



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

TRIBAL COUNCIL MEETING MINUTES  
REGULAR MEETING  
Saturday, February 12, 2000

I. PRAYER

*Bob Stone offered the Prayer*

II. GENERAL BUSINESS

A. CALL TO ORDER: 1:09 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: 9 for, 0 opposed, 0 abstain and 0 absent.**

IV. NEW BUSINESS (*Additions*)

M. WRITTEN WAIVER AS REQUIRED UNDER ARTICLE IX, SECTION 9.3 OF THE MANAGEMENT AGREEMENT, OF RELATIVES OF TRIBAL OFFICIAL, LISA MCCATTY, FOR EMPLOYMENT AT LITTLE RIVER CASINO RESORT.

N. LITTLE RIVER CASINO RESORT LOGO.

2. APPROVAL OF MINUTES.

1/8/00 Regular Meeting Minutes: **Minutes approved: 5 for, 2 opposed, 2 abstain and 0 absent.**

*\* Joan Spalding took a moment to welcome everyone to the meeting and asked that those in attendance to introduce themselves.*

*\* Discussion was held on the issue of whether or not a reporter from the Ludington Daily News would be allowed to remain at the meeting. It was decided that the reporter could remain in attendance for the meeting.*

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1/24/00 Regular Meeting Minutes: **Minutes approved: 5 for, 3 opposed, 1 abstention and 0 absent.**

3. MANAGER REPORT.

- John Koon requested that the Tribal Manager, Robert Guenthardt give brief (verbal) summary of monthly activities.

**\* Manager Report accepted for filing: 9 for, 0 opposed, 0 abstain and 0 absent.**

4. ATTORNEY REPORT. Bill Brooks handed out written report and gave brief verbal report.

**\* Attorney Report accepted: 6 for, 3 opposed, 0 abstain and 0 absent.**

5. FINANCIAL REPORT. Dan Broton gave verbal report.

**\* No action taken on Financial Report.**

6. DEPARTMENT REPORTS.

**\* The following Department Reports were noted as received:**

Assistant Manager  
4<sup>TH</sup> Quarter BIA Report  
Public Safety Department  
Manager Report  
Community & Economic Development  
Education Department  
Housing Department  
Enrollment Department

7. COMMITTEE/COMMISSION MINUTES.

**\* The following Committee/Commission Minutes were noted as received:**

Housing Commission – October 4, 1999, December 14, 1999,  
January 11, 2000, January 31, 2000.  
Cultural Preservation – January 11, 2000  
Elders Committee – January 8, 2000  
Enrollment Committee – January 7, 2000  
Management Team – January 25, 2000  
Gaming Commission – November 23, 1999, December 22, 1999,  
January 6, 2000  
Natural Resources – March 17, 1999, June 16,  
August 4, 1999, August 18,  
September 1, 1999, October 6

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November 3, 1999, December 15, 1999  
January 5, 2000.  
Election Board – December 30, 1999, January 6, 2000,  
January 13, 2000, January 20, 2000,  
January 27, 2000.

D. INTRODUCTION OF GUESTS.

\* Joan Spalding introduced the following persons:

Tom Carr – Manistee Gaming  
Tom Guenthardt – Gaming Commission

E. PUBLIC COMMENT. **The following questions, requests and concerns were raised during public comment:**

- Request: That Committees/Commissions put an article or paragraph in the Newsletter regarding what they are doing, including projects they are working on.
- Question: Now that we are generating income from gaming, is it going to be possible for people outside the nine county to begin receiving services?

\* Janine Szpriet responded by saying that some of the programs for fiscal year 2000, specifically Education, that they are expanding services to include all Tribal Members in certain areas, such as programs similar to Johnson O'Malley and expanding that program with Casino revenues. Health Insurance for all Tribal Members is also being looked in to by the Tribal Council. Joan Spalding mentioned that Life Insurance for all Tribal Members, in the amount of \$7,500 was also put in the 2000 budget, but that the process for accessing those funds is still being developed.

- Question: Do we have to keep Gaming and our Government separate?

\* Joan Spalding stated that Gaming is a separate enterprise under the umbrella of the Tribal Government, such as Little River Maintenance & Construction Company.

- Question: Why did the government go to Las Vegas on our money?

\* Joan Spalding stated that the trip was training in regards to being able to recognize and deal with abuse, misappropriation and fraud, in other-words, ripping off the Tribal Government.

- Question: If the Tribal Council requests that a camera be put on a wall at the Casino, will they put a camera on that wall?



\* Joan Spalding said that there is our Gaming Commission we operate through, including the Tribal Council and that the Tribal Council plans on meeting with the Gaming Commission in the coming weeks to discuss what the commission has been involved with and what other things the Tribe needs to put in place.

- Question: Were the Tribal Council members who went to Las Vegas paid while they were there?

\* Joan Spalding mentioned that "Yes" the Council members that went to Las Vegas were paid while they were there. Joan said that the Tribe could hire an outside firm to come in and oversee the Casino and pay them \$100 an hour if the membership preferred that, that would save the Tribal Council time to deal with other matters. Joan mentioned it was a three-tiered process and that the Tribal Council still has ultimate responsibility.

- Question: Which Tribal Council members went to Las Vegas?

\* Joan Spalding stated that it was the recommendation of the Gaming Commission and other entities, including the trainer that it is a Tribal Council function as well as a Gaming Commission function, that the Tribal Council has to oversee the operation of the Gaming Commission. The Gaming Commission is there to enforce the Internal Controls and all the other rules and regulations, and it is the Tribal Council's responsibility to make sure the Gaming Commission is doing that, as well as the enterprise is following what they need to follow. Joan also mentioned that two other Council members signed up to go and did not.

- Question: Did the Accountant go to Las Vegas?

\* Joan Spalding said that the Accountant went because of Financial Reports and the possibility of fraud through the financial reporting aspect and the ability to read those reports.

- Question: What was the cost to go to Las Vegas?

\* Joan Spalding stated she didn't have the information in front of her.

- Question: How long was the training and did the Tribal Council attend all sessions?

\* Joan Spalding stated that the training was for three days and the Tribal Council did attend all sessions.



- Question: If you have insurance that it is the primary giver and that the Tribe will pay what they will not?

*\* Kathy Berentsen mentioned that Contract Health services is only for members that are enrolled in Contract Health, which can be covered anywhere with pre-authorization from the Contract Health Service Specialist. Some people say that it is insurance, it is not insurance, it is a payer of last resort. You have to exhaust all of your other options prior to being able to use Contract Health.*

- Question: Could the Tribal Council work to get a Tribal Member into the management position at the Casino?

*\* Joan Spalding mentioned that the Business Board and Council are working on is the development process for Tribal Member employees who are working there.*

- Question: How long is public comment going to be allowed to go on and if people have issues, shouldn't it be put on the agenda?

*\* Joan Spalding said that public comment is there for general comment input from the community and doesn't necessarily require being put on the agenda. At this time there has not been a specific time limit set for public comment. Lisa McCatty stated that the Tribal Council doesn't have procedures limiting the amount of time for public comment at this time.*

- Question: Who is running our Casino, is it us or is it North American Gaming?

*\* Joan Spalding said it is our Casino, but we have a management contract with Manistee Gaming. Tom Davis is the General Manager that the Tribe has hired and he is a Tribal Employee. Joan also mentioned that there are different levels of who does what, and Manistee Gaming pays Tom Carr to represent the management company. Joan stated that the answer is not a simple one. Tom Carr said that the contractual relationship (Management Agreement) between Manistee Gaming and the Tribe spells out very clearly what the responsibilities are of the management company, as well as the responsibilities of the Business Board created by the management contract as well as recognizing the responsibilities of the Gaming Commission. There are certain responsibilities that are clearly those of North American Gaming spelled out in that contract, that starts with plans, budgets, report-backs and actions relating to that Casino. Personnel matters under that contract are the responsibility of North American Gaming. Janine Szpliet stated that she did have a copy of the contract, but she was not willing to share privileged information within the contract as long as there was a reporter in the audience.*

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Janine also stated that she did not want the specifics of the contract to be played out in the newspaper, but if those in attendance didn't have a problem with it then, she didn't have a problem with it.

- Question: Is Tom Carr working for the Tribal Members or for himself?

\* Joan Spalding said that Tom Carr worked for Tom Celani under the management contract. Tom Carr stated that there were 50 Tribal Members working at the Casino and as of the previous day he had reviewed everyone of those Tribal Members by individual and trying to understand what they were being paid and how they are compared to other people who are working in the Casino who are not Tribal members. Tom said he wanted to assure everyone that he has taken a great interest in what's happening with Tribal Members and he was extremely disappointed in some ways about how many Tribal Members are in fact pursuing careers in the Casino and he is spending most of his time now assuring himself, as well as his boss and the Council as to the treatment that is being afforded to Tribal Members. Tom mentioned that his primary charge from Tom Celani is to ensure the Casino is run well and that they meet the commitments that they made to the Tribe about how Tribal Members would be treated in the Casino. Tom said that he would be willing to come before the Elders and talk about any of the factors anytime the Elders would invite him.

- Questions (Pam Medako): How many people in the room have applied for a job at the Casino? How many people have applied but have not been hired?

\* Those persons who remained standing were asked why they felt they were not hired.

- Question: How is the idea of Peacemaking being looked at by the enterprise as an acceptable means of dealing with employee issues?

\* Joan Spalding mentioned that she had spoke with Tom Carr and that further discussions are planned regarding peacemaking. Phil Memberto said that peacemaking is a feasible avenue, but there is no policy outlining this matter.

- Question: What plans are being made to get someone trained to take over the management of the Casino in 5 years?

\* Joan Spalding mentioned that the Business Board is currently dealing with the specifics of a plan and that was a reason why Pam Medako's position (Tribal Liaison) was established and she will be working with Tribal Members regarding plans for their development training. Tom Davis mentioned that the Tribal Liaison position was a position he brought with him from the previous tribe he worked for.

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- *Comment: It was mentioned that although comments by Tribal Members were appreciated, public comment had gone on for several hours and that there were persons in the audience that have been patiently waiting for their agenda items to be addressed.*

*\* Joan Spalding said that the point was well taken and that the Tribal Council would take at a maximum, 10 more minutes of public comment, because it was not fair to the people who are on the agenda and that there is another public comment period at the end of the business matters.*

- *Comment: Who is going to be responsible if a group come in and rob our Casino of \$2 Million in one pop, it's going to be the Tribal Council and the Gaming Commission and then people are going to be complaining that they didn't go to training, and that is very little money to spend for security, so it is appreciated that the several people are going to training and learning what it takes, because they are out of the Casino with \$2 Million before they are even busted. There is comfort in knowing that our Tribal Council went to training and think that our security officers and surveillance camera operators should go as well. You can never take too many steps for security in a Casino.*
- *Comment: I heard a rumor , so I went and checked it out. Our surveillance there, you can rob that Casino with the surveillance we have there. I didn't have to go to Las Vegas, I didn't charge anybody for that trip, I don't have the training, it took my two eyes to walk into a room and ask if the camera on a door covered the door continually and I was told "No", only when the camera is on the door is there security. I traveled 6 hours, I put myself in a hotel, I have talked to people.*
- *Question (Joan Spalding): Are you telling me that you were in the surveillance room at the Casino and who let you in?*
- *Comment: I made an appointment on the telephone with the Head of Security, I wanted to know who was watching our property. He could not give me direction about what I needed to know. I asked who I needed to go to and find this out, he said surveillance. A young gentlemen set it up and called Tom Davis. Tom Davis stated that he was not contacted regarding this request. I was allowed to go into the surveillance room after I signed in and date it. I sat and watched the system.*
- *Question (Joan Spalding): What is the security clearance for the surveillance room?*

**APPROVED**

2/23/00 *with*



- *Comment (Cy Hill): You have to be on an access list to have access in there, granted either by General Manager of the Casino or the Gaming Commission. Initially, the Gaming Commission took the position that the surveillance was inadequate, but that a regulation was written promptly and approved. At this point, the property has assured the Gaming Commission the integrity of the surveillance system. I can guaranty you right now out of any federal requirement, that this surveillance system exceeds that federal requirement by combining not just the National Indian Gaming Commission's minimum Internal Controls and just not the recommended minimum internal controls for surveillance from the National Indian Gaming Association, which are Tribal people trying to put Indian Gaming onto a level playing field with non-Indian gaming, by being able to say Indians can regulate Indians and I can say that with confidence. We exceed both of those documents considerably over the federal minimums and I would say at this point from what I have heard from the property that we have conducted initial audit of the initial regulation that we had put in, they were deficient in a few areas, but now they have upgraded that and now that we are in a position to go back this week to come in and verify everything. As a Gaming Commission in regulating that, I am confident that we are doing the proper procedure to ensure that the property is in compliance with rules and regulations. I have great concern that you would have been granted access into that security office or surveillance office in the first place, because you are an unauthorized individual, that is the heart and soul of integrity of that Casino, it is the eyes and ears just not for the General Manager, just not for Manistee Gaming and just not for the Gaming Commission and just not for Tribal Council. That surveillance system is the eyes and ears for every single Tribal Member of the Little River Band and that is where I would come in and question how you were able to get in there.*

**\* Short recess was called by Joan Spalding, Speaker.**

III. OLD BUSINESS

- A. CONSIDERATION FOR CONTRACT HEALTH SEMINAR FOR HEALTH BOARD. **Item was tabled: 9 for, 0 opposed, 0 abstain and 0 absent.**
- B. RESOLUTION AUTHORIZING EXECUTION OF SPECIAL COUNSEL ATTORNEY CONTRACT FOR GAMING COMMISSION.  
**Resolution # 00-0212-01 "Approving Special Counsel Contract with Johnson, Hamilton, Quigley, Twait & Foley, PLC to assist Tribal Gaming Commission" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

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

**\* Motion: "Approve Resolution # 00-0212-02 with amendment on page 2, that the word "band" be inserted after "Little River", "Approving payment of Fees and Expenses for October and November Statement to Peninsula Legal Services, P.C. for services rendered to the Election Board in the amount of \$12, 185.55" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

D. APPOINTMENT OF HOUSING COMMISSIONERS.

**\* Motion: "To appoint Mr. Frank Beaver and Mr. Phil Memberto to the Housing Commission" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

E. APPOINTMENT OF DIANE LONN TO ENROLLMENT COMMITTEE.

**\* Motion: "That Diane be appointed to the Enrollment Committee" approved: 6 for, 3 opposed, 0 abstain and 0 absent.**

F. APPROVAL FOR COPYING ETHNOHISTORICAL REPORT FOR TRIBAL MEMBERS.

**\* Motion: "To remove the agenda item – Copying Ethnohistory report for new members" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

G. CONSIDERATION FOR APPOINTMENT OF TRIBAL COUNCIL LIAISON TO GAMING COMMISSION.

**\* Motion: "Janine Szpliet be appointed to serve as Tribal Council Liaison for 1 year" approved: 8 for, 0 opposed, 1 abstention and 0 absent.**

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

**\* Motion: "To table this item until information is available to the Council" approved: 7 for, 2 opposed, 0 abstain and 0 absent.**

IV. NEW BUSINESS

A. CONSIDERATION OF ADOPTION – "CHARGEABLE ACTIVITIES" FOR DIRECT TRIBAL COUNCIL BUSINESS.

**\* Motion: "The list of items presented by a memo be approved as a temporary measure until such time as the Council has adopted a policy that will be published in the interim" approved: 7 for, 1 opposed, 0 abstain and 1 absent. (Carol Bennett was temporarily unavailable)**



B. DECISION ON ALLOCATION OF FUNDS REMAINING IN JUDGEMENT FUND ACCOUNT.

**\* Motion: "That this item be postponed until the next meeting" approved: 8 for, 1 opposed, 0 abstain and 0 absent.**

**\* Motion: "Item C, D, E, F & G, be tabled at this time to allow to proceed with item H., upon completion of item H., we will remove those items from the table" approved: 7 for, 2 opposed, 0 abstain and 0 absent.**

H. APPOINTMENT OF TWO (2) MEMBERS TO THE CULTURAL PRESERVATION COMMITTEE.

**\* Motion: "To appoint Daniel Shepard and Talia Memberto to serve the two vacant positions on the Cultural Preservation Committee" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

**\* Motion: "We take from the table item C, D, E, F & G and return to the regular agenda" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

C. APPROVAL OF COPIER PURCHASE.

**\* Motion: "To approve up to \$21,000.00 to purchase three (3) SS2040 Copiers" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

D. APPROVAL OF MULTIMEDIA PROJECTOR PURCHASE.

**\* Motion: "To purchase this multimedia projector for up to \$8,200.00" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

E. APPROVAL OF COPIER PURCHASE.

**\* Motion: "That we have Jim order this copier for \$16,439.00" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

F. APPROVAL OF COMPUTER PURCHASE.

**\* Motion: "To table this" approved: 8 for, 1 opposed, 0 abstain and 0 absent.**

G. APPOINTMENT OF DON KOON TO CONSTRUCTION MANAGEMENT TEAM REPLACING JANINE SZPLIET.

**\* Motion: "That Don L. Koon be appointed to the Construction Management Team replacing Janine Szpliet" approved: 8 for, 0 opposed, 1 abstention and 0 absent.**



**\* Motion: "That all these changes of committee appointments that were made tonight are printed and posted on the bulletin board, so that the membership knows" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

**\* Short 10-minute recess was taken at 7:20 p.m.**

I. FLAG ISSUE.

**\* Motion: "That the flags being flown at the Casino on the Tribal property be flown at the same height in accordance with the US Flag Etiquette as read by Mr. Koon until such time as official resolution and policy is adopted by the membership" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

J. APPROVAL OF RESOLUTION AUTHORIZING RELEASE OF PER CAPITA FUNDS HELD IN TRUST FOR CERTAIN MINORS REACHING THE AGE OF MAJORITY IN JANUARY.

**\* Motion: "To approve Resolution # 00-0212-03 "Authorizing release of per capita funds held in trust for certain minors reaching the age of majority in January" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

K. APPROVAL FOR PAYMENT OF INVOICES OVER \$2,500.


**\* Motion: "To approve invoices to Calcutt, Cunningham, Davison, Ziontz, Chestnut, Varnell, Stratus Consulting & West Shore Consulting as proposed" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

L. CONSIDERATION/APPROVAL OF PURCHASE AGREEMENT FOR "VET PROPERTY" ADJOINING CASINO PROPERTY.

**\* Motion: "To table this item" approved: 7 for, 1 opposed, 0 abstain and 1 absent. (Elaine Porter was temporarily unavailable)**

M. WRITTEN WAIVER AS REQUIRED UNDER ARTICLE IX, SECTION 9.3 OF THE MANAGEMENT AGREEMENT, OF RELATIVES OF TRIBAL OFFICIAL, LISA MCCATTY, FOR EMPLOYMENT AT LITTLE RIVER CASINO RESORT.

**\* Motion: "That the Tribal Lawyer prepare a blanket resolution waiving Section 9.3 to be acted on at the next meeting" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

APPROVED  
2/28/00 



N. LITTLE RIVER CASINO RESORT LOGO.

\* **Short recess was taken at 9:00 p.m.**

\* **Meeting was reconvened at 9:23 p.m.**

\* **Motion: "That the Business Board and Bill Brooks review the Logo and the resolution which authorized it and come back to the Council with recommendations of how to resolve inconsistencies" approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

\* *Joan Spalding mentioned that there would be a Closed Session for the purpose of discussing consideration of bids and contracts and also pending litigation.*

V. CONCLUDING BUSINESS

A. NEXT MEETING DATE

Worksession: Monday, Feb. 14  
Tuesday, Feb. 15 @ 9:00 a.m.  
Wednesday, Feb. 16 – Natural Resource Mtg. @ 6:00 p.m.  
Monday, Feb. 21 – SAGE Training  
Regular Session: Monday, Feb. 28, 2000 @ 6:00 p.m.

B. PUBLIC COMMENT

- *Discussion was held on status of the Ogema election.*
- *Question was raised regarding possible censoring of newsletter.*
- *Comment: Joan Spalding responded by saying that letters were being printed, they started getting quite derogatory so they were stopped, at this time we're expecting a policy to be developed regarding placement of letters in the newspaper. So as not to have real bad derogatory letters, slamming people around, put in there.*
- *Discussion was held on communication matters and different means of possibly reaching out and sharing information with the membership, including video conferencing, e-mail, web-site, etc.*
- *Discussion took place on the previous matter involving tribal members being allowed access to the surveillance room and other areas within the Casino, as well as the same members being allowed to carry a camera throughout the Casino.*

C. ADJOURNMENT OF OPEN SESSION. **Adjournment approved: 9 for, 0 opposed, 0 abstain and 0 absent.**

\* **The purpose of Closed Session is to discuss business matter involving consideration of bids/contracts and pending litigation issues.**

APPROVED  
2/28/00 [Signature]



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

VI. CLOSED SESSION

A. OLD BUSINESS

I. UPDATE ON LITIGATION ISSUES.

**\* Motion: "That we prepare a special contract addendum with Peninsula Legal Services to include Special Prosecutor appointment and services in the amount not to exceed \$8,000.00": 2 for, 0 opposed, 6 abstentions and 1 absent.**

**\* Motion: "That the contract modification that was just requested be presented to the Council prior to authorization of execution of that amendment to the contract": 5 for, 0 opposed, 3 abstentions and 1 absent.**

B. NEW BUSINESS

I. CONSIDERATION OF PROPOSAL FOR RECONCILIATION OF BANK STATEMENTS.

**\* Motion: "Motion to approve": 8 for, 0 opposed, 0 abstain and 1 absent.**

VII. ADJOURNMENT OF CLOSED SESSION. **Adjournment approved: 8 for, 0 opposed, 0 abstain and 1 absent.**

VIII. RETURN TO OPEN SESSION. **Motion approved: 8 for, 0 opposed, 0 abstain and 1 absent.**

IX. ADJOURNMENT. **Adjournment approved: 8 for, 0 opposed, 0 abstain and 1 absent.**