



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
EMERGENCY MEETING
FRIDAY, APRIL 3, 2020
LITTLE RIVER BAND
VIA TELECONFERENCE**

**OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians held an emergency meeting via teleconference on Friday, April 3, 2020. Following are the minutes of that meeting.

I. Call to Order

The Tribal Council meeting was called to order at 10:33 a.m.

II. Roll Call #1

T. Guenthardt -Present	C. Champagne -Present	D. Corey -	Present
S. Crampton - Present	G. DiPiazza - Present	R. Pete -	Present
R. Wittenberg- Present	D. Lonn - Present	S. Lewis -	Present

Quorum established.

Others Present: Rebecca Liebing, Elise McGowan-Cuellar, Kathleen Bowers, Larry Romanelli

III. Open Session

A. Approval of Supplemental Appropriation 2020-__ - 2nd QTR to fund the Emergency Assistance and Relief Payment Program in the amount of \$1,905,000

Ron Pete asked Rebecca if this is to approve just sending the April payment out.

Rebecca Liebing said from what I understand this is the funding appropriation certification of funds. I don't know if somebody from Accounting is on. Bill prepared it I think and emailed it to everybody. This is not my resolution. My resolution is the one that I sent to everyone which comes after the funding.

Pete said the question being is that this is only for the April payment right or does this include May.

Sandy Lewis responded April.

Larry Romanelli stated he just wanted to say when we talked about all Tribal members does that mean a minor member as well.

Lonn believes it is 18 and above.

Pete said that is how I looked at it.

Romanelli responded okay, thank you.

Liebing said everybody got the resolution and it is defined in the resolution as 18 and above. When I originally sent out the resolution I asked if anybody wanted any changes amongst a bunch of other questions and I got no feedback so I just left it at 18.

Romanelli said thank you for the clarification.

Cindy Champagne said I don't see anything in here saying if this is for April or for May. I figured for one month because of the amount.

Pete said yes, this is just for the April payment.

Champagne said okay because I don't see that saying that anywhere in there.

Romanelli just wanted to say that this is not saying I'm for or against this but I would be in support of having it include all Tribal ages because I don't think there is that much of a difference in cost. As you know I'm not really for this but if you were going to do it I would almost think it should include all. I will leave it at that for now.

Champagne said I personally didn't respond to include anyone under 18 because of the funding. Everyone was saying we didn't have the funding for this process so if we didn't have the funding for those over 18 I figured we sure wouldn't have the funding for everyone. Myself, I would include everyone because I always thought per cap should include everyone.

Pete said it is very reluctant that I was going to do this too but I think it should only be for family members that are 18 and over because of the funds that are going to be involved.

Diane Lonn said I am not in support of anybody but 18 and above. We don't have that kind of money right now.

Shannon Crampton said originally I contemplated everybody and I agree with Larry that if we are going to do this it is really not a big difference. Each mouth represents a cost that these people are going to have to pay for that they are going to incur. The kids don't just quit eating and going to the bathroom because there is a crisis. They need that money. There are going to be costs incurred in it. Like I said, I have to agree with Larry, it's not that big of a jump. My question would be, could it be amended to say that or do we need another approval to amend the certification of funds. My question would be to Rebecca.

Rebecca Liebing said the funds that they put in there will be just for adult members because Accounting is basing what they did based on the resolution that I sent them, which had 18 and above. So I think both would have to be amended. I don't know if anybody from Accounting is on the line to say how much that would be.

Dave Corey said I kind of agree with Larry and Shannon and a little bit of Diane but let me explain it. If we use the same amount of money and just divide it up and throw the . . . let's say there is 400 kids, I don't know the numbers, Diane probably knows them better, but however many kids there are that are actually Tribal members, it just means instead of the \$500, everybody is going to get like \$350 or \$400, whatever that magic number is right. That just means this same money just goes to that family a little bit, the families with six kids are going to get more money than a single mom with one kid, they are going to get say a total of \$600 so you have to keep that in mind. A lot of our Tribal members that call me they have split households so some of the kids don't live with them, some of them are all over the place. You know the story. So I just want to be mindful that I am for giving it to everybody, every Tribal member but the math is going to be the \$1,905,000.

Crampton said I think I have a solution. First I apologize Dave I didn't mean to cut you off. I think that in the interest of time we can move forward today and we probably, if we wanted to, include the children at a reduced rate of \$500 a head and include them on the next payment.

Pete said if there is a next payment we still have to have another emergency meeting to approve that next payment because this is just for April.

Crampton noted this one says that we are going to do April and the next month but the certification is just for this month. So for next month we would have to amend it and bring forth another certification

of funds and at that time we can include the kids and amend the next resolution to like \$500 or \$200 a head, whatever you guys are comfortable with that would include all of them. But that would still put this resolution out today to the membership.

Pete said so this is the resolution that just approves the April payment and we have to do another resolution in another few weeks if we want to do the May payment. Is that correct?

Crampton said yeah.

Corey said I just wanted to add how do you know I will be alive at the end of the April to get me my second payment.

Lonn said we don't.

Corey said right.

Lonn said but you get to pick your funeral because it is paid for.

Corey said I don't know if we can afford it. If I'm the first one Diane we can afford it but let's say we lose 500 people, then we run out of money then what?

Lonn said we are not going to lose 500, I have faith in the Lord. Stay home and do your thing we are okay.

Corey said sending the kids part of the money in the next payment is a very good idea just because of that. You don't know if I'll be here or not.

Pete said that is correct. Pete noted that right now we are just approving the payment for April of \$1,905,000. We can pass that today if we chose to do it. If we aren't going to do it, if there is no further discussion I still need a motion.

**MOTION TO APPROVE RESOLUTION # 20-0403-099,
APPROVAL OF SUPPLEMENTAL APPROPRIATION 2020-05
– 2ND QTR TO FUND THE EMERGENCY ASSISTANCE &
RELIEF PAYMENT PROGRAM IN THE AMOUNT OF
\$1,905,000; by DiPiazza; supported by Wittenberg.**

Ron Pete asked if there was any further discussion. Is anyone going to abstain?

Roll Call #2

T. Guenthardt -Yes	C. Champagne -Yes	D. Corey -	Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete -	Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis -	Yes

Motion carried (9-0-0-0)

B. Approving Emergency Assistance and Relief Payment Program of 2020

DiPiazza said this is a resolution to make it happen. The first resolution was to allocate the funds.

Shannon Crampton said this is the delivery vehicle we need to put in place to actually do the program.

Cindy Champagne said I sent out an email in regards to a question on #3 verification. I know Rebecca came back and said she just put it in there for future use. I am not really comfortable with #3 being in there where they are asking for forms and certification documents to facilitate the administration of the emergency assistance. Because I am not comfortable with that it could be read different and I don't want our members to have to go through filling out all kinds of papers and stuff. They said they would accept electronic signatures but as everyone knows not everyone has a computer. So I am not comfortable with #3 being in there. Otherwise I would be comfortable with the rest of the program.

Sandy Lewis said I also feel the same. What you are going to do is, if we make people jump more hoops we are defeating the purpose and there could be some cross-contamination. If people who don't have computers in the local area, just a guestimate you are going to have between 1 and 20 people walking in trying to hand, trying to do their paperwork right there and even one person that walks in there puts our people in jeopardy and then we have a stay at home order. It kind of defeats the purpose of having that if we are going to let people walk in and out of the building. I also agree with Cindy that you know that to make things less hectic, the people that don't have access to computers and I'm sure that there are many of them that are out of state that can't just drive up here from California or they don't have access, how are they going to get help. I think it should just state that everybody over 18 gets it. That's it.

DiPiazza said is there a tax purpose to make it exempt that they may have to fill out some sort of form like we used to do with, when we

sent out the surveys so people could have that as more of a program item for the payment.

Lewis said you are saying that Gary but what did we do the last time when we gave emergency assistance to the hurricane.

DiPiazza believes they had to fill out a form after they received the money and kind of say what they did with it. This time I don't think you really need to say what all did you buy other than you know other than you might have just received it.

Lewis said your question was the tax. If they were taxed, were they taxed?

DiPiazza responded on that one no.

Lewis said okay then so this one is also no.

DiPiazza said I could be wrong but that might be why the form you know, whether they fill it out or not, you know, I know even the last group for the Hurricane Katrina, I don't know if they still filled it out but as long as I believe it is available for them to do it being tax exempt . . . I could be wrong on that, but.

Lewis said the thing where it is taxed, then this is an emergency relief they should not be taxed either. Instead of complicating this for our people that are in dire need of help let's keep it simplified for them.

Crampton said I think that Rebecca grabbed the template that we had in place and I had the same concern and I sent out an email last night. When I went back and reread it and she responded this morning, it is absolutely correct, it says that they may develop. Now when they developed them for Katrina and disaster relief in the past that was for a few members. Now they developed those plans and sent off the tracking. For this one with all the Tribe is a logistical nightmare so I can't see them doing that and we can emphasize to them that this is not our wishes. It says they may create and it doesn't say they shall.

DiPiazza noted that is what he is trying to say that is kind of why it is in there. When we did the Katrina relief I know some of them didn't fill out that paperwork or send it back in, which is no big deal but I think that covers us and covers them that it is more of a member, a disaster relief, you know tax free. I think it still needs to be in there even though it says may. Are they going to fill them out, I'm not really going to hold somebody's feet to the fire for that but I believe it needs to be in there to cover that being tax exempt.

Champagne said I am not concerned about the tax relief on this part of it. As far as I am understanding, from what I have been reading, the federal government is not making people fill out forms. They are going by their tax record or their social security record and not making them fill out forms and I don't see why the Tribe would have to make them fill out forms. Just my opinion.

Lewis said do you think the may should just be took out or put possibly.

Pete said what we are dealing with right now is April.

Crampton asked what Rebecca thinks on this.

Rebecca Liebing said so after what Shannon and Gary already said because I think that they basically covered my basis, this is not meant to be like a pre-form that people have to fill out before they get the money at all. It is meant to be a placeholder in case for some reason let's say we get contacted by the federal government and they ask us questions about the program and they want us to do some follow-up this allows us to do that with our membership right. It allows us to say to our membership, it says that we might ask you some questions about this later for verification please, like please cooperate with us. In order to get the money out faster that is why I took the language in the resolution about the money being distributed through whatever means we have on file for them. So if they are a per cap and they have electronic distribution to their bank account that is meant to facilitate that so we don't have to wait for them to fill something out in advance. There are those members out there, we see it in the Currents, that get a check and don't pick them up. In that case we can reach out to them and have them fill out a form or something in order for them to receive these funds. All I wanted to do was create an opportunity for this program to look like a program where if we had to create documents and paperwork for it, we could do that. It is not meant to make it harder. It is meant to make it so we don't have to keep going back and amending the program later if something comes up.

DiPiazza said to me that is mainly to cover our rear ends and the members' rear ends.

Crampton said just for clarification, this doesn't mean that they have to fill this out before they get the funds.

Liebing responded no, that was never the intent. This is why it doesn't say shall and it says may and it just says that they might create them. They are not even existing right now.

Crampton responded perfect.

Pete said I am good with that. I feel very good with that. You guys okay?

DiPiazza said in the last NOW THEREFORE under the A. I would like to change that after it says "available in the month of April and upon the review and approval of Tribal Council in the additional amount of \$500 may be available for the month of May".

Champagne asked where are you looking.

DiPiazza said it is on page 4. NOW THEREFORE IT IS RESOLVED THAT and under that is 1. Relief funds, next is A. Tribal members and about the middle of it, available for the . . . where it says "Tribal members for each single adult member in the sum of \$500 shall be available for the month of April and that is where I would like to add "upon the review and approval of Tribal Council in the additional sum of \$500 may be available for the month of May". So basically it is just needs to come back in front of us because at the end of that time we have no clue what is going to happen. The funding already has to, the certification of funds for the next round still has to come in front of us to be authorized anyways.

Lonn said that is true.

Crampton said then we can amend it and pick up the kids if we wanted to at that time.

Pete said I am good with . . .

Lonn said I think we need to bring it back later.

Champagne said the only thing that I wanted to add that is not in this resolution is that I don't think emergency reliefs are qualified for garnishment and I think that some of the per caps may have had garnishments to it so I would say that we would have to look to see if there are garnishments and make sure that they go to the members and not to whoever the garnishment has. I sent Rebecca an email and I think you guys were probably copied on it asking about that. So I still have a question on that.

Liebing said just so you know Gary asked me that question too and unfortunately it is not a simple answer because some garnishments that are processed are specific like you said to per cap and some are not. What I did was I forwarded the question to Accounting. I agree with you that I don't think that these should be garnished but I just wanted to make sure that the understanding is the same as what Accounting has and practicing it because they are going to follow the orders of the court because they are obligated to do so. So I just kind of highlight for them if they saw any problem with processing them without garnishment. I have not received a response yet from them but again that was pretty recent that those requests have been sent. I am going to follow up again. I don't think it should be garnished but sometimes garnishments are specific to per capita and sometimes they are on whatever like wage garnishment or payment garnishment. It is really going to depend on the individual Tribal member but the Accounting Department is pretty aware of what garnishments they have out there so I am hoping to get some information from them but I just unfortunately don't have it right now.

Steve Wheeler said I have the same feeling that they probably should not be garnished. There are so many garnishments in our system that we are really going to have to go through and review the wording on all of these garnishments. If they are specific to per cap, they are specific to per cap. However, we are going to have to make a determination if they are in there for, I'm not sure if any of them say any and all Tribal payments, then I think we have got to kind of review that and that is something that I would probably approach Legal and/or the courts.

Tom Guenthardt said if that is the case it would take a court of law to figure all the garnishments, it will take quite a while before they will be getting their funds. How long will it take them to sort that out?

Pete said I am fine with Rebecca's explanation and I'm fine with the garnishment thing if that is what it is going to take and how they are written. I don't know how all that works but it still leaves us with B. So is there any further discussion on B. If not, can I get a motion?

DiPiazza asked if everybody was fine with that added language.

Kathleen Bowers asked if Gary could state it again so I could get it in the resolution correctly.

DiPiazza said I am not making a motion. This is just to clarify it. It is under page 4, NOW THEREFORE IT IS RESOLVED THAT 1. Is relief funds and then a. where it states Tribal members for each single

adult, let me start over. Tribal members for each single, adult member in the sum of \$500 shall be available for the month of April and this is where I would like to add that, upon the review and approval of Tribal Council an additional sum of \$500 may be available for the month of May.

Bowers said thank you.

DiPiazza said that gives us the opportunity to alter this document if need be.

Crampton said I really wouldn't agree with that language because I would like to lock in the \$500 for the next month. I mean I can see the concern and I kind of share the concern but we can amend this before the next month if need be but I want to make sure that \$500 is locked in. I like the language of shall be available not may. We just passed . . . I don't think that would even coincide with what we just passed prior.

Lonn said I don't agree.

Lewis said couldn't you just put that we are getting \$500 for the month of April and that we will look at it again and then also the \$500 in May and then to include review of under 18.

DiPiazza said that gives us that opportunity. When it is just locked in where you are just locking it in, you still have to go in and alter the whole resolution and it still has to, the allocation of funds still has to come in front of Council anyways so you still have to have another meeting to allocate more funds to pay even the kids and everybody so that still has to come in front of us anyways.

Champagne said I would agree with Shannon on this. I don't want it to say may because then we aren't going to have that money available to our members. We are sending them only \$500 and we alter the second one and why hold up this first payment if we can make a go at this point. We can alter the next one for May. We are going to have to meet in a week or so and we can get that going. I would let this one go.

DiPiazza said I guess you need some sort of headcount of who is in favor of just leaving it the way it is or putting that clause in there that it would have to come back in front of Tribal Council again to be voted on again for the next payment.

Liebing said the easiest thing for you to do is just to make the motion to make the amendment and just go through the roll call like you normally would.

DiPiazza said I can make that motion then.

Lonn said what are we voting on exactly so there are so many different opinions.

DiPiazza said the resolution that is in . . . it would be the resolution that is in front of you with the alteration on the portion. All that does is allow it to come back in front of Tribal Council to vote on it again.

Lonn said okay.

Crampton asked if we could hear from Rebecca on this.

Liebing said just to clarify Gary is making a motion to amend the language of the section that he mentioned which would change it from \$500 shall be available in the month of May to coming in front of Council for review and approval and it may be available for the month of May.

Lonn said I support it.

DiPiazza said I haven't made a motion yet.

Lewis said I think we should just do it as is and when we need to go in next week and start working on adding the kids. I think it should just go as is with no changes. The funds are available and we already did all this. I think it should go with no changes as is right now. Before we get off the phone know that we are all going to meet sometime next week to start figuring out how we add the kids in during May.

Pete asked if we could do this under and keep our schedule the way that it is right now, could we do this in Closed Session next week Wednesday.

Lonn said I don't know why not.

Pete asked if we can do it next week Wednesday. It is next week anyways so my question is if that is going to be okay if we put this under Closed Session to discuss for next week Wednesday.

Lonn said it is fine with me.

Lewis thought we were voting on it today.

Pete said we are voting on this today. Sandy, we are voting on this today the way it is and then we talked about the May payment that we could discuss that next week Wednesday in Closed Session and get a financial review again at that time and see where we stand for May.

Lewis said thank you for the clarification.

Pete asked if that is okay.

Lewis responded yes.

Pete asked if that is okay for everybody for next Wednesday Closed Session?

Larry Romanelli said next week?

Cindy Champagne said the second one for May is next week Wednesday that is fine with me.

Pete said if we talk about next week Wednesday, why make it a special meeting if we can just do that at a regular Tribal Council Meeting next week to discuss it then.

Kathleen Bowers said you are putting that in closed, just the discussion of it, I just don't know what I am putting that under for next week.

Crampton said the discussion to include minors and the next payment.

Bowers doesn't know if that is a closed session item necessarily but I will put it there. Okay.

Champagne would agree that it is not a closed session meeting but as long as we get it done that is all I'm worried about.

Crampton said you can just title it Emergency Relief for May.

Bowers said okay I will do that.

DiPiazza said my question is I guess I heard from like three people that nobody wants the added language in there.

Lewis said nope.

DiPiazza said I only heard three people so.

Pete said I don't want it. I think let's just vote what we have to vote on right now and call it a day.

Liebing said we still need a motion to approve it.

Crampton said I just wanted to make certain that, there is so much, this was an effort to help the members and there is so much crap going around and so many stories swinging around I just wanted to make sure that nobody walks out of this room and say that we didn't include the kids because we are contemplating them. Mr. Romanelli brought it up and we did talk about it. I know Sandy was on it. I think we are all in favor of that but I just wanted to respond. These are hard times for everybody.

Pete said we will have that discussion. Does that suffice?

Crampton said yeah, that is fine with me.

Champagne noted if Steve Wheeler is still on the phone I would like to ask Steve when he is going to be able to let us know if he is not going to do the garnishments on those per cap, or not per cap but the emergency relief payment. Maybe Rebecca could check with the lawyer that she had checked with in regards to the tax qualifications of this emergency relief and maybe he could tell her how that one should be handled. It is my concern.

Liebing noted this is how I am going to respond to that. The tax lawyer is not a garnishment lawyer so it wouldn't really be the same thing but ultimately what it is going to come down to is the actual language on the court order of the garnishment. That is what we have to look at. It is what the court says on the garnishment. So what Steve said is we may be able to reach out to the court to just say court, our understanding is that this is disaster relief and we are processing this outside of the garnishment and does that comport with what you think is the right thing to do. If the court says it is okay then we know that that the court is not going to come after us for not doing the garnishment and that is the body that (inaudible). That is what I think we have to do and I will get with Steve on that.

Champagne responded thank you.

Steve Wheeler said we are going to start looking at the garnishments on Monday and go through and I will try to contact the court. Thank you.

Pete asked if every question has been answered. Can I still get a motion?

MOTION TO APPROVE RESOLUTION # 20-0403-100, APPROVING EMERGENCY ASSISTANCE AND RELIEF PAYMENT PROGRAM FOR 2020; by DiPiazza; supported by Lonm

Ron Pete asked if there was any further discussion. Is anyone going to abstain?

Roll Call #3

T. Guenthardt -Yes	C. Champagne -Yes	D. Corey -	Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete -	Yes
R. Wittenberg- Yes	D. Lonm - Yes	S. Lewis -	Yes

Motion carried (9-0-0-0)

IX. Adjourn

MOTION TO ADJOURN THE MEETING; by Lonm; supported by Wittenberg.


Roll Call #4

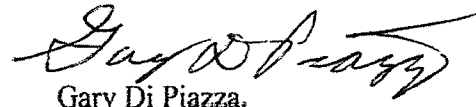
T. Guenthardt -Yes	C. Champagne -Yes	D. Corey -	Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete -	Yes
R. Wittenberg- Absent	D. Lonm - Yes	S. Lewis -	Yes

Motion carried (8-0-0-1)

The meeting was adjourned at 11:19 a.m.

Respectfully Submitted,


Kathleen Bowers,
Transcribing Assistant


Gary Di Piazza,
Tribal Council Recorder