



Little River Band of Ottawa Indians

PO Box 314
Manistee MI 49660-0314
(616) 723-8288
toll-free 1-888-723-8288

LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL COUNCIL MEETING SUNDAY, JANUARY 10, 1999

I. PRAYER. The prayer was given by Martin Wabindato.

II. GENERAL BUSINESS

**Judge Bailey talked in regards to an Ethics complaint hearing that will take place on January 23, 1999.

- A. CALL TO ORDER. The meeting was called to order by Chairman Robert Guenthardt at approximately 12:15 p.m. at the Tribal Community Center in Manistee, MI.
- B. ROLL CALL. The roll was taken by Chuck Fisher. Old Council Members present: K. Berentsen, C. Fisher, D. Koon, B. Guenthardt. Absent: K. Kequom, B. Memberto, S. Parsons. New Council Members present: C. Bennett, K. Berentsen, C. Fisher, D. Koon, L. McCatty, E. Porter, J. Spalding, C. Waitner, B. Willis.
- C. ADOPTION OF AGENDA. Chuck talked about some additions to the agenda. Kathy reminded the Council that they had established a deadline for items on the Council agenda. These items will be put on the agenda for the special meeting scheduled for January 16, 1999. Moved by Kathy to adopt the agenda as printed, seconded by Don, all in favor (4), K. Berentsen, C. Fisher, D. Koon, B. Guenthardt. Opposed, (0). Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried.
- D. ADOPTION OF MINUTES. This was not addressed because the minutes were not done.
- E. COMMITTEE MEETING MINUTES. Moved by Chuck to adopt the committee minutes, seconded by Don, all in favor (4), D. Koon, K. Berentsen, C. Fisher, B. Guenthardt. Opposed (0), Absent (3), B. Memberto, S. Parsons, K. Kequom. Motion carried.
- F. FINANCIAL REPORT. Chris could not be here today. Anyone with questions in regard to the financial report may call the office and talk to Chris. Moved by

Don to adopt the financial report, seconded by Chuck, all in favor (4), D. Koon, B. Guenthardt, K. Berentsen, C. Fisher, Opposed(0), Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried.

G. STAFF REPORTS. Kathy said that people are still hand writing the staff reports and they need to be typed on the computer. Bob said that it would be nice if the committee reports were done the same. Moved by Kathy to approve the staff reports, seconded by Koon, all in favor (4), B. Guenthardt, K. Berentsen, C. Fisher, D. Koon, Opposed (0), Absent (3), B. Memberto, S. Parsons, K. Kequom. Motion carried.

H. TRIBAL MANAGER REPORT. Kathy ask for an update on the Forge Property. Bob gave a brief update. Kathy also asked about a meeting with American Indian Business Development, what took place there. Bob said that this was just a quarterly meeting that is held and he gave an update on that. Moved by Don to accept the Tribal Manager report, seconded by Kathy, all in favor (3), K. Berentsen, C. Fisher, D. Koon, Abstaining (1), B. Guenthardt, Absent (3), S. Parsons, K. Kequom, B. Memberto. Motion carried.

I. ATTORNEY REPORT. Bill B. said that he didn't get a written report completed but the main two areas are on the gaming development and the U.S. vs Michigan issues. Bill B. gave an update on both of these issues. Moved by Chuck to accept the Attorney report, seconded by Don, all in favor (4), B. Guenthardt, K. Berentsen, C. Fisher, D. Koon, Opposed(0), Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried.

J. INTRODUCTION OF GUESTS. Guests present: Connie Waitner, Joan Spalding, Elaine Porter, Marian Porter, John Koon, Daniel Flater, Robert Flater, Anna Lempke, Melissa Waitner, Millicent Biers, Donald Koon II. Jerry Guenthardt, Dan Shepard, Dawn Williams, Shelly Kequam, David Lilliberg, Martin Wabindato, Carol Bennett, Lisa McCatty, Jim Compeau, Percy Compeau. Staff present: Chuck Fisher, Bill Brooks, Jim Wabindato, Denise Pieczynski, Daniel Bailey, Tammy Carter, Steve Bronson, Diane Lonn, Vanessa Wabindato, Bill Willis.

III. OLD BUSINESS

A. APPROVAL OF AMENDMENTS TO HOUSING COMMISSION ORDINANCE PER NAHASDA AND RECODIFICATION TO FORMAT ORDINANCE CONSISTENCE WITH OTHER TRIBAL ORDINANCES. The changes are needed in order to comply with NAHASDA. Moved by Chuck to approve the amendment to the Housing Ordinance per NAHASDA guidelines and recodification to format ordinance consistence with other tribal ordinances, seconded by Kathy, all in favor (4), K. Berentsen, C. Fisher, D. Koon, B. Guenthardt, Opposed (0), Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried.

FOR BILLS RECEIVED WITHOUT PRE-APPROVAL. The current CHS policy allows for a warning letter to be sent out upon the first occurrence of a bill received without pre-approval for that service. There have been repeated incidents where the first receipt of a non pre-approved bill has come in the form of large bundles of bills that have been accrued while the participant was enrolled in CHS. Under current policy, because there was no warning letter issued, we have no basis for denial and therefore payments have been made. Steve said that this has become more problematic as time goes on. The appeals process will remain in place for anyone who receives a denial. Moved by Kathy, to approve the suspension of the warning letter, seconded by Don, all in favor (4), B. Guenthardt, K. Berentsen, C. Fisher, D. Koon, Opposed (0), Absent (3), S. Parsons, K. Kequom, B. Memberto. Motion carried.

IV. NEW BUSINESS

- A. CHS POLICY CHANGE-SECTION IV, E. 2: RADIUS FOR "REASONABLY ACCESSIBLE AND AVAILABLE" CHANGED FROM 50 MILES TO 90 MILES: CHS policy requires the utilization of Tribal facilities/services (or contracted facilities) if within a reasonable radius of access. The Health Board recommended and unanimously voted to extend this radius from 50 miles to 90 miles in order to best maximize the use of the Tribal facility and better control the expenditures within the CHS program. CHS participants within this radius would be required to use the Tribal clinic as their primary provider, with services or specialties not available at the clinic to be referred out from this location. Participants choosing not to utilize the clinic services when available would be responsible for payment of services sought elsewhere. The CHS program will not authorize nor pay for these services. Discussion followed. Moved by Kathy to approve the policy change from the 50 mile to a 90 mile radius, seconded by Chuck, all in favor (3) B. Guenthardt, K. Berentsen, C. Fisher, Opposed (1), D. Koon, Absent (3), S. Parsons, K. Kequom, B. Memberto. Motion carried.
- B. NEED TO POST VACANCIES OPEN FOR APPOINTMENT TO GAMING COMMISSION. The gaming ordinance prohibits any person elected to the Tribal Council from serving on the Gaming Commission. Bill B. said that just because of the delay in the swearing in of the new Council members, the vacancies are not technically there but there is every reason to believe that they will be there by the 23rd of this month. In order for the Council to approve those appointments to fill vacancies, the list of people who are interested in filling those appointments and secondly there has to be a background investigation conducted. Bill B. said that there are 3 or 4 people that have expressed interest in being appointed to the gaming commission. He thinks that 3 of those people have completed the application form for the background investigation. Those background investigations cost about \$150 to \$250 per person. Discussion followed. Moved by Chuck to post vacancies open for appointment to the Gaming Commission, seconded by Kathy, all in

favor (4), K. Berentsen, C. Fisher, D. Koon, B. Guenthardt, Opposed (0), Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried.

- C. REVIEW/FINALIZATION OF BUILDING NAMES: CASINO, HEALTH CLINIC, TRIBAL OPERATIONS BUILDING AND COMMUNITY CENTER. The names were recommended by Elders, need to adopt suggestions, or otherwise name these Buildings. Chuck said that the name submitted for the Community Center is the Native House, the name submitted for the Health Center is the Odawa Healing Lodge, the name submitted for the Tribal Office is the Land of the Turtle. Moved by Kathy, that the name of the Community Center be The Little River Band Community Center, seconded by Don, all in favor (4), D. Koon, B. Guenthardt, K. Berentsen, C. Fisher, Opposed (0), Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried. Moved by Kathy, that the Health Clinic be named Little River Health Center, seconded by Chuck, all in favor (4) D. Koon B. Guenthardt, K. Berentsen, C. Fisher, Opposed (0), Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried. Moved by Don to that the Tribal Offices be named Little River Tribal Office, seconded by Kathy, all in favor (4), D. Koon, B. Guenthardt, K. Berentsen, C. Fisher, Opposed (0), Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried. Moved by Bob that the Casino be named Little River Casino Resort, seconded by Kathy, all in favor (4), D. Koon, B. Guenthardt, K. Berentsen, C. Fisher, Opposed (0), Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried.
- D. THE HOUSING COMMISSION HAS COMPLETED THE ANNUAL PERFORMANCE REPORT REQUIRED BY HUD FOR FY 1998, THE APR IS FOR INFORMATION ONLY. The report is due to HUD on January 31, 1999. The Housing Commission is required to submit a copy to the Tribal Council. This was for information only.
- E. AMENDING FY 1998-638 CONTRACT WITH BUREAU OF INDIAN AFFAIRS TO ADD LAW ENFORCEMENT PROGRAM DEVELOPMENT TO SCOPE OF WORK. Congress included language in the 1999 Appropriations Bill that places a moratorium on "new" 638 contracts or "expanded" contracts, which add programs not funded in previous fiscal years. The effect of this language would preclude us of FY 1999 funds for law enforcement programs. This moratorium may end showing up in future fiscal years. There are significant advantages (Federal Tort Claims Act protection) to having law enforcement programs funded, at least in part, with 638 contract dollars. The Tribe will need to establish law enforcement/public safety programs in 1999 to serve the gaming facility. The Tribe has grant funds from the COPS office in Department of Justice. The Tribe presently has a consultant agreement with Robert Hornkohl to assess public safety program needs for the gaming facility. Some portion of BIA carry-over moneys (\$6,500.00) can be committed to this project as a contract amendment. By using FY 1998 funds and amending the 1998 contract, the Tribe will have the ability to include law enforcement/public safety in its 1999 BIA contract Tribal Council previously authorized execution of a consultant contract and Mr. Hornkohl has started

the work. Bill Brooks will prepare program proposal for inclusion in the Contract and Annual Funding Agreement, along with the Resolution for submission to the Bureau. Discussion followed. Moved by Chuck to approve Resolution # 990110-01 (Requesting amendment of Bureau of Indian Affairs FY98 "638 contract" to include public law enforcement public safety programs), seconded by Don, all in favor, (4), B. Guenthardt, K. Berentsen, C. Fisher, D. Koon, Opposed (0), Absent (3), B. Memberto, S. Parsons, K. Kequom. Motion carried.

- F. **NEED COUNCIL DECISION ON INTERIM STATUS OF TRIBAL MANAGER POSITION.** Bob Guenthardt has been serving in dual capacity as both Tribal Council Chair and Tribal Manager. Once newly elected Council members are sworn into office, Bob will no longer be Council Chairperson; however, Bob will still be the Tribal Manager unless some action is taken to change that status. The Tribal Ogema's office will have legal responsibility for the administrative functions; however, Council may want to consider the status of this position during the interim period until the run-off election is completed and the 1999 budget is approved. This was an FYI only item.
- G. **AUTHORIZATION OF DISTRIBUTION OF PER CAPITA FUNDS TO MINORS REACHING THE AGE OF 18 DURING THE MONTH OF DECEMBER, 1998.** The 80/20 Plan and Ordinance #98-200-04 requires Council approval of disbursement of funds held in trust for minors. These people turned 18 in December and have requested disbursement of their funds. Moved by Kathy to approve Resolution # 990110-02 (Authorizing the release of per capita funds held in trust for certain minors reaching the age of 18 in December, 1998), seconded by Don, all in favor (4), B. Guenthardt, K. Berentsen, C. Fisher, D. Koon, Opposed (0), Absent, (3), S. Parsons, K. Kequom, B. Memberto. Motion carried.
- H. **TRIBAL COUNCIL RETREAT.** Taking into consideration the number of issues facing the Tribal Council (new), there is a need to consider scheduling a Tribal Council Retreat within the next 30 days. The Retreat will enable the Tribal Council to digest as well as review prior actions taken and establish needed legislative protocol and procedures. Moved by Kathy to table this until after the swearing in of the Tribal Council, seconded by Don, all in favor (4), B. Guenthardt, K. Berentsen, C. Fisher, D. Koon, Opposed (0), Absent (3), K. Kequom, B. Memberto, S. Parsons. Motion carried.
- I. **DISCUSSION OF CONSTITUTION-DIRECTED AGENDA ITEMS FOR NEXT 2-3 MONTHS.** There are a number of decisions/actions prescribed or assumed in the Constitution, which Council or/ and the Ogema will need to address relatively quickly. (a) Approval of the Fiscal Year 1999 Budget, (b) Appointment of Tribal Judges, (c) Meeting schedule, (d) Rules of Procedure for Council Meetings and (e) Selection of Two (2) Persons to serve as Tribal Representatives on Business Board for Tribal Gaming Enterprise. This was for information only.

V. CONCLUDING BUSINESS

- A. PUBLIC COMMENT. Jim Compeau said that he would like to establish a clothing drive. He has a lot of clothing from his wife. This would be open to Tribal members in need. It would be called Janet's Closet, and with council approval, he would like to establish this. This will be added to the next Tribal Council Agenda.
- B. NEXT MEETING DATE. The next regular Tribal Council meeting will be on January 16, 1999 and begin at 11:00 a.m. with a closed session to follow.
- C. ADJOURNMENT. Moved by Kathy to adjourn the meeting at 3:30 p.m., seconded by Don, all in favor (4), B. Guenthardt, K. Berentsen, C. Fisher, D. Koon, Opposed (0), Absent (3), B. Memberto, S. Parsons, K. Kequom. Motion carried.

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