

6/5/02



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, APRIL 10, 2002
LITTLE RIVER BAND COMMUNITY CENTER**

**OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians held a meeting at the Little River Band Community Center on April 10, 2002. Following are the Minutes of that meeting.

I. Opening Prayer

The Tribal Council engaged in a silent prayer.

II. General Business

A. Call To Order:

The regularly scheduled Tribal Council meeting of Wednesday, April 10, 2002, was called to order at 10:04 a.m.

B. Roll Call

C. Bennett – Present	C. Fisher – Present	T. Kleeman – Present
L. McCatty – Present	P. Medahko – Present	S. Parsons – Present
E. Porter – Present	P. Ruiter – Present	J. Sam – Present

Quorum established.

Others Present: Kathleen Block, John Bussey, Leatrice Castonia, Candace Chapman, Bridget Cole, Marty Holgren, JoAnne House, Brian Medacco, Pat Morris, Stephanie Ogren, Yvonne Parsons, Dan Shepard, Matthew Stratton.

C. Approval of Agenda

Fisher requested Item #3 under CMT be removed from the Agenda.

MOTION TO APPROVE AGENDA AS AMENDED; by Kleeman; supported by Medahko.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

D. Tribal Council Minutes

2/6/02

McCatty stated on page 2, bottom, should be ‘licenses’ in last line, and on page 9, last sentence of the first paragraph of Public Comment was missing something – Consensus to strike the sentence beginning “Porter stated...”

MOTION TO APPROVE THE FEBRUARY 6, 2002 TRIBAL COUNCIL OPEN SESSION MINUTES AS AMENDED; by Ruiter; supported by Kleeman

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

E. Public Comment Period

No public comment made.

III. Continuing Business

A. Grants & Contracts

1. Approval of Roads Capacity Building Grant

Bussey explained the grant and the amount of the grant funds being applied in different areas. Changed grant fund allocations to apply \$10,000 to wages; \$3,000 in fringes, miscellaneous, and supplies; and the remainder in contractual.

MOTION TO APPROVE RESOLUTION # 02-0410-01, APPROVAL OF ROADS CAPACITY BUILDING GRANT; by Kleeman; supported by Fisher.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

B. CMT Business

1. Brief Artwork Update

Fisher stated there was a final report submitted in the packets. Ruitter asked if art would be considered at a later date. Fisher stated the Committee decided not to accept all of the recommendations that were made by Cindy Brege. Fisher stated there would be room to add artwork at a later date. Fisher stated should think about art in other buildings of the Tribe. Cole asked if there was a display area designated for art.

Dan Shepard and Archie Martel arrived at 10:20 a.m.

2. Brief FF&E Update

Fisher stated there would be a full report of the status of FF&E on Friday.

3. Hotel Laundry Approval

Removed from agenda.

4. Sprinkler (Fire Protection System) Update (including cost issues)

Fisher stated this was in follow-up to last week's meeting for requested information for wet system. The entire system was not yet operational.

Mark Dougher and Gary Markowski arrived at 10:22 a.m.

5. Pre-Action System Code Requirement

Fisher stated this was from Code Solutions which was related to the lack of compliance with the code in the area that was approved last week. Fisher stated this documentation should answers any questions.

6. Receiving/Install Company Recommendation from Provisions

Fisher stated would know more about this item on Friday. Fisher stated receiving company on site was being considered. Fisher stated expecting a large influx of materials and this was something that was contemplated and Provisions was recommending.

7. Rescinding Prior Resolution and Establishing a Budget Within the Furniture, Fixtures and Equipment Line Item for Acquisition of Artwork at the Little River Casino Resort

Fisher stated the budget for the artwork was previously approved by Resolution #02-0313-03. Fisher stated this was money that was duplicated in the pre-opening budget and a portion of this money was used for the artwork. Fisher stated this Resolution rescinds the prior action from March and places the money into the FF&E line of the project budget. Sam asked where the monies actually came from for the previous Resolution. Fisher stated it was actually the money in the financing side to cover the cost of the artwork.

MOTION TO APPROVE RESOLUTION # 02-0410-02, RESCINDING PRIOR RESOLUTION AND ESTABLISHING A BUDGET WITHIN THE FURNITURE, FIXTURES AND EQUIPMENT LINE ITEM FOR ACQUISITION OF ARTWORK AT THE LITTLE RIVER CASINO RESORT; by Porter; supported by Kleeman.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

IV. Old Business

No items were on the Agenda for “Old Business.”

V. New Business

A. Tribal Council Meeting of April 17, 2002 Location Change

Parsons stated the Community Center was needed by Tribal Court at 1:00 p.m. on April 17, 2002. If the Open Session portion of the Tribal Council meeting needed to be continued past 12:00 p.m., the meeting would be continued in the Dome Room at the Downtown Offices at 1:00 p.m.

MOTION TO HONOR THE TRIBAL COURT'S REQUEST AND ON 04/17/02 RELOCATE THE TRIBAL COUNCIL MEETING IF NECESSARY TO THE DOME ROOM PROVIDING ADEQUATE NOTICE TO THE MEMBERSHIP; by Sam; supported by Kleeman.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

B. Appointment of Al Medacco to the Gaming Commission

The Ogema had re-submitted an appointment of Al Medacco to serve the remainder of a term on the Gaming Commission which would end on September 20, 2003. Parsons stated the background check was reviewed at an earlier time and notification was received from the Ogema there were no changes since that review.

MOTION THAT TRIBAL COUNCIL CONFIRM THE NOMINATION AND APPOINTMENT OF AL MEDACCO TO THE GAMING COMMISSION TO SERVE THE REMAINDER OF THE TERM THAT ENDS ON SEPTEMBER 20, 2003; by Sam; supported by Kleeman.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

C. Appropriating Funds from Great Lakes Fisheries Trust to Great Lakes Fisheries Assessment Program for Expenses Associated with CORA Activities

The Tribe was requested to provide support monies to CORA for maintaining ITFAP Program activities. Martel was in attendance to answer any questions. Castonia asked what CORA was. Martel stated it was the Chippewa/Ottawa Resource Authority. Martel stated they serve on lake committees so have voice in management of the lakes, environmental issues, biological departments. Parsons added that other 1836 treaty Tribes participate. Sam stated we would lose our voice if did not participate in CORA.

MOTION TO APPROVE RESOLUTION # 02-0410-03, APPROVAL OF BUDGET MODIFICATION AND

**PAYMENT OF CORA FEES FOR SUPPORT OF ITFAP; by
Porter; supported by McCatty.**

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – No	J. Sam – Yes

Motion carried (8-1-0-0)

Chapman asked why Ruiter voted no. Sam explained there was concern regarding the lack of following procedures to obtain the money to pay the CORA fees. Ruiter stated that was why she voted as she did. Parsons stated he wants the request for the money sent directly to the Ogema not the CFO

D. Expressing Opposition to Granting a Discharge Permit for Manistee River

Discussion was lead by Marty Holgren regarding moving the discharge point by Magoon Creek to a location on the Manistee River channel. Holgren stated an alternative plan would be to move the discharge further out in Lake Michigan. Holgren stated, in his opinion, to discharge this into Lake Michigan was unacceptable. A public hearing was scheduled for April 23 at 7:00 p.m. Holgren encouraged the Tribe to have a voice at that hearing.

Bob Davis arrived at 10:32 a.m.

Ogren stated there were 8 point discharges into Manistee Lake currently. Ogren stated they were starting to investigate Manistee Lake a little further. Medacco asked if PCA was the only one with a permit. Holgren stated they were the only company involved at this time.

Glocheski arrived at 10:56 a.m.

Glocheski asked what kind of discharge was involved. Holgren stated there were metals, suspended particulates, and extracts. Holgren stated have done sampling and came up with a kerosene oil on top. Cole asked if they moved into the River would the Tribe be able to fine PCA. Ogren stated that point source discharge were through the DEQ or the State and therefore, would not recognize the Tribe's authority.

**MOTION TO APPROVE RESOLUTION # 02-0410-04,
EXPRESSING OPPOSITION TO GRANTING DISCHARGE**

PERMIT FOR MANISTEE RIVER; by Kleeman; supported by Sam.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

E. Acceptance of Letter from the Tribal Ogema Announcing his Intent to Resign

Parsons stated a letter was submitted dated April 2, 2002 announcing the Ogema's intent to resign effective May 20, 2002. Parsons stated the official resignation would be tendered on May 20, 2002. Parsons stated the Wednesday after the actual resignation was received it would be on the Tribal Council agenda to appoint a new Ogema. Stratton asked what date would the newly appointed Ogema actually take office. Parsons stated the term was still the same term and the run-off election did not reset the term of his office. Stratton clarified that this vacancy was determined by election date. Stratton was under the impression it was under the oath of office. Sam stated the elections have to take place in April of the election year. Stratton stated the Ogema was not actually in office until a later date.

MOTION TO ACCEPT THE LETTER DATED APRIL 2, 2002 FROM THE OGEMA TO BE ACCEPTED INTO THE TRIBAL COUNCIL RECORDS AND ALSO PUBLISHED IN THE NEXT NEWSLETTER PUBLICATION; by McCatty; supported by Kleeman.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – No	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-1-0-0)

Chapman expressed her discomfort in publishing this letter in the newsletter if the Ogema does not go through with his resignation. Parsons stated he believes this should be the Ogema's own decision if this was published in the newsletter. Castonia stated the appointment of the Ogema would be on May 22, 2002 and would be done so by the Tribal Council Speaker. Davis stated in terms of publishing the letter of intent in the newsletter, would not be advisable. Davis stated the Ogema's intent was to make this announcement at the Spring Membership Meeting.

**MOTION TO AMEND THE MAIN MOTION AND STRIKE
“AND ALSO PUBLISHED IN THE NEXT NEWSLETTER
PUBLICATION”;** by Sam; supported by Kleeman.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – No	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-1-0-0)

**MOTION TO ACCEPT THE LETTER DATED APRIL 2,
2002 FROM THE OGEMA INTO THE TRIBAL COUNCIL
RECORDS;** by McCatty; supported by Kleeman.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – No	P. Ruiter – Yes	J. Sam – Yes

Motion carried (8-1-0-0)

Stratton asked if the courts could make a declaratory judgment for office. House stated the Tribal Court would have to have something in front of them in order to take action. Fisher stated any questions members of the audience have should be direct to the Council not a legal person. Sam stated the Tribal member would be able to substantiate their complaint. Sam stated the terms of office have been set and an effort was made to not have two dates for appointments.

F. Adoption of Tribal Council Regulation Regarding the Procedures for Selection of a Tribal Ogema or Tribal Council Member In the Event of a Vacancy, #R100-04: TC-03

Parsons stated this was drafted relatively quickly and was a very important step by the Tribal Council. Parsons stated Council met yesterday regarding procedures for this vacancy. Parsons stated a set of regulations have been completed which would outline how the Tribal Council would plan to handle this particular vacancy or seat. Parsons stated he would highlight the major parts of this Resolution. Parsons stated there would be a mailing to all eligible Tribal members using a list obtained from Enrollment. Parsons stated Council asked individuals to send to Parsons a letter of intent, resume and an essay stating why they want to be Ogema. Parsons stated the individuals would meet personally with Tribal Council

for interviews. A decision would be made by May 22, 2002. Any interests need to be received by the Speaker by 5:00 p.m. May 3, 2002. Interviews will be scheduled the week of May 13th. A decision will be made on May 22, 2002 with appointment and confirming. Parsons stated the letters would be mailed tomorrow. Porter stated this was not an election process but a notification to the eligible members of an expected vacancy. Discussion was held regarding the use of letters of support. It was indicated letters of recommendation should be included in the application packet. However, letters written to campaign for a certain individual will not be considered letters of recommendation.

McCatty stated would like to strike “Tribal Council Member” from the Resolution and the Regulation. House stated the Resolution may not contain everything it needs to contain. House stated would take action, Tribal Council member vacancy – Chapter 2 – and call for special election in excess of 18 months – Chapter 3. House was looking at filling the remainder of these processes. Shepard asked if Tribal Council could consider themselves for Ogema. House stated this was not an election and therefore, Council members were eligible. Shepard stated Parsons would be the best candidate for the Ogema position and it was too bad that Parsons would not appoint himself.

Discussion was held regarding the correct wording for the Resolution and the Regulation.

Parsons stated only the requirements listed in the Constitution can be listed as requirements for the Ogema position. Parsons stated it was the Council’s responsibility to inform Tribal members in as wide an area as possible. Sam stated she has spoken to Parsons regarding this position. Sam believes this year will be a very important time for the Tribe and the person who was appointed Ogema will affect the Tribe for a long time. Sam asked that the Council be prayed for at this time. Sam commended Parsons for the process that he developed. Sam also commended Fisher on carrying the casino project. Porter supported Sam’s thoughts on this. Porter stated need to make membership aware that only the nine county area would be considered for the Ogema position. Porter stated that the Tribe did begin here and was still here. Porter thanked the rest of her co-Councilors for all the time they spend on Tribal business.

Shepard stated there were a lot of problems resolved with the Spring and Fall fires. Shepard assured the membership that there was nothing to be intimidated about and good things happen there. Parsons agreed with Shepard and stated the experience was a good one.

Parsons stated would like some resolution to McCatty’s concern. Sam stated she does not have a concern about this and believes the Resolution

was named correctly. House stated McCatty's concerns were valid. House stated adding new chapter titles "Chapters 2 – 4 - reserved for future vacancy regulations".

MOTION TO APPROVE RESOLUTION # 02-0410-05, ADOPTION OF TRIBAL COUNCIL REGULATION REGARDING THE PROCEDURES FOR SELECTION OF A TRIBAL OGEMA OR TRIBAL COUNCIL MEMBER IN THE EVENT OF A VACANCY, # R100-04:TC-03, AS AMENDED WITH CHANGE IN SECTION 3.6 OF THE REGULATION BY STRIKING "IS SELECTED" AND ADDING "HAS TAKEN THE OATH OF OFFICE AND ADDING UNDER SECTION 4 "CHAPTERS 2 – 4 – RESERVED FOR FUTURE VACANCY REGULATIONS"; by Kleeman; supported by Porter.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

VI. Concluding Business

- A. Next Meeting Date(s) – April 17, 2002**
- B. Public Comment Period**

Castonia asked what happened to the gas station project. Parsons stated there has been a 90 day suspension until concerns have been cleared. Parsons stated the Ogema was taking the lead on that project. Sam stated several Resolutions have been passed by the Tribal Council regarding this project. Sam stated there should be an agenda item next week asking for an explanation of why this gas station was not being pursued. Sam stated she was not aware that Tribal Council Resolutions could be overridden. Sam relayed that Bill Brooks stated there would be an amendment. Sam stated the Council has been asking themselves the same question "what happened to the gas station project". Sam stated the Ogema submitted that project and the Council voted on that project and the Tribe has the resources to fund and do this project. Sam does not know why this project has been stopped. Bennett asked Castonia if she was in support of the gas station. Castonia stated she was not for or against the gas station.

Chapman asked about the news article regarding Newland Academy. Parsons stated he does not know how the article got in the paper. Parsons stated the Tribe had no comment. Parsons stated there were negotiations on behalf of the Ogema with the attorney representing the Newland Property which were ongoing. Parsons stated it would be coming to the

Council for approval. Chapman asked if the money was there for the purchase of this property. Parsons stated that would be a confidential Closed Session item. Parsons stated this was an ongoing situation and making a comment in Open Session cannot occur.

Stratton stated would be lighting a pipe for the Councilors today at 1:30 p.m. and need to have the Creator guide thoughts. Stratton stated was asking to speak to everyone's heart. Stratton invited everyone to come to the pipe circle today at 1:30 p.m. today to guide in thought processes. Fisher stated to Stratton that Council will be meeting when the pipe is being lit.

Medacco asked why are not meeting at the Dome Room next week. Parsons stated there has been a good success with conducting Open Session at the Community Center. Parsons stated the less change meeting sites the better.

The purpose of closed session is to discuss business matters considered privileged or confidential, involving consideration of bids/contracts, pending legal issues, and/or personnel matters.

MOTION TO ADJOURN OPEN SESSION; by Kleeman; supported by Sam.

Roll Call

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes

Motion carried (9-0-0-0)

This portion of Open Session was adjourned at 12:07 p.m.

MOTION TO GO INTO OPEN SESSION; by Porter; supported by Kleeman

Roll Call

C. Bennett – Absent	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Absent	J. Sam – Yes

Motion carried (7-0-0-2)

I. Open Session

A. Items moved from Closed to Open Session

There were no items to move from Closed to Open Session.

MOTION TO ADJOURN; by Kleeman; supported by Fisher

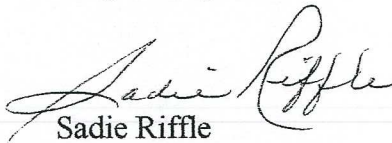
Roll Call

C. Bennett – Absent	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Absent	J. Sam – Yes

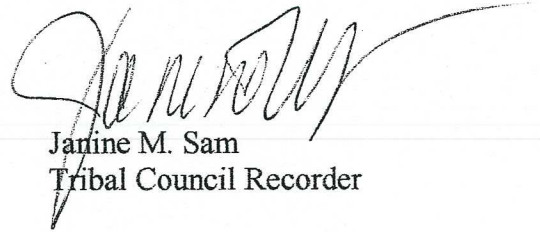
Motion carried (7-0-0-2)

The meeting was adjourned at 4:45 p.m.

Respectfully submitted,



Sadie Riffle
Transcribing Assistant



Janine M. Sam
Tribal Council Recorder