



Little River Band of Ottawa Indians

1762 U.S. 31 South
Manistee, MI 49660
(231) 723-8288

APPROVED
4-24-00

**TRIBAL COUNCIL MEETING MINUTES
REGULAR MEETING
Saturday, April 8, 2000**

I. PRAYER

Al Medacco offered the Prayer

II. GENERAL BUSINESS

A. CALL TO ORDER: 1:13 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.

SWEARING-IN CEREMONY FOR TRIBAL OGEMA – ROBERT GUENTHARDT
Chief Judge Daniel Bailey administered the Oath of Office. Honor Song was performed by John Twohawks.

C. CONSENT AGENDA:

1. APPROVAL OF AGENDA.

*** Motion: Kathy Berentsen – “To move Items R, S, T, U and V to New Business, instead of Old Business, they never were on a prior agenda so they are not considered Old Business, list them under New Business – R would be E, S would be F, T would be G, U would be H and V would be I under New Business”**

*** Support: Carol Bennett**

Roll Call:	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

*** Motion: Janine Szpliet – “Add New Business, Item J – Approving the payment of fees and expenses for the February statement to Peninsula Legal Services”**

*** Support: Kathy Berentsen**

Roll Call:

C. Fisher – Aye	D. Koon – Yes
L. McCatty – Yes	E. Porter – Yes
J. Spalding – Yes	J. Szpliet – Yes
C. Waitner – Yes	C. Bennett – Yes
K. Berentsen – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

*** Motion: Joan Spalding – “To add Item K to New Business – Resolution approving budget modification and appropriation of General Funds to purchase National City Bank building”**

*** Support: Don Koon**

Roll Call:

D. Koon – Yes	L. McCatty – No
E. Porter – Yes	J. Spalding – Yes
J. Szpliet – Yes	C. Waitner – Yes
C. Bennett – Yes	K. Berentsen – Yes
C. Fisher – Yes	

Motion passes: 8 for, 1 opposed, 0 abstain and 0 absent.

*** Motion: Joan Spalding – “To add approval of descendants to hunt on Tribal lands to the agenda”**

*** Support: Janine Szpliet**

Roll Call:

L. McCatty – Yes	E. Porter – Yes
J. Spalding – No	J. Szpliet – Yes
C. Waitner – Yes	C. Bennett – Yes
K. Berentsen – Yes	C. Fisher – Yes
D. Koon – Yes	

Motion passes: 8 for, 1 opposed, 0 abstain and 0 absent.

*** Motion: Charles Fisher – “To remove Old Business, Closed Session, Item II, Personnel Matter, the understanding is that it has been taken of”**

*** Support: Janine Szpliet**

Roll Call:	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

*** Motion: Janine Szpliet – “To accept the agenda as amended”**

*** Support: Elaine Porter**

Roll Call:	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

2. APPROVAL OF MINUTES.

2/28/00 Regular Meeting Minutes:

*** Motion: Janine Szpliet – “To accept the February 28 minutes as presented”**

*** Support: Elaine Porter**

Roll Call:	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

3/13/00 Emergency Meeting (Open Session) Minutes:

*** Motion: Janine Szpliet: “To approve the March 13 (Open Session) Emergency Meeting minutes”**

*** Support: Elaine Porter**

Roll Call: **K. Berentsen – Yes** **C. Fisher – Yes**
 D. Koon – Yes **L. McCatty – Yes**
 E. Porter – Yes **J. Spalding – Yes**
 J. Szpliet – Yes **C. Waitner – Yes**
 C. Bennett – Yes

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

3/13/00 Closed Session Minutes:

- * Joan Spalding mentioned that because the minutes are a separate document, that the minutes should reflect which Tribal Council members were present.
- * Kathy Berentsen questioned whether the Natural Resource Commission had been given a chance to look at the minutes.
- * Joan Spalding responded by saying that the ordinary course of business does not provide for that.
- * **Motion: Joan Spalding – “To table the 3/11/00 Closed Session Minutes, to have the Council Members who were present recorded in the minutes”**

*** Support: Janine Szpliet**

Roll Call: **C. Fisher – Aye** **D. Koon – Yes**
 L. McCatty – Yes **E. Porter – Yes**
 J. Spalding – Yes **J. Szpliet – Yes**
 C. Waitner – Yes **C. Bennett – Yes**
 K. Berentsen – Yes

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

3/27/00 Regular Meeting Minutes:

*** Motion: Janine Szpliet – “To accept the March 27 Regular Meeting minutes as presented”**

*** Support: Connie Waitner**

Roll Call: **D. Koon – Yes** **L. McCatty – Yes**
 E. Porter – Yes **J. Spalding – Yes**
 J. Szpliet – Yes **C. Waitner – Yes**
 C. Bennett – Yes **K. Berentsen – Yes**
 C. Fisher – Yes

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

3/29/00 Emergency Meeting Minutes:

- * Joan Spalding mentioned that on page 5, motion at the bottom states “That we accept it as amended”, but she did not see a motion recorded to amend.
- * Janine Szpliet said that it referred to the motion just ahead of that.
- * Joan Spalding responded by saying, that motion was disposed of, so it is not up to be amended. If the minutes are accurate in that this motion was voted on and it was passed, then you can no longer amend the motion.
- * Janine Szpliet stated that she was voting to accept the contract as amended, that is what she specifically recalled.
- * Joan Spalding also mentioned that at the top of page 5, there was a motion to amend, but it doesn’t state who made the motion.

*** Motion: Janine Szpliet – “That the Emergency Meeting minutes from Wednesday, March 29, 2000 be postponed until the Recorder clarifies the minutes as noted to be presented at the next meeting”**

*** Support: Carol Bennett**

Roll Call:	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

3. MANAGER REPORT.

*** Motion: Elaine Porter – “To accept the Mangers Report as written”**

*** Support: Connie Waitner**

Roll Call:	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Abstain	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – No
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	

* Lisa McCatty asked why Janine Szpliet was abstaining.

* Janine Szpliet responded by saying that she did not hear the motion.

Motion passes: 7 for, 1 opposed, 1 abstention and 0 absent.

4. ATTORNEY REPORT.

* Kathy Berentsen stated that because the Council had just received the written report, that Bill Brooks give a verbal report.

* Bill Brooks proceeded with verbal report.

* **Motion: Kathy Berentsen – “To accept the Attorney Report as presented”**

* **Support: Janine Szpliet**

Roll Call:	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

5. FINANCIAL REPORT.

* Dan Broton presented verbal report.

* Kathy Berentsen asked whether \$25,000 deposit for the Bank building had been waived.

* Dan Broton responded by saying that it had been waived.

* **Motion: Kathy Berentsen – “To postpone the Operating Budget - 2000 Financial Statements until the next meeting”**

* **Support: Janine Szpliet**

Roll Call:	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

6. DEPARTMENT REPORTS.

* Joan Spalding stated that the Enrollment Department report had some names that were mentioned and she suggested that names not be put in the reports.

* Janine Szpliet commented that on the year-end report to the BIA, which was included in the Assistant Managers report that there was a problem regarding the Tribes reporting, meeting the reporting requirements under specific grants.

* Janine Szpliet mentioned that she would like to see some sort of notice or memo to the Ogema's office requesting some type of evaluation of the grant programs, are the reporting requirements being met as stipulated by the grant application that the Tribe has.

* **Motion: Janine Szpliet – “That the Tribal Council request a review and evaluation of grant programs be completed by Tribal Administration for the third and fourth quarter of 1999 and the first of 2000 to ensure that all financial and narrative reporting has been completed as required by the grant requirements, with this report to be completed and presented to the Tribal Council at the first meeting in June”**

* **Support: Elaine Porter**

Roll Call:	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

* **Motion: Janine Szpliet – “That the minutes reflect which departments submitted reports to the Tribal Council”**

* **Support: Elaine Porter**

Roll Call:	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

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

Tammy Carter – Assistant Manager
Barb Stoevsand – Health Clinic
Donna Kosiboski – Diabetes Grant
Gaming Commission
Kim Alexander – Enrollment

7. COMMITTEE/COMMISSION MINUTES.

* Janine Szpliet asked when the next Binojeeuk Commission was.

* Joan Spalding responded by saying that it was Friday, April 14., but that these meetings are Closed Meetings because they are in regards to individuals.

* Janine Szpliet stated that she was concerned because the minutes do not reflect who was at the meeting.

* **Motion: Janine Szpliet – “That the minutes reflect the committees and commissions that submitted minutes”**

* **Support: Elaine Porter**

Roll Call:	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

* *The following minutes were noted as received:*

Binoeeuk Commission	March 2000
Election Board	February 28 and March 16, 2000
Natural Resources	February 16, February 21, March 1, March 7, March 13 and March 15, 2000
Enrollment Committee	March 17, 2000
Elders Committee	March 4, 2000
LRC Business Board	March 7, 2000

D. INTRODUCTION OF GUESTS.

* Joan Spalding asked that everyone in attendance introduce themselves.

E. PUBLIC COMMENT.

* Janine Szpliet mentioned that although there was no policy yet for how Tribal Council meetings would be conducted, that she would like to request that persons making public comment state their name, because public comment is recorded in the minutes there needs to be a means of identifying who made what comment.

- Request: That the Tribal Council use sign-in sheets for worksessions, so that the membership has an idea which Council members are attending meetings and which ones are not.
- Question: Is there a policy or procedure that the Tribal Council is working under ?

* Joan Spalding responded by saying that there was none at this time, but that is one of the ordinances that are currently available for public comment.

- Question: Is the membership aware of this and did they receive a copy of the documents ?
- * Joan Spalding replied by saying that the documents were no mailed to the members, but there was a notice put in the newsletter stating that if any member wanted a copy that they should call the office and request a copy.
- Question: Now that Bob Guenthardt has been sworn as Ogema, isn't it true that we no longer have a Tribal Manager ?
- * Joan Spalding mentioned that in essence that was correct, although he would continue to serve in that position until one is hired. There is a posting right now, but the title has been changed to "Director of Operations", and that person would take the place of the Tribal Manager, just a title change.
- Comment: Carol Bennett commented on the issue of sign-in sheets for Council worksessions by stating that worksessions are not mandatory and she disagrees with the sign-in sheet going into the worksessions, due to the fact that the information the Council reads comes to them in their packets, they read it, they are knowledgeable about it. If they vote something down, it is not that they have the lack of knowledge, but if they don't read it there is usually time enough to read it. Because so many of the Council members come and go at the worksessions, and can't be there at one time. The Council members who are there early in the morning they explain anything that they worked on. She said that she drives 150 miles and may get there 1 hour to 1 ½ hour later than the others. It would be almost like punching a clock and the Council does not work as employees, they were elected, they are Council members. The Council doesn't get paid other than when they are working.
- Question: Why doesn't the Tribal Manager give a verbal report in addition to the written report, so that the members can ask questions ?
- * Joan Spalding said that at this time there is no policy, procedure or law that says the Tribal Manager has to be present at Tribal Council meetings to give a verbal report.
- Question: Is that going to be in the policies and procedures at some point and time ?
- * Joan Spalding responded by saying that may be the case at some point, but under the Constitution and the Council has no direct authority over the Tribal Manager, that is the Executive branch of the government. In order to have any type of authority over the Executive branch is through making law. At this time, there is no law that says the Tribal Manager has to be at a Council meeting, or anyone else.

- * Janine Szpliet mentioned that however, under the Constitution, the Ogema is directed under Section 5, item 5, "To prepare monthly reports for the Council...". She is in favor of sending a request to the Ogema's office that he be present at the first meeting of the month to also deliver a verbal. The Council doesn't have the authority to compel him to do that, but based on member input the Council could request that it be done and she is in favor of doing so.
- * Janine Szpliet said that now that there is an Ogema, the office is required to make quarterly reports available to the members, she would recommend that if members have suggestions on what they would like to see as far as specific reporting that they should drop the Ogema a note to let him know what they want in that report on a quarterly basis.
- * Kathy Berentsen said that she agreed that if the Tribal Council was not going to have verbal reports, then she believed the Council should have written reports for the membership so they can take them, read them and come to the next public comment with questions, that is the only way they will get the information.
- * Connie Waitner said that the Council could request the Ogema to provide or have the courtesy to come to the meeting for a verbal report, but the Council can not mandate that kind of thing. The Director of Operations could be requested to give an update.
- Comment: It was felt that a verbal report should be given by the Ogema, Accountant and the Attorney, in addition to a written report, so the members can be aware of what is taking place.
- Question: The recent newsletter did not have anything about the Membership meeting, is there going to be a separate mailing for that ?
- * Joan Spalding responded by saying that she was not sure why there was nothing in the newsletter and she did not know if there was going to be a separate mailing.
- Question: Is the information Dan Broton handed out to Council the approved budget ?
- * Joan Spalding replied that she had not looked at it, Dan Broton said it was, so she presumed it was, the Council just received it.
- * Kathy Berentsen stated that she had made a motion to postpone the approval of that information until the Council had an opportunity to review the material and compare it to the information from January.
- Comment: It would be nice if the membership knew how much time the Council members were spending on conducting business for the Tribe, if that information was available to the members then maybe they wouldn't have such a difficult time with the wages the Council is making.

- * Kathy Berentsen asked if that was the general wages for the Council.
- Comment: There will come a time when that is an issue, if the members have a history of how much time the Council is spending governing the Tribe, then the issue will not be so objective to the members.
- * Joan Spalding mentioned that the actual amount is not a reflection of actually how many hours were worked, only a portion of time that each Councilor spends gets paid for. We do not get paid for all the work they are doing.
- * Kathy Berentsen said that if the rest of the Council did not object, that she would pass around a sample of the timesheet the Council uses, which includes the codes for each activity that is allowed.
- * Carol Bennett said that the Council does not get paid for reading their packets or for time they spend on the telephone.
- * Elaine Porter stated that it's good information for the future, but the maximum time for Councilors is forty hours a week, no matter how many is actually spent working.
- Comment: There is not a day that Joan is not in the office an she gets paid big dollars.
- * Joan Spalding reiterated the fact that no Councilor gets paid more than forty hours regardless whether they work sixty or eighty.
- Question: If our Tribe is here for the members, then why is it that every time a members family needs something they have to go to FIA and get a disapproval from them for this or that, is that not why our Tribe is here.
- * Joan Spalding mentioned that until this year the Tribe was funded totally by BIA and IHS dollars, they are the ones that put those regulations on us, we had no choice but to abide by those same regulation in order to get those dollars at all. We are working on trying to work using the other revenue funds to provide more services than what those government dollars would cover in the past, the Tribe didn't have a choice, it was a regulation.
- Question: Is it possible to get minutes from the past Tribal Council meetings ?
- * Kathy Berentsen said that once the minutes are passed by the Tribal Council a member can go to the office during office hours and review them, If you want a copy to take out then you have to submit a written request. The Constitution says that if the member is not going to review them at the Office, then they need to have something in writing.

*** Joan Spalding called for a ten minute recess prior to proceeding with the agenda under Old Business.**

III. OLD BUSINESS

A. ACCEPTANCE OF FINANCIAL STATEMENTS FOR DECEMBER 31, 1999.

- * Lisa McCatty asked why the buildings were still listed on the back page.
- * Dan Broton replied by the schedule of long-term debt lists the line of credit for the Orchard property and the other buildings. The Orchard property was paid off on January 3 or 4, but still show in the December 31 statement.
- * Connie Waitner asked what kind of measures need to be taken to remove the 1996 and 1997 Pow Wow information off the records.
- * Dan Broton responded by saying that would be a year-end adjusted entry. What For example, the 1995 ANA Grant, we still carry the balance on the statement, it has to be closed to the general fund. It is generally something that the in-house accountant will do at year-end. At year-end the Tribal Council will get three sets of financial statements, one is a compilation which includes all the rough data with no changes, no adjusting entries. The second set will be the adjusted set with all the needed adjustments in it, and that is the set that will go to the Auditor and they work off of that set. The third set is an audited set. At the end of the year the Council should be looking for three sets of financial statements. There may have to be one other material change when the Council gets the final financial statement for the year and that will be in handling of the component unit housing. The Tribe is in an uneasy position right now, in that the housing has never been accounted for as a component unit, which is separate from the primary government, they have their own Board that can stand alone, but functionally they have operated as part of the primary government throughout the course of this year and the year prior. They have never been accounted for or audited. We set them up as a component unit in the financial statements for the sake of showing the break-out as to the effect they have on the governmental operations. The Tribal Council has to make the decision and the assumption is right now that they are not a component unit, form says they are and we can't have that, we have to have it one way or the other and he can't make that decision. The Tribal Council has to decide, is the housing and HUD development going to be taken back into the primary government operations or is the accounting functions, the management function and everything going to be separated and operated as a true component unit, which will require several hours of discussion.
- * Janine Szpriet asked about the enterprise funds there is reference to two separate enterprises that the Tribe has sole ownership of, in order to break it out between the Gaming operation and the Construction Company, is this combined.

- * Dan Broton responded that those were combined. When the Council approves the financial statements they are only approving the first two pages and notes, combined R & E and notes, everything else is supplemental.
- * Janine Szpliet asked if she wanted more detail on the Gaming and Construction Company would she go to him.
- * Dan Broton said that she could come to him and he would also provide that information to the rest of the Council.

*** Motion: Connie Waitner – “To approve the December 31, 1999 Financial Statements”**

*** Support: Elaine Porter**

Roll Call:	C. Fisher – Aye	D. Koon – Yes
	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

B. CONSIDERATION/APPROVAL OF PURCHASE AGREEMENT FOR “VET PROPERTY” ADJOINING CASINO PROPERTY.

- * Janine Szpliet mentioned that Jim Dolan was going to prepare a rational in support of the purchase of this property.

*** Motion: Janine Szpliet – “Item B, Old Business be tabled until the last item under Old Business”**

*** Support: Connie Waitner**

Roll Call:	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – No
	C. Fisher – Yes	

Motion passes: 8 for, 1 opposed, 0 abstain and 0 absent.

C. AMENDMENT/DESIGNATION OF AUTHORIZED HOLDERS OF TRIBAL CREDIT CARDS AND ESTABLISHING LIMITS AND PROCEDURES FOR THE USE OF SUCH CARDS.

- * Dan Broton stated that the Bank says it wants to see a resolution outlining what the Tribe wants and they will set it up, and the Council has said bring us what the Bank is offering. He needs to know who wants what, because he can't make that decision.

- * Joan Spalding mentioned her recollection was that Dan recommended that the Council put it on hold until the Tribe knew whether or not the bank was going to require a resolution or some other collateral.
- * Dan Broton responded by saying that the response from the bank was that there would not be any other collateral needed.
- * Janine Szpliet asked if the agreement the Tribe has with the bank is an unsecured line of credit.
- * Dan Broton replied by saying basically.
- * Kathy asked if the Tribe has limits and procedures established.
- * **Motion: Kathy Berentsen - "That item C be removed from the agenda until limits and procedures can be established for the use of such cards"**
- * Bill Brooks said that the main issue that the Council needs to decide is who is going to have the cards and what the credit limits are going to be, the previous resolution that designated the individuals for the other cards does include the language pertaining to the procedures.
- * Janine Szpliet mentioned that she would recommend that the language from the previous resolution be taken out and copied onto an actual policy format and then the Council could adopt a policy statement.
- * Kathy Berentsen said that she agreed with Janine Szpliet's idea.
 - Question: How many people is the Council going to give credit cards to ?
- * Connie Waitner replied that the request is for two people, Bill Willis and Joan Spalding.
- * Dan Broton mentioned that the issue came to light because the limits on other cards was insufficient to meet the needs. Dan said that ideally he would like to see a purchasing and procurement office that handles all travel, have all purchasing and travel centralized.
- * Janine Szpliet asked for Kathy Berentsen to repeat her motion.
- * **Motion: Kathy Berentsen – "That the Council remove item C from the agenda until such time that more information is presented to put the item back on the table, including establishing the limits and procedures, which adequately would be described in the preceding motion that established the other credit cards"**

*** Support: Janine Szpliet**

Roll Call: **L. McCatty – Yes** **E. Porter – Yes**
 J. Spalding – Yes **J. Szpliet – Yes**
 C. Waitner – Yes **C. Bennett – Yes**
 K. Berentsen – Yes **C. Fisher – Yes**
 D. Koon – Yes

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

D. CONSIDERATION OF MEMBERSHIP IN THE NATIONAL INDIAN GAMING ASSOCIATION.

* Janine Szpliet mentioned that the Tribe did not receive any additional information from NIGA regarding prorated dues for the Tribe, but the dues would not be in excess.

* **Motion: Janine Szpliet – “To amend the resolution - Approving the budget modification in the amount of \$10,000 to appropriate General Revenue Funds for membership dues in the National Indian Gaming Association, on page 2, second paragraph, under - It is further resolved, by striking the word Elect after the word Ogema”**

*** Support: Connie Waitner**

Roll Call: **E. Porter – Yes** **J. Spalding – Yes**
 J. Szpliet – Yes **C. Waitner – Yes**
 C. Bennett – Yes **K. Berentsen – Yes**
 C. Fisher – Yes **D. Koon – Yes**
 L. McCatty – Yes

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

➤ Question: Does this organization have rules and regulations that the Tribe Would have to abide by ?

* Janine Szpliet replied that the Tribe is already abiding by NIGA rules, when the Gaming Commission adopted the Minimum Internal Control Standards they made sure that they complied with both NIGA and NIGC minimum recommendations, so the Gaming Commission in adopting their rules has taken both into consideration. Where NIGA is more stringent then NIGC, they have opted for the NIGA standards.

* Joan Spalding mentioned that NIGA works toward federal legislation not being passed that would be harmful to the Indian tribes and their operating of gaming.

* Janine Szpliet also said that there are training opportunities that come with the membership and conference opportunities. It will give the Gaming Commission additional resources as well as provide a voice for the Tribe When it comes to legislative matters on the national level for Indian gaming.

- * Bill Brooks responded by saying that NIGA is extremely well respected in Indian Country and they are very influential in Washington D.C.
- * Janine Szpliet mentioned if the Tribe were to participate in training that it would receive a discount on the fees.
- * Joan Spalding said that she believed that the only funding that NIGA received was from membership fees and that there are approximately 357 tribes who were members of NIGA.
- Question: If the Ogema goes to an NIGA meeting is that person going to come back and give a report ?
- * Joan Spalding replied that the Constitution does not give the Tribal Council governing authority over the Ogema.
- * Bill Brooks responded by saying that he was in disagreement with the Tribal Council as to the understanding of the scope of their authority under the Constitution. The Ogema's responsibility is to do whatever the Council tells that person to do.

*** Motion: Connie Waitner – “To approve Resolution #00-0408-01, Approving budget modification in the amount of \$10,000 to appropriate General Revenue funds for membership dues in the National Indian Gaming Association”**

*** Support: Elaine Porter**

Roll Call:	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – No
	K. Berentsen – No	C. Fisher – Yes
	D. Koon - Yes	L. McCatty – No
	E. Porter – Yes	

Motion passes: 6 for, 3 opposed, 0 abstain and 0 absent.

E. APPROVING BUDGET MODIFICATION IN THE AMOUNT OF \$87,291.18, FINAL WORK FOR CASINO ADDITION.

- * Connie Waitner stated that this was the final bill for the expansion that opened in December.
- * Dan Broton said he had met with Connie Waitner to try and reconcile the bills actually associated with the Casino expansion.
- * Janine Szpliet stated that the Council has had discussion about what the first facility cost, what the addition has cost, now there are additional renovations being done and she felt that it would be appropriate for the Council to get a report from Casino management regarding the overall, to date, total cost of the project with what the Tribe has sitting on the property.

*** Motion: Connie Waitner – “To approve Resolution #00-0408-02, Approving budget modification in the amount of \$85,621 to appropriate General Revenue funds for expenses associated with final work on Casino addition”**

*** Support: Elaine Porter**

Roll Call:	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – No	K. Berentsen – No
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – No	E. Porter – Yes
	J. Spalding – Yes	

Motion passes: 6 for, 3 opposed, 0 abstain and 0 absent.

F. REAPPROPRIATING OF FUNDS AND APPROVAL OF COMPUTER PURCHASE, INTERNET LINE HOOK-UP, COPY/FAX/PRINTER MACHINE FOR TRIBAL COUNCIL.

* Janine Szpliet stated that she did not have the opportunity to obtain dollar amounts for these items. These items were not accounted for in the second quarter appropriation and she did not have a resolution, but she did support the purchase of these items. At this point she was looking for support from the Council, because if the Council is not in support of the request then it would be a waste of time to continue to do the research.

* Joan Spalding mentioned that her recollection was that there was enough money put in the 2000 budget to purchase nine computers, but it was cut back to five and that was for placement in offices.

* Elaine Porter said that she was having a hard time comprehending purchasing nine computer systems, what happens when we get offices do we then get addition computers.

* Lisa McCatty said she recommended getting laptops, but that would depend on the individual.

➤ Question: What happens to the computer when the term of the Council member is up, would they return it.

* Kathy Berentsen said that she felt because it was related to Council business, then when a Council members term is up the property would still belong to the Tribe.

* Carol Bennett felt that the Council members should have to sign a paper stating that they have it and then the Tribe would have the ability to get it back.

* Janine Szpliet mentioned that a rough estimate would be about \$2,500 per Councilor. The office of Inspector General has come out with a new ruling allowing Tribal Council expenses to be allocated to the Indirect Cost.

* Janine Szpliet also mentioned Dan Broton has pointed out that supplies are also able to be routed through Indirect Cost lines. Although it would be the proper thing to do would be to sign that computer out, the computer that the Council buys today will be obsolete in three years as far as technology goes. The Education Department furnishes computers to students and the way we treat those computers is that they are consumable supplies, we do not require the students to return those computers to the Tribe. On the balance sheet they would be carried as a small equipment purchase.

* Joan Spalding said she felt that it was misleading in regards to the statements about Council expenses being part of Indirect Cost, because she didn't believe it says in its entirety.

* **Motion: Kathy Berentsen – “That Janine proceeds forward with looking at computer purchase, Internet line hook-up, copy/fax/printer machine for the Tribal Council”**

* **Support: Lisa McCatty**

Roll Call:	C. Waitner – No	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	

Motion passes: 8 for, 1 opposed, 0 abstain and 0 absent.

G. MICHIGAN INDIAN LEGAL SERVICES PROPOSAL FOR THE PROSECUTING ATTORNEY POSITION.

* Janine Szpliet commented that she was still in favor of having a Prosecuting Attorney that has graduated from Law School on our staff. It is misleading to say that the Tribe is going to commit to a proposal with Michigan Indian Legal Services for developing a Lay Prosecutor if it's not the Tribe's intention to empower Lay Prosecutors within the Tribal Court.

* **Motion: Lisa McCatty – “To table this item”**

* **There was no support for the Motion.**

*** Motion: Kathy Berentsen – “To remove this item from the agenda”**

*** Support: Lisa McCatty**

Roll Call:	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – No	D. Koon – No
	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	

Motion passes: 7 for, 2 opposed, 0 abstain and 0 absent.

*** Joan Spalding called for a ten-minute recess.**

H. APPROVAL OF BURIAL ASSISTANCE POLICY AND PROCEDURES.

* Joan Spalding mentioned that her recollection was that this would be a straight benefit and that payments would not be paid to funeral homes.

* Elaine Porter stated that was also her interpretation, with the thought being they may need getting family members home for the funeral or other types of personal needs.

* Kathy Berentsen said that she was thinking that if the Tribe is going to provide the payment of funeral expenses, the Council might want to define “funeral expenses”.

* Connie Waitner thought that a form would be sent to each Tribal Member and they would fill it out and list the beneficiary that would handle this amount of money.

*** Motion: Charles Fisher – “That this be redone and brought to a worksession for further discussion so it can be represented at the next Tribal Council meeting”**

*** Support: Elaine Porter**

* Joan Spalding mentioned that she felt there would not be enough time to discuss it at a worksession prior to the next regular meeting.

Roll Call:	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

I. APPROVAL OF EXPENDITURES OVER \$2,500.

- * Bill Willis mentioned that although the Council had received two requests in packets, after speaking with Dan Broton the only one requested to be acted on is the invoice from W.S. Reed for the newsletter copier.
- * Kathy Berentsen mentioned that if the Council were to approve this the Community & Economic Development department would exceed what was appropriated for the department in the first quarter budget.
- * Connie Waitner questioned whether this item was requested in the 2000 budget for that department.
- * Janine Szpliet mentioned that Dan Broton is unavailable and the only documentation the Council has before them does not show an appropriation large enough to support the purchase. The Council can not authorize a check to be cut unless there is an appropriation made to cover it.
- * **Motion: Janine Szpliet – “The expenditure request presented to Council be rerouted back to accounting with a request for proper documentation on a supplemental appropriation, if necessary”**
- * **Support: Elaine Porter**

Roll Call:

C. Fisher – Yes	D. Koon – Yes
L. McCatty – Yes	E. Porter – Yes
J. Spalding – Yes	J. Szpliet – Yes
C. Waitner – Yes	C. Bennett – Yes
K. Berentsen – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

- * **Joan Spalding called for a short recess for dinner.**

J. APPROVAL OF EXPENDITURES FOR ON-SITE TRIBAL ENROLLMENT AND TRIBAL ELECTION TRAINING.

- * Joan Spalding mentioned that the reason this request was placed on the agenda was for the Enrollment Department as well as the Tribal Council and possibly the Court, because the training involves many issues besides just enrollment, such as enrollment ordinances, election process, Constitution, all the assorted laws that are involved with tribal enrollment and elections.
- * Connie Waitner stated that her only concern were the dates that were listed.
- * Bill Willis mentioned that he did talk to Falmouth and the proposal is to push the dates back until sometime during the week of May 27th. Each course is available for up to 15 people, 30 people total. The cost comes out to about \$340 total per person, if a staff member were to travel to this type of training somewhere else just the registration fee is \$325. This is a really cheap rate to bring them on-site.

* Joan Spalding said that the amount quoted is for two different trainings. It is more cost effective to bring them for two at the same time.

* Bill Willis mentioned that the original thought was that this would involve Tribal Council, Election Board and the Registrar. The price is for up to 15 people per Course, two courses for a total of 30 people. It could be the same people for both courses, but it would actually be 30 slots total.

➤ Question: Are the members eligible to take this training ?

* Joan Spalding replied that this would be for Council, Enrollment Committee and Election Board, that have direct responsibilities regarding the subject matter. There has been some discussion in terms of on-site training to make provisions to open it up to those who might be interested. This proposal does not take that into consideration.

➤ Question: Is this an annual training or a one-time training ?

* Joan Spalding replied that this was a one-time training.

➤ Question: Would this training be required for persons sitting on the Enrollment Committee or Election Board ?

* Joan Spalding responded that it had not been discussed, but that might be a good suggestion.

* **Motion: Kathy Berentsen – “That Bill Willis go ahead with scheduling the dates for on-site training for Tribal Enrollment and Tribal Election”**

* **Support: Elaine Porter**

Roll Call:	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

* **Motion: Joan Spalding – “To approve \$10,400 from the Tribal Council and the Enrollment budget for Tribal Enrollment and Elections training”**

* **Support: Don Koon**

Roll Call:	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

K. RESOLUTION APPROVING STATEMENT OF FEES AND EXPENSES FOR MARC SLONIM FOR MONTH OF FEBRUARY 2000.

*** Motion: Lisa McCatty – “To amend the Resolution, page 2-Certificate of Adoption, strike “its” and put in “a”**

*** Support: Janine Szpliet**

Roll Call:	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

*** Motion: Janine Szpliet – “To approve Resolution #00-0408-03 as amended”**

*** Support: Connie Waitner**

Roll Call:	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

L. RESOLUTION SUPPORTING COTFMA REQUEST FOR ADDITIONAL APPROPRIATIONS FOR FY2001 BUDGET FOR TREATY RIGHTS ACTIVITIES.

*** Motion: Janine Szpliet – “To approve Resolution #00-0408-04, Requesting Congressional support for additional BIA funding for FY2001 for the Chippewa Ottawa Treaty Fisheries Management Authority”**

*** Support: Elaine Porter**

Roll Call:	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

M. APPROVAL OF WAREHOUSE LEASE FOR CASINO AND AGREEING TO A LIMITED WAIVER OF IMMUNITY FOR PURPOSES OF PERMITTING ENFORCEMENT OF THAT LEASE.

* Carol Bennett questioned why the Tribe was not using the building at the Eastlake property for storage.

* Connie Waitner replied that that building has been intended for other development and it is not a real secured area.

➤ Question: When is the Tribe going to start working a little smarter instead of more expensive. We just walked away from a lease with renovations, we moved into \$30-\$40,000 throw-away trailers, we have a half-million dollars in trailers sitting on the casino property that is half of the cost of the building we need.

➤ Question: Why doesn't the Tribe utilize the building in Eastlake until such time as they need a building or construction moves into that building ?

* Elaine Porter replied that they did study that option and determined by the time they put security in the building would be another additional expense.

* Janine Szpliet stated that she objected to waiving the Tribe's immunity and consenting to the jurisdiction of the 85th District Court of the State of Michigan. The Tribe is now in the position of having some revenue and being in a position of bargaining that if somebody wants the Tribe to pay their rent, the Tribe is the one who has the money they need so they have to bend a little to the Tribe's Court and agree to have their cases heard there.

➤ Question: How long is this lease for ?

* Bill Brooks replied that the lease was for a period of two years.

* **Motion: Janine Szpliet – "That the limited waiver of sovereign immunity as presented be denied"**

* **Support: Carol Bennett**

Roll Call:	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

N. APPROVING RENEWAL OF GENERAL COUNSEL CONTRACT WITH WILLIAM BROOKS.

* Bill Brooks stated for the record that he appreciates the Tribal Council's confidence and he hoped that he would continue to do what is necessary to retain that confidence. He really enjoys the work here and is proud of a lot of what has happened, is appreciative of the raise.

* **Motion: Connie Waitner – "To approve Resolution #00-0408-05, Approving renewal of General Counsel Contract with William Brooks"**

* **Support: Elaine Porter**

Roll Call:	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

O. APPROVING PAYMENT OF FEES AND EXPENSES FOR THE DECEMBER STATEMENT TO STRATUS CONSULTING, INC., FOR SERVICES RENDERED FOR WORK RELATED TO U.S. v MICHIGAN.

* Joan Spalding asked whether anyone would be working in an effort to ensure that the Chippewa's pay their portion, her understanding has been that they have not paid on the bill.

* Bill Brooks mentioned that he would not be working on that, the responsibility for their portion of the bill could never be levied against Little River.

* **Motion: Kathy Berentsen – "To approve Resolution #00-0408-06, Approving payment of fees and expenses for the February & March statement to Stratus Consulting, Inc., for services rendered for work related to U.S. v Michigan"**

* **Support: Janine Szpliet**

Roll Call:	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – No
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	

Motion passes: 8 for, 1 opposed, 0 abstain and 0 absent.

P. APPROVAL OF PROPOSED REVISIONS/ADDITIONS TO THE EMPLOYEE PERSONNEL MANUAL.

- * Kathy Berentsen asked that once the policy is revised that each employee signs it that they have read that updated version and they understand it.
- * Dan Coates replied that the employees will get an updated copy.
- * Joan Spalding mentioned that this would replace Chapter 7 in its entirety.
- * Kathy Berentsen asked under 7.3, why is “discharge” used instead of “dismiss”. She does not care for discharge.
- * Joan Spalding said that in the same sentence, it says that the “Tribal Ogema reserves the right...”, she did not feel that was proper, it should say “the Tribe”.
- * Janine Szpliet said she thought the Council had discussed using “Director of Operations”. The Ogema may not be in-house and it may be the Director of Ops who releases somebody.
- * Bill Brooks responded by saying that he thought it was appropriate to state that the reservation of authority is with the Ogema, the Tribal Ogema as the Chief Executive Officer should have the authority to implement something that was delegated to someone else in the administration.
- * Joan Spalding replied that she wasn’t questioning the action, she was questioning the wording, it seemed to her that the Tribal Ogema is not doing that, the Tribal Council is allowing that to happen.
- * Bill Brooks said that it could be reworded to state “the Tribe, acting through the Tribal Ogema, reserves the right...”.
- * Joan Spalding said that all the Council has to do is say “has the right”. The Tribal Ogema is not reserving the right, the Tribal Ogema has the right.
- * Lisa McCatty mentioned that section 7.3 & 7.4, contradict each other. 7.3 says “all Tribal employees are at-will employees of the Tribe and may be discharged as such without reason”, then immediately below that in 7.4, it gives the steps that need to be taken to let someone go.
- * Joan Spalding replied that the pertinent point in 7.3 is that they are at-will and may be discharged without reason, the following gives procedures stating instances that they could.
- * Bill Brooks responded by saying legally what the Tribal Council is saying is that people don’t have a contractual or property right to their employment and that the Tribe has a right to discharge people at-will, but the Tribe is promising to treat people fairly, and the procedural steps are really part of how it is implemented to ensure fair treatment.

- * Lisa McCatty said that what she was talking about was “without reason”, and then A. says, “the employee shall be notified in writing...” and that would be reason. They contradict each other.
- * Joan Spalding said the paragraph leading into listing those, it say “when it is considered necessary to dismiss for cause”, these are the procedures you follow.
- * **Motion: Lisa McCatty – “To remove the wording that all Tribal employees are at-will employees of the Tribe and may also be discharged as such without reason, in section 7.3 of the Personnel Policy”**
- * **Support: Carol Bennett**
- * Janine Szpliet stated that she noted based on research that she had done, that the only procedure for termination that was in our Personnel Policy was for cause. So if we removed a person without cause, we are violating our own Personnel Policy and we would be in some sort of litigation process after that. Janine said she did not agree necessarily with the way it is worded, but the Tribe does have to have wording in the Tribe’s Personnel Manual that the Tribe is an at-will employer, if the Tribe does not have that language in there specifically, based on the cases that she has gone through and the Tribe has a Personnel Manual that says the Tribe is not an at-will employer, the Tribe does not have the right to just discharge somebody. The Tribe should have language in the Personnel Policy that specifically defines that the Tribe is an at-will employer. She does not agree that it says all employee are at-will employees of the Tribe, she thinks it should be stated something to the effect that, the Little River Band of Ottawa Indians is an at-will employer.
- * Bill Brooks stated that he agreed with Janine that the fact needs to made more more explicit in the Personnel Policy, but it is in there and under the prior language that question has already been litigated in Tribal Court. The Tribal Court has already issued an opinion that the current language does not establish that terminations can only be for cause, the Tribe is an at-will employer.
- * Janine Szpliet mentioned that the case was not appealed, the Tribe does not have an Appellate ruling from the Tribal Court.

Roll Call:

C. Fisher – No	D. Koon – No
L. McCatty – Yes	E. Porter – No
J. Spalding – Yes	J. Szpliet – No
C. Waitner – No	C. Bennett – Yes
K. Berentsen – Yes	

Motion fails: 4 for, 5 opposed, 0 abstain and 0 absent.

*** Motion: Joan Spalding – “Following – the Ogema has the right to discharge employees immediately and without warning, insert - the Little River Band of Ottawa Indians is an at-will employer”**

*** Support: Kathy Berentsen**

* Janine Szpliet questioned what the last motion was that was voted on and approved or denied. It was denied 5-4, the motion was to remove the “red” language, so the “red” language stays, because that motion was defeated.

* Joan Spalding replied that she misunderstood.

* Charles Fisher mentioned that the vote was 4 in favor, 5 opposed.

* Janine Szpliet responded then “it stayed”, so that why when you said, “Little River Band is an at-will employer”, she said, “all Tribal employees”, that’s why I made the statement.

*** Joan Spalding said he would like to withdraw her motion.**

*** Motion: Janine Szpliet – “That 7.3 – Termination, be amended to read, the Little River Band of Ottawa Indians is an at-will employer and as such, all Tribal employees are considered at-will employees of the Tribe and may be discharged at any time”**

➤ Question: Does this mean that the Ogema can fire anybody without even any warning at all ?

* Janine Szpliet replied “yes”.

➤ Question: Is this fair to the employee, they can be discharged without any reason. I get mad at you today and I’m the Ogema, I can say you’re all done ?

* Janine Szpliet replied “yes”

➤ Comment: This can be personality conflict.

* Janine Szpliet said she would like to point out that the Ogema is an elected position, who is in charge of the operations of Tribal Government and as such if the Ogema is newly elected and he decides he wants all new department heads, he has that right to change his administration anyway he wants to.

➤ Comment: Wouldn’t that be cause for him to remove his staff, because he could say that he is removing the staff, that is a cause, where as he comes up to somebody and say they are all done, that is no reasoning at all that just says “you’re all done”. There is no security for any staff member to take a position with this Tribe because they no security, because they could be hired one day, fired the next day.

* Janine Szpliet responded by saying that there is no security anywhere.

- Comment: There is security at the plants, cause they have Unions, that's security. They have to have a just cause before they can fire somebody.

* Janine Szpliet replied that her husband is a Union member at a plant and she knows that they can terminate him at anytime, but the Union can appeal that and they can go to arbitration over it, but they still have the right to walk on the line. We are not a contract employer and we don't ever want to be.

- Comment: I wouldn't want to be an employee of this Tribe and not know that I'm going to have a job from day to day, and I don't think anybody else would.

* **Support: Connie Waitner**

Roll Call:	L. McCatty – No	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – No
	K. Berentsen – No	C. Fisher – Yes
	D. Koon – No	

Motion passes: 5 for, 4 opposed, 0 abstain and 0 absent.

* **Motion: Lisa McCatty – “To amend Janine’s motion to state instead of Tribal employees, to state employees of the Tribe”**

* **Support: Janine Szpliet**

Roll Call:	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

* **Vote on Motion as amended: “the Little River Band of Ottawa Indians is an at-will employer and as such, all employees of the Tribe are considered at-will employees of the Tribe and may be discharged at any time”**

Roll Call:	L. McCatty – No	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – No
	K. Berentsen – No	C. Fisher – Yes
	D. Koon – No	

Motion passes: 5 for, 4 opposed, 0 abstain and 0 absent.

* **Motion: Kathy Berentsen – “To change page 36, C.(1) – Disciplinary Suspension, where it says him/her, to add the employee there throughout the document”**

*** Support: Lisa McCatty**

Roll Call:

J. Spalding – Yes	J. Szpliet – Yes
C. Waitner – Yes	C. Bennett – Yes
K. Berentsen – Yes	C. Fisher – Yes
D. Koon – Yes	L. McCatty – Yes
E. Porter – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

*** Motion: Janine Szpliet – “That the approval of the proposed revisions and additions to the Employee Personnel Manual be postponed until the next meeting pending the revisions that were made at this meeting”**

*** Support: Connie Waitner**

Roll Call:

J. Szpliet – Yes	C. Waitner – Yes
C. Bennett – Yes	K. Berentsen – Yes
C. Fisher – Yes	D. Koon – Yes
L. McCatty – Yes	E. Porter – Yes
J. Spalding – No	

Motion passes: 8 for, 1 opposed, 0 abstain and 0 absent.

Q. APPROVAL OF AMENDMENT NO. 2 TO CONTRACT WITH PENINSULA LEGAL SERVICES TO INCREASE ANNUAL CEILING ON FEES AND EXPENSES.

*** Motion: Janine Szpliet – “To approve Resolution #00-0408-07, Approving amendment No. 2 to Special Counsel Contract with Peninsula Legal Services and increase the annual ceiling to \$125,000”**

*** Support: Elaine Porter**

Roll Call:

C. Waitner – Yes	C. Bennett – Yes
K. Berentsen – Yes	C. Fisher – Yes
D. Koon – Yes	L. McCatty – No
E. Porter – Yes	J. Spalding – Yes
J. Szpliet – Yes	

Motion passes: 8 for, 1 opposed, 0 abstain and 0 absent.

N. CONSIDERATION/APPROVAL OF PURCHASE AGREEMENT FOR “VET PROPERTY” ADJOINING CASINO PROPERTY.

*** Tom Davis, General Manager – Little River Casino Resort gave presentation on justification for the purchase of the “Vet Property”.**

➤ Question: What is the asking price for the property ?

* Bill Brooks replied \$160,000.

* **Motion: Joan Spalding – “To approve Resolution #00-0408-08, Approving budget modification in the amount of \$160,000 to appropriate General Revenue funds for expenses associated with the acquisition “Manistee Veterinary” property”**

* **Support: Connie Waitner**

Roll Call:	C. Bennett – No	K. Berentsen – No
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – No	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – No
	C. Waitner – Yes	

Motion passes: 5 for, 4 opposed, 0 abstain and 0 absent.

IV. NEW BUSINESS

A. PRESENTATION ON PERMANENT CASINO.

* Joan Spalding mentioned that the agenda item is a little misleading, the item is Request for approval to spend dollars for further Architectural work.

* Tom Davis gave presentation on proposed Architectural concept.

* Janine Szpliet stated since she got on the Tribal Council, she has seen three site plan, three proposals, it seems like the Tribal Council keeps getting something different thrown at them just about every month and a half. If the Tribal Council is going to authorize or consider authorizing Architecture fees, What she would like to see for the Tribe's money in the first week of June is both alternate plans, all of the labor, all of the specs, the building materials, everything priced out, because she is getting tired of hearing that it is the Council who is not making the decision to move forward. To date, she has not been given anything, the closest she came was the package that Cunningham-Limp gave the Council, with the price tag attached. That's as close the Council as got to being able to actually have something to make a decision with. She wants somebody, whether it's the Architect or whoever to make a final determination on what the best two ways the Council can go and then the Council can pick one and go, the Tribe is getting nicked and dined to death at \$100,000 a pop for Architect fees and the Council is not getting anything to further their decision on whether or not they move forward with construction.

* Joan Spalding replied that the Council has been in charge of this delay and this has come about because of Council's request at the last meeting they had at which, there was less than half of the Council members present, but the direction was given by those Council members there to look at adding on as one method of less cost. The Council wanted alternate options, instead of what had been presented previously.

- * Joan Spalding added that this is what has been brought to us without spending more money, they went this far so that we had something from which to get official direction from the entire Council.
- * Kathy Berentsen stated that the membership liked what the Council presented to them two years ago and now the Council keeps changing it and she has a problem with it.
- * Elaine Porter replied by saying the Tribe has to be sure they are building the right facility and there is a study being done to help assist them in that effort.
- * Kathy Berentsen responded that the design has changed. During the retreat in Traverse City the design had changed from what she had seen at the Membership meeting.
- * Connie Waitner said that things have changed, because the Council seen some inadequacies with some of the original designs. She added that she wants what the membership wants, she felt that is was no ones intent not to show the membership, the same design concepts are there.
- * Joan Spalding mentioned that the Councilors involved are attempting to go forward in the best interest of the membership and the Tribe as a whole. This is an alternative to previous designs. The original design, obviously after the first few months after opening was not going to be adequate. The Tribe is already at the space that was designated for the permanent, with the addition, the Tribe has as much gaming space as was previously planned for the permanent, so the plans previously approved were out the door.
- * Don Koon said that there was also discussion about building in phases.
- * Joan Spalding mentioned that it was not contemplated by anyone that the business would be as successful as it has been.
- * Janine Szpliet stated that she found the proposal to be unacceptable, to just give her a request that says authorize \$260,000 and then provide a scope of work with nothing attached to it, is not even a proposal to her.
- * **Motion: Lisa McCatty – “That the evaluation and conceptual design proposal in the amount of \$260,000 from Tom Davis be set for the Council agenda on May 13 (Saturday), and that publication notices be sent to the membership to notify them of this design evaluation of the main Casino and also this will allow a chance for the membership to view these designs at the Membership meeting”**
- * **Support: Kathy Berentsen**

Roll Call: **K. Berentsen – Yes** **C. Fisher – Aye**
 D. Koon – No **L. McCatty – Yes**
 E. Porter – No **J. Spalding – No**
 J. Szpliet – No **C. Waitner – No**
 C. Bennett – Yes

Motion fails: 4 for, 5 opposed, 0 abstain and 0 absent.

*** Motion: Janine Szpliet – “Cunningham-Limp be directed to provide a detailed budget to support their \$260,000 request that will include the services and work costs associated with the reevaluation and conceptual design to be presented at the next Tribal Council meeting for consideration”**

*** Support: Elaine Porter**

Roll Call: **C. Fisher – Aye** **D. Koon – No**
 L. McCatty – No **E. Porter – Yes**
 J. Spalding – Yes **J. Szpliet – Yes**
 C. Waitner – Yes **C. Bennett – Yes**
 K. Berentsen – Yes

Motion passes: 7 for, 2 opposed, 0 abstain and 0 absent.

*** Joan Spalding called for a short recess.**

B. ADOPTION OF MISSION STATEMENT, PURPOSE AND GOAL OF THE TRIBE.

*** Motion: Lisa McCatty – “That the Council postpone the adoption of these items until after they are presented to the Elders of the Tribe, either at the next Elders meeting or at the Membership meeting to get their input”**

*** Support: Kathy Berentsen**

Roll Call: **D. Koon – No** **L. McCatty – Yes**
 E. Porter – No **J. Spalding – No**
 J. Szpliet – Yes **C. Waitner – No**
 C. Bennett – Yes **K. Berentsen – Yes**
 C. Fisher – Yes

Motion passes: 5 for, 4 opposed, 0 abstain and 0 absent.

C. APPOINTMENT OF ADDITIONAL MEMBER TO THE ENROLLMENT COMMITTEE.

*** Joan Spalding mentioned that there are two candidates who have expressed interest in being considered for appointment to the Enrollment Committee, those candidates are Alyce Giltz and Tammy Kleeman.**

*** Motion: Janine Szpliet – “The Tribal Council appoint Alyce Giltz to the Enrollment Committee”**

*** Support: Elaine Porter**

* Lisa McCatty stated that she would like to amend the motion for the possible removal of Jerry Guenthardt, being that he has not attended the last ...

* Joan Spalding replied that Jerry Guenthardt was not on the committee.

* Lisa McCatty responded by saying then there is two openings.

* Joan Spalding replied that there was only one.

* Kathy Berentsen stated that the Council did not remove him from the committee.

* Elaine Porter stated that he had resigned.

* Janine Szpliet said that then Diane Lonn was appointed.

* Lisa McCatty stated that Kim Alexander is not on the committee, she is the staff person, she has never been appointed to it, therefore there is Katie Glocheski, Tammy Carter and Diane Lonn, that leaves two seats open.

* Joan Spalding said there were four persons already on the committee.

* Connie Waitner asked whether Valerie Chandler was on the committee.

* Kathy Berentsen replied that she spoke to Kim and asked, she said no.

* Lisa McCatty stated she would withdraw her amendment until that is checked.

*** Vote on Motion: “To appoint Alyce Giltz to the Enrollment Committee”**

Roll Call:	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

D. AUTHORIZING THE RELEASE OF PER CAPITA FUNDS TO CERTAIN MINORS REACHING THE AGE OF MAJORITY IN MARCH 2000.

*** Motion: Kathy Berentsen – “To pass Resolution #00-0408-09, Authorizing the release of per cap funds held in trust for certain minors reaching the age of majority in March”**

*** Support: Carol Bennett**

Roll Call:

J. Spalding – Yes	J. Szpliet – Yes
C. Waitner – Yes	C. Bennett – Yes
K. Berentsen – Yes	C. Fisher – Yes
D. Koon – Yes	L. McCatty – Yes
E. Porter – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

E. RATIFICATION OF APPROVAL FOR SUBMISSION OF A RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION PROGRAM (REACH) GRANT FOR FISCAL YEAR 2000.

*** Motion: Kathy Berentsen – “That the Council table this agenda item until the Council gets more documentation besides the resolution”**

* Charles Fisher said that his impression is that the submission has already been made.

* Joan Spalding stated that the agenda item is for ratification and the resolution does not state ratification on the heading.

*** Support: Carol Bennett**

Roll Call:

J. Szpliet – No	C. Waitner – No
C. Bennett – Yes	K. Berentsen – Yes
C. Fisher – No	D. Koon – No
L. McCatty – Yes	E. Porter – No
J. Spalding – No	

Motion fails: 3 for, 6 opposed, 0 abstain and 0 absent.

*** Motion: Connie Waitner – “To approve Resolution #00-0408-10, Ratification for submission of a Residential Energy Assistance Challenge Option Program (REACH) Grant for Fiscal Year 2000”**

*** Support: Elaine Porter**

Roll Call:

C. Waitner – Yes	C. Bennett – No
K. Berentsen – No	C. Fisher – Yes
D. Koon – Yes	L. McCatty – No
E. Porter – Yes	J. Spalding – Yes
J. Szpliet – No	

Motion passes: 5 for, 4 opposed, 0 abstain and 0 absent.

F. CONTRACT APPROVAL WITH RAYMOND ROBSON FOR HEALTH SYSTEM CONSULTATION.

- * Charles Fisher mentioned that this hasn't been discussed with the new Health Director, but has been presented to the Health Board. The Health Director does need to be brought up to date, but he didn't think that it should be a reason to hold the matter up.
- * Connie Waitner said that she felt that the Health Director should be involved in the review of the scope of work and needs to be brought to the table.
- * Janine Szpliet questioned whether there was a resolution.
- * Charles Fisher replied that there was no resolution.
- * **Motion: Janine Szpliet – "To table the contract approval with Raymond Robson for health system consultation until such time as the Health Director has a chance to review"**

* **Support: Connie Waitner**

Roll Call:	C. Bennett – No	K. Berentsen – No
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – No	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	

Motion passes: 6 for, 3 opposed, 0 abstain and 0 absent.

G. CONTRACT APPROVAL WITH JULIE CARR FOR HEALTH SYSTEM CONSULTATION.

- * Janine Szpliet questioned what Julie Carr would do that is separate from what Raymond Robson would do.
- * Charles Fisher replied that she has particular expertise in contract health and would also do some Health Board training.
- * **Motion: Kathy Berentsen – "To table this item until the next Council meeting so Bill Brooks can have time to review and they can also get the documentation for the Health Director to review"**

* **Support: Janine Szpliet**

Roll Call:	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – No
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	

Motion passes: 8 for, 1 opposed, 0 abstain and 0 absent.

H. APPROVAL OF CONTRACT WITH DR. SCHMOKE.

*** Motion: Kathy Berentsen – “That the Council table this item, because Bill Brooks said all the details are not worked out”**

*** Support: Elaine Porter**

Roll Call:	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

I. APPROVAL OF EXPENSES FOR “ON-SITE” FEDERAL INDIAN LAW AND REVISING TRIBAL CODES AND CONSTITUTIONS TRAINING.

* Janine Szpliet mentioned that she read through it and she is in favor of it, her concern is that she is not sure if the Court has money in their budget to cover this in the second quarter.

* Bill Willis responded by saying that it was anticipated that there would be staff from the Court, Legal, Tribal Council and Bob Guenthardt. There is allowance for up to 25 people per session. Obviously, that would have to be taken out of several budgets.

*** Motion: Kathy Berentsen – “That we proceed with the dates as scheduled with the contingency that there is funds available in the second quarter appropriations”**

*** Support: Janine Szpliet**

Roll Call:	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	J. Spalding – Yes
	J. Szpliet – Yes	C. Waitner – Yes
	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

J. APPROVING THE OF FEES AND EXPENSES FOR THE FEBRUARY STATEMENT TO PENINSULA LEGAL SERVICES.

*** Motion: Janine Szpliet – “To approve Resolution #00-0408-11, Approving payment of fees and expenses for February statement to Peninsula Legal Services, P.C. for services rendered to the Election Board in the amount of \$32,491.71”**

*** Support: Elaine Porter**

Roll Call: **L. McCatty – Yes** **E. Porter – Yes**
 J. Spalding – Yes **J. Szpliet – Yes**
 C. Waitner – Yes **C. Bennett – Yes**
 K. Berentsen – Yes **C. Fisher – Yes**
 D. Koon – Yes

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

K. RESOLUTION APPROVING BUDGET MODIFICATION AND APPROPRIATION OF GENERAL FUNDS TO PURCHASE NATIONAL CITY BANK BUILDING.

➤ Question: What is the Tribe going to do with this building once they purchase it ?

* Joan Spalding replied that most of the staff would be placed there, and there is an anticipation for adding a number more within the next six months.

* Joan Spalding also mentioned that about three months ago a space committee was formed and the task was to look at immediate needs, mid-term needs and long term space needs.

* Connie Waitner mentioned that the Tribe will actually make \$12,875 a year after everything is done.

* Lisa McCatty questioned whether the Tribe has had an inspection done on the building.

* Joan Spalding replied that there was an inspection completed.

* Janine Szpliet said that it would be nice for the Tribe to be able to build a new administration building, the Tribe has to hire Architects and Engineering firms to design that building.

➤ Question: Is there adequate parking at the bank ?

* Joan Spalding replied that there was.

* Janine Szpliet added that there was a municipal parking lot in the rear.

* **Motion: Charles Fisher – “To approve Resolution #00-0408-12, Approving the budget modification in the amount of \$350,000 to appropriate the General Revenue funds for expenses associated with the acquisition of the National City Bank property”**

* **Support: Connie Waitner**

Roll Call: **E. Porter – Yes** **J. Spalding – Yes**
 J. Szpliet – Yes **C. Waitner – Yes**
 C. Bennett – Yes **K. Berentsen – No**
 C. Fisher – Yes **D. Koon – Yes**
 L. McCatty – No

Motion passes: 7 for, 2 opposed, 0 abstain and 0 absent.

L. APPROVAL OF DESCENDANTS TO HUNT ON TRIBAL LANDS.

- * Joan Spalding mentioned that she had a problem with considering this item due to the fact that she had received nothing in writing.
- * Janine Szpliet asked whether it was within the Natural Resource Commission's power and authority to do this, because it's not affecting the codes, not affecting enforcement.
- * Bill Brooks replied "no", because it is a legal issue, in general non-members have no right to be on Tribal lands. It's a trespass and land use issue.
- * Janine Szpliet asked if the Tribe opens up, by special permission to those non-members who have a State license, does that automatically give the State Conservation Officers permission to go police those lands.
- * Bill Brooks replied "no".
- * Joan Spalding brought up two points for the Council, Janine (Tribal Police) was present at the discussion at the Natural Resources meeting and expressed concern about enforcement and there is nothing in writing on any of this that has been discussed.
- * Bill Brooks mentioned that he had discomfort with doing this by resolution, because it has a broad legal consequence that needs to be considered.
- * Joan Spalding responded that her comments were not due to the lack of a resolution, but due to the lack of policy.
- * Bill Willis commented that he didn't see it as an issue of trespassing, rather it was an issue of protecting the resources and we don't have the ability to regulate our own members, let alone increasing that enforcement. The Tribal Council should think long and hard about Public Safety's input into the Regulation of those rights.
- * **Motion: Janine Szpliet – "That the Tribal Council authorize the Natural Resources Commission to issue special trespass permission permits only in the event that the following conditions are met:**
 - 1) **Permits are only issued to children, grandchildren and spouses of Tribal Members, provided the Tribal Member/Family member gives their written consent on an approved form provided by the Natural Resources Commission; and**

- 2) ***It includes a disclaimer of consent to the Tribal jurisdiction by the Descendants; and***
- 3) ***This authorization is for a limited time period and expires at the end of the spring turkey season; and further***

Natural Resources Commission is directed to assess the success and implementation of this action and develop policy and procedures to govern any future access of Tribal land by non-member, immediate family members of Tribal Members; and further

All permits are to be recorded with permit numbers and said permits must be reported at the April 24 Tribal Council meeting; and further

The Natural Resources Commission is directed to notify Tribal Law Enforcement of any permits issued as they are granted and following notification to the Natural Resources Commission by the Tribal Law Enforcement/Public Safety Director that this will not be appropriate to enforce this authorization is revoked”

**** Motion: Lisa McCatty – “To make an addition to Janine’s motion that the descendant or spouse is required to have the appropriate State license for such hunt”***

**** Support: Janine Szpliet***

**** Vote on amendment:***

<i>Roll Call:</i>	<i>J. Szpliet – Yes</i>	<i>C. Waitner – Yes</i>
	<i>C. Bennett – Yes</i>	<i>K. Berentsen – Yes</i>
	<i>C. Fisher – Yes</i>	<i>D. Koon – Yes</i>
	<i>L. McCatty – Yes</i>	<i>E. Porter – Yes</i>
	<i>J. Spalding – Yes</i>	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

**** Motion: Lisa McCatty – “To amend the motion that the action be followed up with a Resolution executed by the Tribal Council Speaker”***

**** Support: Janine Szpliet***

<i>Roll Call:</i>	<i>C. Waitner – Yes</i>	<i>C. Bennett – Yes</i>
	<i>K. Berentsen – Yes</i>	<i>C. Fisher – Yes</i>
	<i>D. Koon – Yes</i>	<i>L. McCatty – Yes</i>
	<i>E. Porter – Yes</i>	<i>J. Spalding – Yes</i>
	<i>J. Szpliet – Yes</i>	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

*** Vote on Motion as amended:**

Roll Call:	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	C. Bennett – Yes
	K. Berentsen – Yes	C. Fisher – Yes
	D. Koon – Yes	L. McCatty – Yes
	E. Porter – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.

V. CONCLUDING BUSINESS

A. PUBLIC COMMENT

* Bill Brooks stated that the details of what he was going to cover in Closed Session were already mentioned in his verbal report earlier and will cover additional information at the next meeting, therefore there is no need to go into Closed Session.

- Suggestion: That the Tribe rent some remote microphones for the Membership meeting.

B. NEXT MEETING DATE

Worksession:	Monday, April 10, 2000 @ 8:30 a.m. w/ Bob Guenthardt
Regular Meeting:	Monday, April 24, 2000 @ 6:00 p.m.
Membership Mtg:	Saturday, April 15, 2000 @ 1:00 p.m.

*** Closed Session portion of the meeting was not held, due to the fact that there was no additional information available concerning litigation issues.**

VI. ADJOURNMENT.

*** Motion: Lisa McCatty – “To adjourn”**

*** Support: Janine Szpliet**

Roll Call:	C. Bennett – Yes	K. Berentsen – Yes
	C. Fisher – Yes	D. Koon – Yes
	L. McCatty – Yes	E. Porter – Yes
	J. Spalding – Yes	J. Szpliet – Yes
	C. Waitner – Yes	

Motion passes: 9 for, 0 opposed, 0 abstain and 0 absent.