



**Little River Band of Ottawa Indians**

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**APPROVED**

4/13/97

**LITTLE RIVER BAND OF OTTAWA INDIANS  
TRIBAL COUNCIL MEETING MINUTES  
MARCH 9, 1997**

**I. GENERAL BUSINESS**

A. **CALL TO ORDER.** The meeting was called to order at the 411 River Street office by vice-chair Kathy Berentsen at 12:15 p.m.

B. **ROLL CALL.** Roll call was done by Chuck Fisher. Present: Kathy Berentsen, Bill Memberto, Steve Parsons, and Chuck Fisher. Absent: Robert Guenthardt due to illness.

C. **ADOPTION OF AGENDA.** Kathy said that under Old Business the Tribal Council appointment should be moved to New Business as E. because they would like to talk with the candidates before they make a decision. She also said that under New Business she would like to add Citizen of the Year as F. No other changes or additions were made. Moved by Bill M, to accept the agenda, seconded by Steve, all in favor (4), (0) opposed. Motion carried.

D. **ADOPTION OF MINUTES.** Bill M. questioned the format of recording who was in favor and opposed when motions are to be made. He asked if we could format the minutes to give exact numbers. Kathy said that on the adoption of the agenda, six lines down, where it says Kathy wanted to add on the appointment of a Special Events person, it should be Special Events person/committee. She also noted that on page 2 under staff reports, twelve lines down, it should read, "...hope to be in the building by April." A typo was also found on page 2 about one-quarter of the way down that stated according the Federal law. It should read according to Federal law and that 20% of the money would be voted upon first. On page 3, the last sentence, should say "sent to..." Also, on page 4, again the Special Events person should be changed to Special Events person/committee. No further changes were made. Moved by Steve, to accept

the minutes with changes and clarifications, seconded by Chuck, all in favor (4), (0) opposed. Motion carried.

**E. FINANCIAL REPORT.** Chris said that there is nothing he'd call unusual. About mid-February he opened the Tribe's bank statement for January and discovered that Indian Health Service (IHS) had deposited the entire years budget into the checking account at 0% interest. So, Chris said he contacted the bank and made some moves for us to get some interest on the money. He stated that it was a \$683,800.00 deposit. He doesn't know why IHS did a direct deposit. Bill M. mentioned that we need to do a voucher to Inter-Tribal Council (ITC) for the Opening Doors program. Chris then explained the Pow Wow budget. He said that the handout is a proposed budget compiled by the Cultural Preservation Committee. He explained that the pow wow is supposed to be freestanding and have no expenditure of tribal funds and according to the proposed budget, it will be freestanding. Chris said he has looked everything over and would like to note some areas of interest. Under the revenue section, his concern was that last year we had 27 or 28 vendors at \$50.00 each and this year he doesn't think we'll have any resistance of raising the price to \$65.00 each since last year was a great turnout. The admission last year was around the area of \$1,350.00 and this coming pow wow is on Fourth of July weekend so we should have no problem beating last years revenue. He pointed out that under the raffle revenue it shows \$500.00. That is also the amount budgeted for the items and in other words, we would break even. Chris suspects we could do better on the raffle. Under the programs section, he explained that it was suggested selling them since other Tribes do and he thinks that it would go over easily. We have 37 hats left over from last year at \$15.00 each so, that gives us \$555.00 profit without allocating any money for them this year. We have 288 T-shirts budgeted for this year, which is how many we sold last year. One thing to take into consideration though is that last year some were pre-sold at \$10.00 each. Chris said that he thinks this year we should sell all of them at \$12.00 each. It was questioned about the design on the T-shirts--are they going to be the same or different or are we having a mix? It seemed to be undecided. As for the buttons, Chris said that we have approximately 500 left at \$1.00 each so that is \$500.00 pure profit since we bought them last year. He stated that we don't anticipate having to write a grant for the pow wow, especially since last year they didn't want us having a profit. It was mentioned that last year the Tribal Council set aside \$5,000.00 out of \$100,000.00 to help with the expenses if needed. Chris said that there is one conflict in the proposed budget right now. The revenue will come in after the expenses and the expenses need to be paid ahead of time (ie. raffle items, T-shirts, programs). He said that one way to solve this is to use the interest earned on our bank deposit to help with these expenses because the interest is the Tribe's to do whatever we want with it. Kathy asked if under the personnel section, all of those people were paid last year; Chris said yes. She also asked if we had ten Porta-Johns last year

because she thinks we should have had more last year. Chris said that this year we do have more because last year we only had six. No other questions or comments were given. Moved by Bill M., to accept the financial report and Pow wow budget, seconded by Steve, all in favor (4), (0) opposed. Motion carried.

F. STAFF REPORTS. Kathy commented that the Health office reports are in different format which is easier to read. Bill M. talked about a meeting he attended in Minneapolis with Indian Health Service (IHS) that had to do with the relationship of the IHS regional office. He talked about managed care in Michigan and welfare reform. Bill M. stated that these issues are currently in the news because Governor Engler wants to make changes. Bill M. also talked about a call from Larry Rosenthal (Legislative Director for Representative Dale Kildee's office). Larry said he received a call from Governor Engler's office regarding the docket payment. Governor Engler wants to negotiate the hunting and fishing rights; he will support the docket if we sign off on the hunting and fishing rights. Bill M. said he was told that we can't intervene on this issue. No other questions or comments were given. Moved by Steve, to accept the staff reports, seconded by Chuck, all in favor (4), (0) opposed. Motion carried.

G. INTRODUCTION OF GUESTS. Present: Kim Kequom, Janine Szpliet, Jim Compeau, Carol Bennett, Percy Compeau, Elaine Porter, Connie Waitner, Jerry Guenthardt, Bob Compeau, Larry Compeau, Sally Bell, Tom Shepard, Bob Hardenburgh, and John Koon. Staff Present: Melissa Nummerdor, Tammy Carter, Bill Willis, and Jay Sam. Attorney Present: Bill Brooks

## II. OLD BUSINESS

A. SELECTION OF CONSTRUCTION MANAGEMENT. Kathy said that the Council feels that they have concluded their interviews this morning and that there are still some negotiating phases they need to do. The Council would like to welcome aboard Tom Shepard and Al Goudreau as the Construction Management Team. Kathy said that Mark and Chris will be contacting them soon.

B. SPRING MEMBERSHIP MEETING/PUBLIC HEARING REGARDING JUDGMENT FUND DISTRIBUTION. Bill Willis talked about this issue since it was brought up at a Tribal Operations meeting and the Constitution calls for a meeting in the Fall and one in the Spring. He discussed it with Mark and it was felt that a date needed to be set for the Spring meeting. Kathy asked if any recommendations were given for dates. Bill M. spoke about proposed docket plans to be discussed at this meeting. It is planned to have two meetings; one in Manistee and one in Muskegon. It was asked if a Tribal Council meeting will be conducted. Jay stated that the Constitution says one can be, but one doesn't

have to. Discussion was lead as to how the different proposals would be voted on and some examples of the many ways to distribute the money. It was brought up that Tribal members are not aware that they can come to Tribal Council meetings. Kathy stressed that the Council is there to listen to the members and their concerns. It was suggested to put in the newsletter the times of the Tribal Council meetings and to let everyone know they can attend. Bob Hardenburgh suggested that we make it clear to members about the confidentiality of a closed session when the Tribal Council has one. It was also suggested that copies of the minutes be available along with the agenda at the Tribal Council meetings for the guests.

### III. NEW BUSINESS

A. FEE TO TRUST RESOLUTIONS. Bill B. said that there is one requirement when the Tribe requests that land be placed into trust for the benefit of the Tribe. The requirement is that there needs to be a resolution from the Tribal Council formally making that request of the federal government. At the last meeting the Council adopted a Reservation Restoration plan. The resolutions that the Council is to act on are to authorize the submission of the first four parcels that the Tribe presently owns or are anticipating to acquire. Those four parcels are identified in the Reservation Restoration plan that the Council previously approved. There are four resolutions, one for each property. The first resolution is for Indian Village which is the 36 acres the Tribe received as part of the Ludington Pump Storage project settlement. There is approximately 55 acres at Orchard Landing which is about one-half mile downstream of the Indian Village property. Both of those pieces the Tribe presently owns. The third parcel the Tribe is requesting to be placed into trust is the 85 acres at the intersection of U.S. 31 and M-22. It is anticipated that the Tribe will build a governmental facility in connection with the gaming enterprise. It has also been examined as a community center and pow wow grounds. The fourth parcel of land is the 152 acres that has been designated for the development of the gaming facility. Right now the Tribe doesn't have the funds to close on this piece of property yet. Moved by Chuck, to pass Resolution #97-0309-01 regarding the Indian Village site, seconded by Steve, all in favor (4), (0) opposed. Motion carried. Moved by Bill M., to pass Resolution #97-0309-02 regarding the Orchard Landing site, seconded by Steve, all in favor (4), (0) opposed. Motion carried. Moved by Bill M., to pass Resolution #97-0309-03 regarding Gaming Parcel "B", seconded by Chuck, all in favor (4), (0) opposed. Motion carried. Moved by Bill M., to pass Resolution #97-0309-04 regarding Manistee Orchard "A", seconded by Steve, all in favor (4), (0) opposed. Motion carried.

B. SELECTION PROCESS OF GAMING COMMISSIONERS. Bill W. talked about the Tribal Council's approving of the Gaming Ordinance on January 15,

1997 and the National Indian Gaming Commission's (NIGC) approval on it January 28, 1997. Connie then said that she thinks people have questions concerning the Gaming Commission. She said she thinks we should have a meeting to answer the people's questions. Bill W. said that not many people (5) have inquired about the Commission. Kathy asked if Bill W. could contact the people who asked about the Commission so they could attend a meeting to discuss their questions. Kathy asked if Connie and Bill W. could advertise about the Gaming Commission and set up a meeting to discuss it. Bill W. and Connie agreed to this. Kathy asked that the Council interview the candidates along with Bill W. and Connie just like the Construction Management Team selection process. Bill B. brought up that it is actually the Council's decision.

C. TRIBAL COURT. Jay said that he has been working as the Tribal Court Administrator since last June and has been working on policies and procedures for the Court to follow. They are basically federally recognized Tribal court judgments and ethical behavior of the court. Jay said he gave copies of what he has worked on to Bill B. and Mike Petoskey who we originally started talking to about contracting as a Tribal court judge on a as needed basis. Jay said we are a month to a month and a half away to having a set of rules and procedures that could be reviewed by the Tribal Council to go along with the Ordinance that would establish a Tribal court system. Bill B. said that right now under the present Constitution, all governmental powers, including the judicial powers are vested in the Tribal Council. Bill B. said that he put together a draft Ordinance to create a Tribal court which can be established and operated before the new Constitution is adopted by the membership. Bill B. said that the courts authority is to determine how judges are appointed, who is qualified to be appointed as a judge and other policies and procedures. Bill B. stated that the Ordinance in the appellate court does require that one of the appellate judges be an elder, and one a lawyer. Bill M. brought up that on March 22, 1997 an Indian Child Welfare Children's Code work session will take place at the 411 River Street office.

D. REPORT ON MIDWEST ALLIANCE OF SOVEREIGN TRIBES (M.A.S.T.) MEETING. Kathy said she attended this meeting on March 6-7; Chris and Mark attended the meeting on March 7. Kathy explained that the M.A.S.T. is all of the Tribes of the 33 or 34 states including Minnesota, Iowa, Wisconsin and Michigan. They are in a joint effort to go to Washington D.C. to try to make our voices heard under issues that we are concerned about. Such issues include Native American people that haven't been heard or have been heard and failed to be understood. Kathy said they call it "Educating Congressmen." She said that there has been such a turnover with the congressmen that they don't know what the Native Americans are all about or what we're here to do and what we as a sovereign nation are. Kathy said one thing that was brought up that will probably never happen is for us to be our own nation, the 33 or 34 of us; they want us to be one state and have one representative. This is one issue being

tossed around in Washington D.C. Kathy said that from March 10-14 she and Chris will be going to Washington D.C. for impact week number one. She said that the main thing that the Michigan tribes are going to target is to educate the people there. Some issues on the list to talk about include welfare reform, taxation, Indian adoption with child welfare, health and human services, education, tribal land into trust, gaming, and sovereignty. The first four things that she and Chris decided to go there for was for the taxation and gaming issues since they will happen first. The other one is education and they will speak about the tuition waiver. The fourth issue is the National Indian Gaming Commission (NIGC). Kathy stated that when she attended the M.A.S.T. conference at the Grand Traverse Resort, she felt that Dynah should have went because they brought up Indian Child Welfare issues she didn't know about. Bill M. said that our Tribal Chairman is a representative of Michigan Indian Child Welfare Agency (MICWA). Bill M. also said that MICWA is run through the Inter-Tribal Council (ITC) of Michigan. Kathy said that when she and Chris get back from Washington D.C. they will have another report on M.A.S.T. Moved by Steve, to support a proposal for M.A.S.T. to employ an executive director, seconded by Bill M., all in favor (4), (0) opposed. Motion carried.

E. CITIZEN OF THE YEAR. Kathy said that Ben Bifoss called Mark and made him aware of the Citizen of the Year award to be given by the VFW on March 15, 1997. Kathy then read to the Tribal Council Mark's letter nominating Bob for the award. She said she thought it was really nice of Ben Bifoss to call Mark and let him know about this because it is something for the Tribe to be proud of whether or not Bob wins.

F. TRIBAL COUNCIL APPOINTMENT. Kathy said that the Council has had the opportunity to look over all of the resumes. She stated that some people are wondering why the Council is only filling one vacancy at this time. She said that it is because at the time it was advertised in the newsletter, there was only one deceased member and shortly after another member passed away. The other vacancy will be appointed next month. Kathy started the interviews by asking James Compeau if there was anything he'd like to say. He said that he has also expressed an interest in he Gaming Commission and that it is his number one choice in front of being on the Tribal Council. James asked if he'd have to resign from the Council if he became a part of the Gaming Commission. Bill B. said yes because there would be a conflict between the two. James said that he would still like to be considered for the Tribal Council though. With no more questions, Kathy continued to Kim Kequom. Kathy asked her why she didn't include on her resume that she is a contracted employee of the Little River Band of Ottawa Indians. Kim said she did realize this afterwards. It was asked if her contract would be affected if she was elected. Bill B. said he didn't really see any affect. The questions then continued with Jay Sam. Kathy asked if he thinks he has enough time to devote to the Tribal Council since he is an

employee and very active in the committees. Jay said yes he feels he has the time, but would have to withdraw from the Council if a court system is implemented before the new Constitution since a Tribal Council member cannot be serving on the court system as well. Questions then continued with Janine Szpliet. She said all she has to say is that as a member of the Tribe, she has been actively involved and interested for the past few years. She said she feels she would represent the Tribe well and be willing to listen to the membership and be willing to reach out to the people and be even more involved. With no questions for Janine, the Tribal Council continued on to Jerry Guenthardt. Jerry said that he is a good choice because he is dedicated to the Tribe. Kathy continued on to Bill Willis. With no questions for Bill W., the Council moved on to Bob Hardenburgh. He said he is seeking a position for the dedication of the Tribe and to see the Tribe grow. He feels he would work hard for all of the members and has been involved with the Tribe for a couple of years. Bob mentioned that he and his wife are in the process of moving to Manistee and feels he could become more active. Kathy said that Connie Waitner was the other applicant, but she had to leave and won't be available at this time for an interview. Kathy asked all of the applicants if they wanted their resumes to be taken into consideration for the next vacancy to be filled in April. All of the candidates said yes. Kathy then asked the Council for nominations for the one vacancy. Kathy mentioned that she would like to see a female appointed to equal out the Council a little more and stressed that this was her own personal feeling. It was noted that staff members were applying for the position and it was asked of Bill M. what his prospective is on the issue since he is a staff member and a Tribal Council member. Bill M. said he thinks it is difficult and is a hard job to do in that respect because he has to be a member of a team, an employee and all of those other things for his job before he is a Tribal Council member. He said that because of this, you have to be able to separate your roles very distinctly. Bill M. said he feels that sometimes that is very difficult to do. It was asked if when the new Constitution takes place, will a staff member be able to be a Tribal Council member. Bill B. said yes, but they will have to abstain from voting on any issues regarding work detail. Kathy mentioned that each person is who they are and even though Bill M. said it's difficult, that doesn't mean it would be difficult for another staff member. Bill M. said that in regards to the appointment of a female, he thinks it is important and he recognizes it as a balance for the Council. Voting by ballot was agreed upon and the Tribal Council then cast their votes. Kathy then read off the votes. Three votes were for Kim Kequom and one vote for Janine Szpliet. Kim was then welcomed aboard the Tribal Council.

#### IV. CONCLUDING BUSINESS

A. NEXT MEETING. Kathy stated that the next Tribal Council meeting is scheduled for Sunday, April 13, 1997 at 12:00 p.m. A Tribal Council work session is also scheduled for Sunday, March 23, 1997 at 12:00 p.m. to go over the Committee Procedures Ordinance.

B. ADJOURNMENT. The meeting was adjourned by consensus at approximately 2:50 p.m.

C. CLOSED SESSION. The Tribal Council then went into closed session after a five-minute break.

3/20/97--vc