

APPROVED
4/3/02



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, JANUARY 23, 2002
LITTLE RIVER BAND COMMUNITY CENTER**

**OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians held a meeting at the Little River Band Community Center on Wednesday, January 23, 2002. Following are the minutes of that meeting.

I. Opening Prayer

The Tribal Council engaged in a silent prayer.

II. General Business

A. Call To Order:

The regularly scheduled Tribal Council meeting of Wednesday, January 23, 2002, was called to order at 10:04 a.m. by Speaker Parsons.

B. Roll Call

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

Quorum established.

Others Present: Kathleen Block, John Bussey, Leatrice Castonia, Katie Glocheski, Todd Hamilton, JoAnne House, John Koon, Gary Markowski, Brian Medacco, Pat Morris, Mike Schroeder, David Schultz, Dan Shepard, Matthew Stratton, and Bill Willis.

Parsons stated that Porter was at a conference on behalf of the Tribe.

C. Approval of Agenda

MOTION TO ACCEPT THE AGENDA AS PRESENTED; by Kleeman; support by Ruiter.

Roll Call

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

Motion carried (8-0-0-1)

E. Public Comment Period

Gary Markowski queried if the Tribal Council would be in favor of a satellite office in Muskegon. Also, Markowski inquired about health care services in the Muskegon area. Markowski requested a "yes" or "no" statement on the two subjects at the next Council meeting from each council member. Fisher stated the cost factor would enter into answering those questions. General discussion was held regarding location of these services, number of Tribal members in the Muskegon and Grand Rapids area that would be receiving the benefit from these services. Possible options were discussed. Markowski stated in his opinion a facility similar to the Potawatami facility in Grand Rapids located in Muskegon would be very beneficial to the Tribal members living in the Muskegon area. Sam stated, in the beginning when the Tribe was relying only on Federal funds it was a federal law the monies could only be spent in Manistee, Mason, Lake and Wexford counties. Therefore, nothing could be done to help those living in Muskegon. Sam noted the Tribe has been diligently seeking federal approval to serve the nine county area where they know Tribal members reside.

Sam stated she has placed a news release in the Tribal newsletter listing funds that were available to Tribal members regardless of where they reside. However, other steps must be completed prior to the release of these funds. Parsons would like to know how the Potawatami office is staffed and funded. Speaker Parsons asked Markowski to supply him with a contact person at the Grand Rapids facility. House reminded those in attendance that federal funding was done on number of Native Americans living in an area not how many members of a certain tribe were in an area. Sam clarified the idea of a health care facility in Grand Rapids. Sam stated the health care facility in the Grand Rapids area was an IHS health services clinic not a Little River Tribal satellite office. Another option Markowski suggested was to contract with a physician in the Muskegon area for health care of Tribal members.

Morris asked when the casino budget would be supplied for member review. Sam stated she would provide the casino budget for the membership review during the next meeting.

III. Continuing Business

A. Grants & Contracts

1. Submission of a Title VI Elders Nutrition Grant by the Inter-Tribal Council of Michigan

Bussey stated the Tribe has participated in the past through Inter-Tribal Council of Michigan because we didn't have a large number of elders who participated in the program. Discussion had been held regarding doing this

program through the Tribe, however that was not practical financially. Little River would receive \$11,500 of this \$7,500 was for wages for people who assist with the program, \$2,400 fringes, \$1,600 for elder meals. Bussey stated the deadline for filing was missed, however, the Tribal Council Speaker did send a letter to the Inter-Tribal Council of Michigan on Little River's behalf. The approval was granted. Medahko asked how the January 16 request was missed. Bussey stated had too many things that happen at once, it was a mistake that happened.

**MOTION TO APPROVE RESOLUTION # 02-0123-01,
 SUBMISSION OF A TITLE VI ELDERS NUTRITION
 GRANT BY THE INTER-TRIBAL COUNCIL OF
 MICHIGAN;** by Kleeman; support by Fisher.

Castonia asked how the elders benefit from this program. Bussey stated this was for food furnished at elders meetings. There was only \$1,600 for food therefore, most of the program was supported by Tribal dollars. Sam stated there are a couple of outreach workers for elders and part of their salaries were supplemented by these monies.

Roll Call

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

Motion carried (8-0-0-1)

B. CMT Business

- Bulletin # 41 - Change order in the amount of \$3,504 for additional floor boxes for work stations, provide additional boxes, sleeves and boxes for the armored car area, main casino entrance, the vault, and the loading dock.**

Schultz and Hamilton explained the need for the additional equipment. Hamilton stressed this was for material and not additional surveillance equipment. Cunningham-Limp would be completing the work. Concern was expressed regarding receiving so many change orders. Schultz and Hamilton stated during a construction of this magnitude changes were to be expected.

John Koon arrived at 11:04 a.m.

Parsons stated that the CMT was recommending this change order. Fisher stated that was correct in the amount of \$3,504. Fisher stated the payment of Change Order #43 can be addressed with Cunningham-Limp, however, he felt it would be an additional expense. Schultz

stated he would like to see this change order go forward. Ruitter stated she did not like these changes every week

MOTION TO APPROVE BULLETIN #41 IN THE AMOUNT OF \$3,504; by Kleeman; support by Bennett.

Roll Call

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

Motion carried (8-0-0-1)

2. Bulletin # 43 – FYI - Remote Cage Stations

This was an informational item only. Fisher stated two remote cages were scheduled to be placed on the gaming floor of the Casino. Cunningham-Limp had issued a change order which would increase the maximum guaranteed price. CMT had proposed returning to Cunningham-Limp for justification of the increase. After the response from Cunningham-Limp had been received the matter will be addressed. Willis stated the cages were on the print and should have been included in the price.

3. Winter Conditions - FYI

Fisher stated after discussion with Cunningham-Limp it was decided to do an audit and validation of the funds spent for winter conditions to date. Winter conditions expenditures will be examined every two weeks in order to keep up-to-date. The \$208,000 requested earlier for winter conditions was now a moot point. If any funds were needed they would be requested in smaller amounts. Parsons commended the CMT for their efforts on this issue.

4. Birch Bark Canoe - FYI

Schultz reported a 20 foot birch bark canoe would cost approximately \$5,000. Schultz also stated there would be only one source who would have a completed canoe in time for the opening. The canoe was to be located in the lounge area. Fisher stated no approval was required as this was a budget item.

I. Old Business

A. Acceptance of Financial Report

MOTION TO ACCEPT THE FINANCIAL REPORT OF DECEMBER 2001; by Kleeman; support by Medahko

Roll Call

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

Motion carried (5-3-0-1)

B. Acceptance of Attorney Report

MOTION TO ACCEPT THE ATTORNEY REPORT AS SUBMITTED DATED JANUARY 18, 2002; by Sam; support by Ruiter.

Roll Call

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

Motion carried (8-0-0-1)

C. Acceptance of Enrollment Commission Minutes of 12/5/01 and 12/19/01

12/05/01 -

Medahko queried about the names included in the Commission Minutes. Kleeman stated the Council had previously requested that information be included. House stated this was not a confidential document. House had discussed this with Yunis and this was not a confidential document people applied for enrollment and were denied, however no confidential material was included in the report .

Discussion was held regarding enrollment procedures. Also, the length of time consumed between applying for membership and receiving approval was discussed. The complexity of the procedure causes slow progress, however, correct information needs to be supplied to the Enrollment Commission. House stated the legal department was only involved for accuracy. The original number of files was approximately 60, however, it now stands at approximately 200. There would be a right for a hearing if an individual does not agree with the Enrollment Commission. Once the audit was completed there would be no changes made to those files. Sam stated there were approximately 600 new applications filed in 2001.

MOTION TO ACCEPT FOR FILING THE ENROLLMENT COMMISSION MINUTES OF DECEMBER 5, 2001; by Kleeman; support by Bennett.

Roll Call

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

Motion carried (7-0-0-2)

12/19/01 – Council will obtain clarification from Enrollment Commission regarding change of title, new office and pay raise in regard to the person serving in the enrollment office as noted in their minutes.

MOTION TO ACCEPT FOR FILING THE ENROLLMENT COMMISSION MEETING MINUTES OF WEDNESDAY, DECEMBER 19, 2001; by Kleeman; support by Sam.

Roll Call

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

Motion carried (7-0-0-2)

D. Acceptance of Housing Commission Minutes of 11/26/01

Bennett stated that she believes someone should be present to represent when items are on the agenda.

MOTION TO ACCEPT FOR FILING THE HOUSING COMMISSION MEETING MINUTES OF NOVEMBER 26, 2001; by Kleeman; support by Fisher.

Roll Call

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

Motion carried (8-0-0-1)

E. Acceptance of Gaming Commission Minutes of 9/19/01

McCatty stated the next meeting location was listed as Las Vegas but it was stated that all Tribal meetings were to be held on Tribal lands. Council will follow-up with the Gaming Commission of where the meeting was held.

**MOTION TO ACCEPT FOR FILING THE GAMING
COMMISSION MEETING MINUTES OF SEPTEMBER 19,
2001; by Kleeman; support by Medahko.**

Roll Call

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

Motion carried (8-0-0-1)

**F. Acceptance of Natural Resources Commission Minutes of
11/28/01 and 12/5/01**

**MOTION TO ACCEPT FOR FILING NATURAL RESOURCES
COMMISSION MINUTES OF NOVEMBER 28, 2001; by Kleeman;
support by Ruiter.**

Roll Call

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

Motion carried (7-1-0-1)

12/5/01 – Parsons had questions regarding the seven deer found dead on Tribal land. Koon stated the deer were not killed by Tribal members but by others on the land.

**MOTION TO ACCEPT FOR FILING NATURAL
RESOURCES COMMISSION MINUTES OF DECEMBER 5,
2001; by Sam; support by Ruiter.**

Roll Call

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

Motion carried (7-1-0-1)

G. Acceptance of Legislative Update

**MOTION TO ACCEPT FOR FILING THE LEGISLATIVE
REPORT DATED JANUARY 2001; by Sam; support by
Kleeman.**

Roll Call

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

Motion carried (8-0-0-1)

H. Acceptance of Little River Band Construction Management Team Report – December 2001

MOTION TO POSTPONE ACCEPTANCE OF THE LITTLE RIVER BAND CONSTRUCTION MANAGEMENT TEAM REPORT DATED DECEMBER 2001 UNTIL NEXT WEEK;
by Sam; support by Ruiter

Roll Call

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

Motion carried (5-3-0-1)

I. Acceptance of Construction Board Company Progress Report

Sam stated, in her opinion, there needs to be a statement of revenue, profit and loss statements, list of business bids that are out and potential bids, similar to reports from other Tribal enterprises. Sam suggested the Council define the form of report for the Construction Company to complete. Fisher stated the Construction Company elected to submit this report rather than minutes because of lack of time. Parsons stated Sam's suggestion was a good one and timing would always be an issue.

MOTION TO ACCEPT FOR FILING THE PROGRESS REPORT SUBMITTED BY THE CONSTRUCTION BOARD COMPANY DATED JANUARY 17, 2002; by Sam; support by Kleeman

Roll Call

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

Motion carried (8-0-0-1)

New Business

A. Resolution Approving Commercial Fishing Educational/Training/Development Program

Martel stated this was developed to assist Tribal members in obtaining necessary licensing and training for commercial fishing. The program would be administered through the Conservation Department. Hourly wages would be \$12.00 for captain and \$9.00 for helpers. Captains must be 21 years of age and helpers must be 18. The status of those involved in this program regarding employees vs contract personnel was discussed.

Martel stated fish buyers would send trucks for the product and the commercial fishing would receive the money. Martel stated they would receive between .75 to \$1.25 per pound for whitefish.

**MOTION TO TABLE THIS ITEM PENDING
CLARIFICATION AS TO THE EMPLOYMENT STATUS
REFER BACK TO THE OGEMA AND NATURAL
RESOURCES COMMISSION;** by Parsons; support by Bennett

Roll Call

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

Motion carried (7-1-0-1)

B. Appointment of Al Medacco to the Gaming Commission

Parsons stated we did have a recommendation from the Ogema's office. This item appeared in Open Session, however there was a confidential background investigation which needed to be reviewed in Closed Session.

C. Acceptance of Housing Block Grant Funds from U.S. Department of Housing and Urban Development (HUD) and approving budget modification to FY2002 Operating Budget

A grant in the amount of \$387,310 was received. Discussion was held regarding if the waiver of sovereign immunity for this grant was required. Willis recommended this item be tabled because of the uncertainty of waiver of sovereign immunity status.

**MOTION TO APPROVE RESOLUTION # 02-0123-02,
ACCEPTANCE OF INDIAN HOUSING BLOCK GRANT
FROM U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT (HUD) AND APPROVING A
MODIFICATION TO THE OPERATING BUDGET FOR
FISCAL YEAR 2002 IN THE AMOUNT OF \$387,310;** by
Sam; support by Kleeman

Roll Call

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

Motion carried (6-2-0-1)

VI. Concluding Business

A. Next Meeting Date(s) – January 30 and February 6, 2002

B. Public Comment Period

B. Medacco asked about the last agenda item in regard to waiving sovereign immunity. Sam stated the Tribe cannot waive sovereign immunity unless a Resolution was passed that explicitly states a waiver. House stated that the language in this acceptance was the same as the other resolution regarding waiving of sovereign immunity. House stated that if the Tribe agree to contract that contains language of arbitration clause and does mean waiving rights of sovereign immunity. This needs to be done by resolution if the intention was to waive sovereign immunity. House stated if this grant did require waiving of sovereign immunity it would need to come back to the Council to grant sovereign immunity waiver by Resolution.

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 Bennett.

Roll Call

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

Motion carried (8-0-0-1)

Open Session adjourned at 12:37 p.m.

Reconvened Open Session at 4:55 p.m.

VIII. Open Session

A. Items Moved From Closed to Open Session

MOTION TO PLACE IN THE OPEN SESSION THE ACTION APPROVING RESOLUTION 02-0123-03 AND THE SUBSEQUENT ROLL CALL ON THAT APPROVAL AS WELL AS THE GAMING COMMISSION

**NOMINATION WITHDRAWN BY THE TRIBAL OGEMA;
by Sam, support by Kleeman.**

Roll Call

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

Motion carried (7-0-0-2)

Item I -

**MOTION TO APPROVE RESOLUTION # 02-0123-03,
AUTHORIZING THE TRIBAL OGEMA, OR IN HIS
ABSENCE, THE TRIBAL COUNCIL SPEAKER TO
EXECUTE AN AGREEMENT WITH DAVIS
CONSTRUCTION, INC. FOR PHASE II CONSTRUCTION
OF THE LITTLE RIVER WASTE WATER TREATMENT
PLANT IN AN AMOUNT NOT TO EXCEED \$1,962,000.00
AND CONSENTING TO HAVE DISPUTES RESOLVED IN
THE COMMERCIAL DIVISION OF THE TRIBAL COURT;
by Fisher; support by Kleeman.**

Roll Call

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

Motion carried (8-0-1-0)

Item II -

**Nomination of Al Medacco to the Gaming Commission
Ogema withdrew the nomination at this time.**

IX. Adjourn

MOTION TO ADJOURN: by Kleeman, support by Ruiter

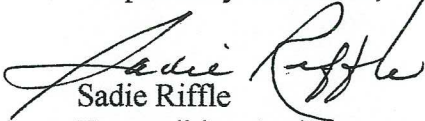
Roll Call

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

Motion carried (7-0-0-2)

Meeting adjourned at 5:00 p.m.

Respectfully submitted,


Sadie Riffle
Transcribing Assistant


Janine Sam
Tribal Council Recorder