutions the Grants Office is reviewing for recommendation to be approved by the Tribal Council.

I. Appointment to Cultural Preservation Committee. (Phil Memberto)

Summary: Presentation of recommendation from Cultural Preservation Committee (Matt Stratton), and identification that the vacancy was at the pow-wow, mailed out by post card, and at the Elder's Conference. Discussion regarding the activities of the committee, when meetings are held, who is the recommendation replacing, and a request to increase the number of members.

MOTION TO POSTPONE THE APPOINTMENT OF SOMEONE TO THE TO THE CULTURAL PRESERVATION COMMITTEE, by Connie Waitner, second by Lisa McCatty.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (7-0-0-2).

J. Tribal Council Meeting Procedure Ordinance Approval. (Jo Anne House).

Summary: Discussion about the development of the ordinance, and identifying the names of the buildings to be inserted.

MOTION TO APPROVE RESOLUTION # 01-0110-05, ADOPTING THE TRIBAL COUNCIL MEETING PROCEDURES ORDINANCE # 01-100-02, INCLUDING THE FOLLOWING BUILDING NAMES OF THE LITTLE RIVER TRIBAL OFFICE, THE LITTLE RIVER BAND COMMUNITY CENTER, THE LITTLE RIVER HEALTH CENTER AND THE LITTLE RIVER BAND DOWNTOWN OFFICE BUILDING, by Lisa McCatty, second by Elaine Porter.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (7-0-0-2).

Summary: Discussion about the draft ordinance was published, and the length of the current document. Additional discussion about responsibility for posting, and other methods of informing the membership.

MOTION TO PUBLISH THE TRIBAL COUNCIL MEETING PROCEDURES ORDINANCE IN THE TRIBAL NEWSLETTER, by Lisa McCatty, second by Tammy Kleeman.

Motion was withdrawn.

K. Approval of Statement of Fees and Expenses for Ziontz, Chestnut, et Al for the Month of November 2000. (Bill Brooks).

Summary: Discussion regarding the amount of the invoice to be paid and a correction to the amount of the invoice to be paid.

MOTION TO APPROVE RESOLUTION # 01-0110-06 APPROVING STATEMENTS AND FEES AND EXPENSES FOR NOVEMBER 2000 FOR PAYMENT TO ZIONTZ, CHESTNUT, VARNELL, BURLEY AND SLONIM, by Tammy Kleeman, second by Connie Waitner.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (7-0-0-2).

L. Approval of Statement of Fees and Expenses for Drummond, Woodsum & Mac Mahon for the Month of November, 2000. (Bill Brooks).

Summary: No discussion took place.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (7-0-0-2).

V. Concluding Business

A. Public Comment

1. *Election Board:* Discussion regarding the Election Board, legal invoices, and future legal needs.
2. *Education Committee:* Discussion regarding how long do you post for potential members, and how to increase the number of members.
3. *Newsletter:* Discussion regarding how the newsletter got its name.
4. *Tribal Council Compensation:* Discussion about the amount of compensation and the payment to Councilors during their time in office.

B. Next Tribal Council Meeting Date(s)

Regular Session: Wednesday, January 17, 2001

Work Session: Tuesday, January 16, 2001

C. Closed Session

Notice: Tribal Council closed session agenda items are limited to litigation matters, business/contract matters, and/or personnel issues. Tribal Council closed session minutes will also be approved in closed session meetings of the Tribal Council.

VI. Adjournment of Open Session

MOTION TO ADJOURN OPEN SESSION, by Carol Bennet, second by Tammy

Kleeman.

Roll Call:

C. Bennett - Yes	T. Kleeman - Yes	J. Spalding - Yes
K. Berentsen - Absent	L. McCatty - Yes	J. Szplietz - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Absent

Motion carries. (6-0-0-3).

VII. Closed Session. (As posted on agenda.)

A. Closed Session Minutes Approval

No new or revised closed session minutes available for January 10, 2001, Tribal Council meeting.

B. Update on Litigation Matters (Bill Brooks).

C. Discussion of Confidential Business/Contract Negotiations (Bill Brooks).

VIII. Adjournment of Closed Session.

IX. Return to Open Session.

x. Adjournment.