



Little River Band of Ottawa Indians
1762 U.S. 31 South
Manistee, MI 49660
(231) 723-8288

TRIBAL COUNCIL MEETING MINUTES
REGULAR MEETING
Monday, January 24, 2000

I. PRAYER

Silent Prayer time was given

II. GENERAL BUSINESS

A. CALL TO ORDER: 6:04 p.m. – Joan Spalding, Speaker

B. ROLL CALL: Carol Bennett, Kathy Berentsen, Charles Fisher, Don Koon, Lisa McCatty, Elaine Porter, Joan Spalding, Janine Szpliet, Connie Waitner.

C. CONSENT AGENDA:

1. APPROVAL OF AGENDA. *Agenda was approved with the following amendments: 8 for, 0 opposed, 1 abstention and 0 absent.*

IV. NEW BUSINESS (*Removed*)

J. ADOPTION OF TRIBAL COUNCIL MEETING PROCEDURES ORDINANCE.

2. APPROVAL OF MINUTES.

1/8/00 Regular Meeting Minutes: *Minutes tabled until the following issues can be checked out: 9 for, 0 opposed, 0 abstain and 0 absent.*

** Item E. – Public Comment: Questions in regards to money coming in from Casino and statement made by Joan Spalding that next newsletter would have update and listing of all monies that have come in and that have been allocated out.*

** Item A. – Old Business (Gaming Commission Stipends): Minutes noted that item was tabled, but item was actually removed as the Council was not ready to deal with it.*

** Item B. – Old Business (Approval of Employee Grievance Procedure – Little River Casino): There is no such place as “Little River Casino”, it is “Little River Casino Resort”.*

APPROVED

2/12/00 *KJAL*

*** Item E. – New Business: the motion was to table, it was not believed that it was part of that motion to meet with Gaming Commission, it was believed that it was part of a side discussion afterwards.**

1/14/00 Emergency Meeting Minutes: **Minutes were approved as amended: 5 for, 4 opposed, 0 abstain and 0 absent.**

*** Carol Bennett and Lisa McCatty stated that they were contacted and told that the meeting was at 4:00 p.m., but the meeting actually took place at 11:00 a.m.**

*** Note in 1/14/00 Minutes that Item A. – New Business: item was tabled and then placed back on the table at a later time.**

*** Statement regarding purpose for going into Closed Session needs to be moved on the Agenda.**

1/17/00 Emergency Meeting Minutes: **Minutes approved: 6 for, 2 opposed, 1 abstention and 0 absent.**

*** Questions were raised regarding whether the Tribal Council could have a “Closed Session Meeting”, it was noted the Constitution requires that all meetings be opened to the membership.**

*** It was mentioned that the Constitution also states that Special and Emergency meetings can only deal with the items for which they are called and there was no other business besides the Personnel Matter to have an Open Session about.**

*** Janine Szpliet abstained not because she disagreed with the contents of the minutes, but disagreed with the format.**

D. INTRODUCTION OF GUESTS. *The following guests introduced themselves:*

Sharon Butchakia
Lonnie Smith
Ray Wortella
Robert Duty
Phil Clancy
Frank Beaver
Jim Gibson
Tammy Kleeman

E. PUBLIC COMMENT. *Tony Skocelas stated that according to the Constitution, page 9, Section 3(d), Tribal Council Speaker - Joan Spalding was not qualified to sit in the seat of Speaker, as she did not reside within the nine county area. Joan replied that the reference referred to the Ogema, to which she is not. Joan mentioned that under the section referring to the Tribal Council Speaker that does not apply.*

Tony Skocelas requested that Joan Spalding step down immediately from her position. Joan Spalding thanked Tony Skocelas for the invitation, but stated she would pass. Tony questioned what good was the Constitution, if it only works for certain people. Tony stated that he hoped the Tribal Council had a guilty conscience at the end of the day, because they were screwed up. Charles Fisher stated that Joan was the Acting Ogema and there was a difference between the Ogema and the Acting Ogema. Bill Brooks mentioned that the section dealing with the duties of the Council Officers does state that the Council Speaker performs the duties of the Ogema in the absence of the Ogema. Pat Ruiter stated that if Tony did not agree with what they were doing then take it to the BIA and see what they got on how that would be. Katie Glocheski stated that the only thing that they could do is to have a recall. Ray Wortella made comments relating to the Casino and North American Gaming. Lonnie Smith made comments relating to harassment and mental abuse he suffered by Lori Davis while working at the Little River Casino. Robert Duty spoke of his employment history at the Little River Casino and problems he has had since being employed, as well as issues relating to his termination. Tom Carr introduced himself and stated he would be willing to meet with Robert Duty in the upcoming week. Mickey Wahr stated that between Lonnie Smith, Ray Wortella and Robert Duty that they have over fifty years experience, and that the issues need to be followed up on and that he would like to see them reinstated at the position they were at. Jim Gibson gave presentation on issues relating to the State Prison system and their plan to take away the religious rights of Native Americans. Jim also spoke of plans he has to address these issues. Tammy Kleeman asked why some programs do not help those outside nine county area. Tammy also asked questions relating to per capita. Joan mentioned that under the Indian Gaming regulations the Tribe must show that they have well established programs to cover the members. Joan said that once you propose an allocation ordinance that includes a per capita, it has to be run through the Department of Interior for approval. Joan spoke of debts that have been paid off from gaming revenues. Tammy talked about problems associated with members having to utilize the Tribal Clinic for services. Charles Fisher asked Tammy to contact him regarding her specific issues.

III. OLD BUSINESS

A. APPROVAL OF GAMING COMMISSION STIPENDS.

* **Motion – “To remove from the agenda, as it is being dealt with through the budget”: 9 for, 0 opposed, 0 abstain and 0 absent.**

B. CONSIDERATION FOR CONTRACT HEALTH SEMINAR FOR HEALTH BOARD. **Item was tabled: 9 for, 0 opposed, 0 abstain and 0 absent.**

C. RESOLUTION AUTHORIZING EXECUTION OF SPECIAL COUNSEL ATTORNEY CONTRACT FOR GAMING COMMISSION. **Item tabled: 9 for, 0 opposed, 0 abstain and 0 absent.**

APPROVED
2/12/00 *(signature)*

IV. NEW BUSINESS

A. CONSIDERATION OF LEGAL FEES AND EXPENSES FOR ELECTION BOARD FOR MONTH OF DECEMBER 1999.

*** Request by Janine Szpliet that amounts be read into the record, so that the membership has an idea how much the services are total to date.**

➤ Total fees and expenses for November 1999: \$19,030.69

➤ Unpaid fees and expenses for October 1999: \$7,618.07

➤ Total: \$26,648.77

➤ Subtract: \$15,000.00

➤ Remaining: \$11,648.77

➤ Total Amount requested: \$23,834.30, includes \$11,648.77

*** Motion to table item until the Council has all the facts in front of them: 9 for, 0 opposed, 0 abstain and 0 absent.**

B. APPOINTMENT OF HOUSING COMMISSIONER. **Item tabled: 8 for, 1 opposed, 0 abstain and 0 absent.**

C. RESOLUTION APPROVING STATEMENT OF FEES AND EXPENSES FOR MARK SLONIM FOR MONTH OF DECEMBER 1999.

Resolution # 00-0124-01 "Approving Statement of Fees and Expenses for December 1999 for payment to Ziontz, Chestnut, Varnell, Berley & Slonim", including the amendment of adding "at" under the Certificate of Adoption after the word "Indians" approved: 8 for, 1 opposed, 0 abstain and 0 absent.

D. APPOINTMENT OF DIANE LONN TO ENROLLMENT COMMITTEE. **Item was tabled: 9 for, 0 opposed, 0 abstain and 0 absent.**

*** Janine Szpliet mentioned that sometimes members of the Education Committee do not make it to their meetings, but that a courtesy call is made to those members to see if they are still interested in participating and to find out if there is special circumstances such as them not being notified, or a reason why they are not being involved and it never gets to the third meeting.**

E. RESOLUTION APPROVING CONTRACT EXTENTION FOR PRIMARY PROVIDER – CLINIC.

*** Motion – To add the word "the" between "at" and "Little" to the front page of resolution, at the bottom, last line: 9 for, 0 opposed, 0 abstain and 0 absent.**

Resolution # 00-0124-02 "Authorizing Extension of Provider Agreement with Jeffrey Kittle, M.D. for services provided at the Little River Health Center" approved as amended: 9 for, 0 opposed, 0 abstain and 0 absent.

F. APPROVAL FOR COPYING ETHNOHISTORICAL REPORT FOR TRIBAL MEMBERS. *Item tabled until the Tribal Council can get further information to see where Jim McClurken is at: 8 for, 1 opposed, 0 abstain and 0 absent.*

G. CONSIDERATION FOR APPOINTMENT OF TRIBAL COUNCIL LIAISON TO GAMING COMMISSION. *Item tabled: 6 for, 3 opposed, 0 abstain and 0 absent.*

H. CONSIDERATION OF LOCAL MATCH FOR DENTAL CLINIC SERVICES THROUGH NORTHWEST DENTAL.

➤ *Short recess was taken to allow for overhead equipment to be set up. Meeting was reconvened @ 8:20 p.m.*

** Item was tabled: 8 for, 1 opposed, 0 abstain and 0 absent.*

I. ACCEPTANCE OF FINANCIAL STATEMENTS FOR NOVEMBER 30, 1999. *Financial Statements accepted: 7 for, 2 opposed, 0 abstain and 0 absent.*

** Item J. was removed from agenda.*

K. ADOPTION OF OPERATING BUDGET FOR TRIBAL GOVERNMENT FOR CALENDAR YEAR 2000.

** Motion – To amend the Operating Budget for the Ogema's salary to be lowered down to \$52,000: 4 for, 5 opposed, 0 abstain and 0 absent.*

** Motion – To amend the Tribal Council Budget, line item wages, from \$393,120 to be raised to \$495,000, which reflects \$75,000 to each Council member so that it is equal with the Ogema's salary and also equal amounts added into the Court's budget for each member of the Court: 2 for, 7 opposed, 0 abstain and 0 absent.*

** Typo – Under narrative for Education Department, line item for Consultant Fee, last sentence "Education will be able to provide this finding", should read "funding".*

** Resolution # 00-0124-03 "Approving Operating Budget for Tribal Government for Fiscal Year 2000" approved: 7 for, 2 opposed, 0 abstain and 0 absent.*

- L. FIRST QUARTER APPROPRIATION OF FUNDS TO SUPPORT TRIBAL GOVERNMENT OPERATIONS. **Resolution # 00-0124-04 "Approving appropriation of General Revenue Funds and Special Revenue Funds for First Quarter Requirements in accordance with the approved Operating Budget for Tribal Government for Fiscal Year 2000": 8 for, 1 opposed, 0 abstain and 0 absent.**

V. CONCLUDING BUSINESS

- A. PUBLIC COMMENT. *Bob Hardenburgh asked about the posting for the Health Administrator position. Joan mentioned that she was not clearly aware of the actual status of that position, although the position was posted, the position could not even be filled until the budget was approved. Bob Hardenburgh also asked questions about the signs appearing in town mentioning Little Riverside Motel. Bill Brooks spoke on the issue and said that steps are being taken to properly address the matter. Bob Hardenburgh questioned what was the annual salary budgeted for the Ogema. Joan responded saying \$75,000. Bob questioned what was budgeted for the Tribal Council. Joan said that the Tribal Councilors were \$18 per hour, Council Recorder was \$19 per hour and Council Speaker at \$20 per hour. Janine stated that the salaries were based on the hour worked and not a straight salary. Dan Bailey mentioned an issue regarding the Tribal Flag be flown at the Casino, Tribal Veterans feel that the Tribal Flag should be flown higher than the US Flag, while others feel that the US Flag should be flown higher. Tammy Kleeman asked how the Tribal Council members would vote if they were asked to vote today on per capita. Lisa McCatty stated that she would vote "Yes". Kathy Berentsen said she thought it should be a vote of the membership. Carol Bennett said she would vote "Yes". Elaine Porter said once the Tribe gets more of its policies and procedures in place then she would be ready to vote, she was not against per capita, but things need to be put into place, which should not be that far down the road. Janine stated that if she had to vote on it today, she would vote "No", because there are so many threats to the Tribe's existence that the Tribe can not afford it at this time. Janine also stated that there is 20% of our members who do not have a voice and that is the Tribal youth and unless per capita provision include those minor children that it is not incumbent upon the Tribe today to take away those children's future by not providing them with a stable operational government. Katie said that there are Elders who could really use the money. Janine stated that she understood, but that there has been legal opinions rendered suggesting that the payment of per capita to a segregated group of the membership is questionable. Connie Waitner said that if she had to vote today that she would vote "No", because although she believed in per capita, that there are other issues such as building our government that need to be addressed. Chuck Fisher said that his sentiments were expressed by both Janine and Connie, if he were presented with the vote on per capita today that he would vote "No", because the Tribe needs to be stronger.*

Joan Spalding felt that there were a number of areas that need to be established, such as the governmental operations, training of all staff, education for all tribal members, housing opportunities and other things that need to be put in place before we can consider per capita payments. Joan also mentioned that those are also requirements of federal Indian Gaming law. Don Koon said that at this time he would have to say "No", because when the Casino first opened everyone wanted per capita, but the Tribe has a lot of bills to pay and now the Tribe is paying them off. Don asked where would the Tribe be right now if everyone was getting per capita, would those bills be paid, although everybody would be happy we would still have all these bills. Don stated that he was not against per capita, because he is an Elder, but right at this time he would say that he is against it. Tammy Kleeman asked if there was any program in the works to adopt 1/8 bloods. Joan said that the Tribal Council as a whole has not discussed the matter, we have been having trouble meeting the needs of the members we have and that adding more members would be an issue and that the matter itself would take a Constitutional amendment to change. Kathy mentioned that she did not receive her packet until Monday at 2:00 p.m. and that is why she opposed several things, she did not have time to look at any of her packet.

B. NEXT MEETING DATE.

Worksession: Tuesday, January 25, @ 10:00 a.m.
Special Meeting: Wednesday, January 26, @ 11:00 a.m.
Regular Session: Saturday, February 12, @ 6:00 p.m.

C. ADJOURNMENT OF OPEN SESSION. **Adjournment approved: 8 for, 0 opposed, 0 abstain and 1 absent. (Carol Bennett left @ 10:45 p.m.)**

*** The purpose of Closed Session is to discuss personnel matters and pending litigation issues.**

D. MOTION TO GO INTO CLOSED SESSION. **Motion approved: 8 for, 0 opposed, 0 abstain and 1 absent.**

VI. CLOSED SESSION

A. OLD BUSINESS

I. UPDATE ON LITIGATION ISSUES. **Discussion Only. No Action taken.**

B. NEW BUSINESS

I. PERSONNEL MATTERS. **Discussion Only. No Action taken.**

VII. ADJOURNMENT OF CLOSED SESSION. **Adjournment approved: 7 for, 0 opposed, 0 abstain and 2 absent. (Kathy Berentsen left @ 11:15 p.m.)**

APPROVED

2/12/00 WKA

- VIII. RETURN TO OPEN SESSION. **Motion approved: 7 for, 0 opposed, 0 abstain and 2 absent.**
- IX. ADJOURNMENT. **Adjournment approved: 7 for, 0 opposed, 0 abstain and 2 absent. Meeting adjourned @ 11:30 p.m.**

APPROVED

2/12/00 *[Signature]*