

3/6/02



**LITTLE RIVER BAND OF OTTAWA INDIANS  
 TRIBAL COUNCIL  
 REGULAR MEETING  
 WEDNESDAY, JANUARY 16, 2002  
 LITTLE RIVER BAND COMMUNITY CENTER**

**OPEN SESSION  
 MINUTES**

**I. Opening Prayer**

A moment of silent prayer was offered.

**II. General Business**

**A. Call to Order**

The meeting was called to order at 10:02 a.m. by Speaker Parsons.

**B. Roll Call**

C. Bennett – Present	C. Fisher – Absent	T. Kleeman – Present
L. McCatty – Present	P. Medahko – Present	S. Parsons – Present
E. Porter – Present	P. Ruiter – Present	J. Sam – Present

Quorum established.

Fisher was absent due to family needs.

Others present:

Jessica Burger, John Bussey, Candace Chapman, Leatrice Castonia, Don Koon Jr., Brian Medacco, P. Morris, Dan Shepard, Bill Willis, Al Medacco and Kathleen Block

**C. Approval of Agenda**

**MOTION TO ADOPT THE AMENDED AGENDA;** by Sam; support by Kleeman.

C. Bennett – Present	C. Fisher – Absent	T. Kleeman – Present
L. McCatty – Present	P. Medahko – Present	S. Parsons – Present
E. Porter – Present	P. Ruiter – Present	J. Sam – Present

Motion passed (8-0-0-1)

**D. Public Comment Period**

Al Medacco stated he was the commander of newly formed veterans group. Medacco invited Council members to attend a monthly meeting at

the Community Center February 2 at 10:00 a.m. Medacco also extended an invitation for Council members to attend a luncheon on February 23 at VFW Hall around 12:00 noon. Medacco stated Joe Medacco, John Pete, Jake Wabindato, John Ross, Frank Hudson are the World War II Veterans.

Candace Chapman queried as to when the concern she had given to Speaker Parsons would be addressed. Parsons stated because it was a personnel issue involving a staff member it would be addressed in Closed Session.

Jessica Burger spoke to the Tribal Council members, and those in the audience, regarding her feelings as to what her ancestors would expect of not only her but all Native Americans. Burger cautioned her listeners not to stray from their birth right and return to customs special to their heritage.

### **III. Continuing Business**

#### **A. Grants & Contracts**

##### **1. Resolution Approving Consultant Contract with Meagan Kempf for LRBOI Census**

John Bussey referred to the Census Grant written in May of 2001. During the authoring of the grant, by an individual from Kalamazoo, a personal name was included which necessitates that individual working as a consultant for the grant. Bussey stated he felt the consultant was needed to give direction to Brian Medacco. The consultant's fee would not exceed \$5,000.

Sam queried Bussey regarding the software for the project. Bussey stated the consultant would recommend the proper software and the Tribe would purchase the software with monies from the grant. Sam asked for work history of the consultants who have been contracted to work for the Tribe. Because the consultant's name was listed in the grant application it now became necessary to employ the same consultant to administer the grant. Bussey stated the only option would be to go back to ANA and request a different consultant.

Sam queried Brian Medacco if, in his opinion, the consultant and he could work as a team. Medacco answered in the affirmative.

### **MOTION TO APPROVE OF RESOLUTION # 02-0116-01, CONSULTANT CONTRACT WITH**

**MEAGAN KEMPF FOR LRBOI CENSUS;** by Sam;  
support by Kleeman.

Discussion was held regarding the beginning date for the contract with Kempf. General consensus was to use January 16, 2002 as the beginning date for Kempf's contract.

**Roll Call**

C. Bennett – Yes	C. Fisher – Absent	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – No	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – No	J. Sam – Yes

Motion passed (6-2-0-1)

Sam and Parsons stated, in the future, specific individuals should not be named in grants unless absolutely necessary.

**B. CMT Business**

**1. Trellis Purchase Approval**

Bill Willis stated this had been an ongoing issue before Council. At the present time, there was need to decided the course of funding. The Tribal Council members discussed would the funding be from FF&E account for Surveillance, or some other fund. Because the trellis was necessitated by the updated surveillance project the payment for the trellis could come from the Surveillance FF&E account. Sam requested written documentation of decisions made by CMT regarding changes.

**MOTION TO APPROVE THE TRELIS THAT IS GOING TO GO OVER THE PIT AREA FUNDS ARE GOING TO COME FROM THE FF&E OF THE SURVEILLANCE DEPARTMENT;** by Porter; support by Bennett.

**Roll Call**

C. Bennett – Yes	C. Fisher – Absent	T. Kleeman – No
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – No

Motion carried (6-2-0-1)

**2. A.J. Veneklasen Change Order in the Amount of \$2,211.00 for Anchor Bolts**

Bill Willis stated this Change Order was for the SBR Building. Originally, the anchor bolts were included in the drawings, however, when the bids were let the anchor bolts were omitted.

Brooks arrived at 10:57 a.m.

Brooks stated this might be something that needed to go back to the bid package. Consensus of the Tribal Council was to ask Mr. Willis to further investigate how this situation occurred.

**MOTION TO POSTPONE THIS ITEM UNTIL FURTHER CLARIFIED (SPECIFICATIONS);** by Porter; support by Kleeman.

Sam requested CMT to look at bid packets to determine if anchor bolts were included in original specs, if so no additional money should be allowed. Brooks stated that he would like to review a copy of the bid package to A.J. Veneklasen. Parsons asked if this was postponed what effect would it have on construction. Willis stated this should not affect the project. Brooks asked when bids are due for the SBR. Willis stated he believes the bids were due January 17, 2002.

Sally Bell arrived at 11:09 a.m.

**Roll Call**

C. Bennett – Yes	C. Fisher – Absent	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruitter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

**3. Winter Conditions - FYI**

This item was tabled last week. Bill Willis stated Cunningham-Limp either overlooked or neglected to include additional money in their contract for two winters. Willis indicated negotiations were still continuing in regard to this matter. Approximately \$195,000 was spent by Cunningham-Limp last winter and they were requesting \$204,000 for this winter. CMT requested copies of expenses incurred last winter, Willis stated approximately 99% of the charges appeared questionable. At this point, CMT did not recommend any additional funds. Discussion was held regarding the timeline with Cunningham-Limp, Willis stated Cunningham-Limp was behind schedule.

Recessed at 11:13 a.m.

Reconvened from recess at 11:29 a.m.

**IV. Old Business**

**A. Resolution Authorizing the Tribal Ogema, or in the absence of, the Tribal Council Speaker to Execute a Memorandum of Agreement with Manistee Gaming L.L.C. Authorizing the Band to Assess and Collect a Gross Gaming Revenue Tax on the Gross Gaming Revenues of Little River Casino Resort**

Brooks stated due to the delays in getting the Second Amended Agreement there has been a delay in getting the contract provision. This MOU stated the regulatory tax – gross gaming tax – could go into effect as of January 1. First payment was due February 20. Discussion regarding ramifications of the gross gaming tax was held. Brooks stated the language of the MOU was in agreement with the Second Amended Agreement.

**MOTION TO APPROVE RESOLUTION # 02-0116-02, AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO EXECUTE A MEMORANDUM OF AGREEMENT WITH MANISTEE GAMING L.L.C. AUTHORIZING THE BAND TO ASSESS AND COLLECT A GROSS GAMING REVENUE TAX ON THE GROSS GAMING REVENUES OF LITTLE RIVER CASINO RESORT; by Porter; support by Kleeman.**

**Roll Call**

C. Bennett – Yes	C. Fisher – Absent	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

**V. New Business**

**VI. Concluding Business**

**A. Next Meeting Date(s) – January 19 and January 23, 2002**

**B. Public Comment Period**

Sam announced a swearing in ceremony would be held for Commissioners under the new Ordinance on Saturday, January 19, 2002 at 12:00 noon followed by a feast.

Koon stated that Bill Parsons lost his job and stated publicly that without the efforts of Parsons, in his opinion, there would not be a Natural Resource Department. Speaker Parsons stopped the conversation at this point due to the fact it was a personnel issue. After Koon stated he only wanted to state his opinion Parsons let the discussion continue. The status of the new personnel manual was questioned. Concern was expressed regarding when coverage of the new manual would begin because it has yet to come to Council for approval. A question was asked if the employer would still be an "at will" employer once the new manual was in effect.

Speaker Parsons stated the new personnel manual was being compiled at the present and he thought these issues were being addressed. Medacco queried if Bill Parsons would be covered under old or new personnel manual. House stated at this time she was not able to answer Medacco's question it would depend on the approved new policies and what they state.

*The purpose of closed session is to discuss business matters considered privileged or confidential, involving consideration of bids/contracts, pending legal issues, and/or personnel matters.*

**MOTION TO ADJOURN OPEN SESSION;** by Kleeman; support by Ruiter.

**Roll Call**

C. Bennett – Yes	C. Fisher – Absent	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

This portion of the meeting adjourned at 12:00 noon.

**VIII. Open Session**

**A. Items moved from Closed to Open Session**

**MOTION TO GO INTO OPEN SESSION;** by: Kleeman;  
supported by Medahko

**Roll Call**

C. Bennett – Yes	C. Fisher – Absent	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

No items to be moved.

**IX. Adjourn**

**MOTION TO ADJOURN;** by Kleeman, supported by Ruiter

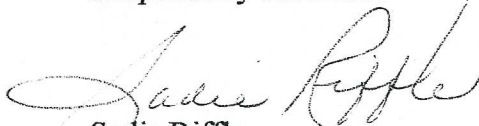
**Roll Call**

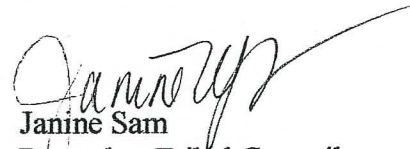
C. Bennett – Yes	C. Fisher – Absent	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-0-0-1)

Meeting adjourned at 12:40 p.m.

Respectfully submitted

  
Sadie Riffle  
Transcription Assistant

  
Janine Sam  
Recorder, Tribal Council

