



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, APRIL 18, 2001
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 18, 2001. 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 was called to order at 1:12 p.m.

B. Roll Call

Tammy Kleeman-Present	Lisa McCatty-Present	Elaine Porter-Present
Joan Spalding-Present	Janine Sam-Present	Connie Waitner-Present
Carol Bennett-Present	Kathy Berentsen-Present	Charles Fisher-Present

Quorum established.

C. Approval of Agenda

MOTION TO MOVE REPLACEMENT OF BUSINESS BOARD MEMBERS BACK INTO OPEN SESSION UNDER OLD BUSINESS, ITEM C; by Lisa McCatty, supported by Tammy Kleeman.

Roll Call

Lisa McCatty-Yes	Elaine Porter-Yes	Joan Spalding-Yes
Janine Sam-Yes	Connie Waitner-Yes	Carol Bennett-Yes
Kathy Berentsen-Yes	Charles Fisher-No	Tammy Kleeman-Yes

Motion carried. 8-Yes, 1-No, 0-Abstain, 0-Absent

MOTION TO ADD TO THE AGENDA UNDER NEW BUSINESS, ITEM B “APPROVING STATEMENT OF FEES AND EXPENSES FROM DETTMER LAW OFFICE”; STRIKE UNDER NEW BUSINESS, ITEM B “HOUSING COMMISSION APPOINTMENTS” AS THERE IS NO LETTER OF NOMINATION FROM THE OGEMA; by Janine Sam, supported by Elaine Porter.

Roll Call

Elaine Porter-Yes	Joan Spalding-Yes	Janine Sam-Yes
Connie Waitner-Yes	Carol Bennett-Yes	Kathy Berentsen-Yes
Charles Fisher-Yes	Tammy Kleeman-Yes	Lisa McCatty-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

MOTION TO ADD UNDER GRANTS AND CONTRACTS BUSINESS, ITEM C “ROADS INVENTORY AND CURRENT ROAD CONSTRUCTION PRIORITY LIST; by Janine Sam, supported by Elaine Porter.

Roll Call

Carol Bennett-Yes	Kathy Berentsen-Yes	Charles Fisher-Yes
Tammy Kleeman-Yes	Lisa McCatty-Yes	Elaine Porter-Yes
Joan Spalding-Yes	Janine Sam-Yes	Connie Waitner-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

MOTION TO ADOPT THE AGENDA AS AMENDED; by Janine Sam, supported by Tammy Kleeman.

Roll Call

Kathy Berentsen-Yes	Charles Fisher-Yes	Tammy Kleeman-Yes
Lisa McCatty-Yes	Elaine Porter-Yes	Joan Spalding-Yes
Janine Sam-Yes	Connie Waitner-Yes	Carol Bennett-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

D. Tribal Council Minutes

MOTION TO ADOPT APRIL 4, 2001 TRIBAL COUNCIL OPEN MEETING MINUTES; by Janine Sam, supported by Connie Waitner.

Roll Call

Charles Fisher-Yes	Tammy Kleeman-Yes	Lisa McCatty-Yes
Elaine Porter-Yes	Joan Spalding-Yes	Janine Sam-Yes
Connie Waitner-Yes	Carol Bennett-Yes	Kathy Berentsen-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

**MOTION TO APPROVE TUESDAY, APRIL 10, 2001
EMERGENCY MEETING MINUTES;** by Janine Sam, supported by
Elaine Porter.

Roll Call

Joan Spalding-Yes	Janine Sam-Yes	Connie Waitner-Abstain
Carol Bennett-Yes	Kathy Berentsen-Yes	Charles Fisher-Yes
Tammy Kleeman-Yes	Lisa McCatty-Yes	Elaine Porter-Yes

Motion carried. 8-Yes, 0-No, 1-Abstain, 0-Absent

E. Public Comment Period

Jeffrey Sam discussed a memo he sent to Tom Davis, Mike Dickson, and Valarie Bergstrom regarding an informal Tribal employee meeting that was to take place on the property Saturday, April 14, 2001. Jeff Sam defended the purpose of the meeting, which was to discuss openly any concerns or problems they were experiencing. He continued to explain at length the Tribal members should be able to communicate in a traditional talking circle on the property. The Tribal members did not meet because management misunderstood their intentions. Jeff Sam wanted to explain no harm was ever intended.

Lee Sprague with Economic Development introduced the new Economic Development Project Director, Jim Clements.

III. GRANTS & CONTRACTS BUSINESS

A. Environmental Protection Agency (EPA) Air Quality Grant. Approval to submit an Air Quality Application to EPA for \$50,000 to reduce vehicle miles traveled and showing a reduction in emission-based air pollution especially carbon monoxide.

John Bussey reported there are ten grants to be awarded nationwide—it's a very competitive grant. The Tribe was specifically notified by Senator Carl Levin's office about this grant because they were impressed with the Tribe's emphasis on protecting the environment. The intent of this funding is to reduce vehicle miles traveled and showing a reduction in emission-based air pollution especially carbon dioxide. This grant would develop local partnerships to assist in creating a green community. Local partners would include Bay Energy Services of Suttons Bay, the Manistee Transportation Company bus services, and local businesses. The grant would provide for an alternative fuel vehicle for use by the Elders, bike racks to be placed at Tribal and other high use areas, funding 25% of an administrative position to coordinate planning efforts for the Smart Growth concept, and the development of educational materials for distribution.

Funding requested from the EPA is in the amount of \$59,275, the total budget is \$160,275—that's an in-kind contribution of \$101,000. Most of those are in-kind services. There is a \$9,000 cost to the Tribe that would be additional later on down the road. The vehicle would be leased and the grant would pick up the first 18 months of the lease, the Tribe would be responsible for the balance of the lease. This grant was written by Sandy Nordmark, an outside grant writer. The grant is due on April 24, 2001.

MOTION TO APPROVE RESOLUTION #01-0418-01, EPA AIR QUALITY GRANT; by Janine Sam, supported by Elaine Porter.

Roll Call

Janine Sam-Yes	Connie Waitner-Yes	Carol Bennett-Yes
Kathy Berentsen-Yes	Charles Fisher-Yes	Tammy Kleeman-Yes
Lisa McCatty-Yes	Elaine Porter-Yes	Joan Spalding-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

B. Contract with James McClurken to transcribe and edit tapes of James Pego. Approval to submit a book-editing contract to James McClurken for transcribing oral history tapes and editing them into book form.

John Bussey talked about meeting with James Pego and James McClurken, both noted historians. Bussey asserted that Mr. Pego is a highly respected Elder with vast historical knowledge. This contract would pay James McClurken \$5,000 to transcribe and edit Mr. Pego's oral history tapes into book form. Funding is available from Legal as the historical information could be beneficial to their department. The Culture Preservation Committee would supply staff support for this project.

Sam had a concern with wording with the resolution—we would be preauthorizing a contract with Mr. McClurken. Sam didn't know if there were any sovereign immunity waivers that would be included in those documents and Sam didn't want to pre-approve a contract until she saw the language of the contract itself. Porter feels this information will need to be followed up. Other Council members comments: is the book going to be for sale; would it be available only to Tribal members; this should be done but there are issues.

MOTION TO TABLE ITEM B, CONTRACT WITH JIM McCLURKEN TO TRANSCRIBE AND EDIT TAPES OF JAMES PEGO; by Lisa McCatty, supported by Connie Waitner.

Roll Call

Connie Waitner-Yes	Carol Bennett-Yes	Kathy Berentsen-Yes
Charles Fisher-No	Tammy Kleeman-Yes	Lisa McCatty-Yes
Elaine Porter-No	Joan Spalding-Yes	Janine Sam-No

Motion carried. 6-Yes, 3-No, 0-Abstain, 0-Absent

Sam would like to see the Ogema draft a plan with guidelines, to organize the process.

C. Roads Inventory and Current Road Construction Priority List.

Bussey informed Council that Tribal housing will be needing roads for the new site. The Tribe has a possibility to receive assistance for construction, future repair, and future maintenance of Tribal housing roads providing they are placed on the Bureau of Indian Affairs (BIA) Roads Inventory Priority List. Dan Sheppard has been working with the BIA in developing the list. This list needs to be submitted now to the BIA so we can be added to their system. The list can be amended from time-to-time. Presently on the list: 1.) Dontz Road, Housing Site, Manistee Township, two ½ miles; 2.) BIA Route 185-Dontz Road, two miles; 3.) Pow-Wow grounds road, ½ mile.

MOTION TO APPROVE RESOLUTION #01-0418-02, ROADS INVENTORY AND CURRENT ROADS CONSTRUCTION PRIORITY LIST; by Janine Sam, supported by Kathy Berentsen.

Roll Call

Elaine Porter-Yes	Joan Spalding-Yes	Janine Sam-Yes
Connie Waitner-Yes	Carol Bennett-Yes	Kathy Berentsen-Yes
Charles Fisher-Yes	Tammy Kleeman-Yes	Lisa McCatty-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

IV. OLD BUSINESS

A. Resolution authorizing execution of an independent contractor agreement with Bill Gregory for legal assistance program for Tribal Elders.

MOTION TO TABLE ITEM A, BILL GREGGORY LEGAL ASSISTANCE FOR ELDERS, UNTIL WE GET THE RESOLUTION; by Kathy Berentsen, supported by Janine Sam.

Roll Call

Carol Bennett-Yes	Kathy Berentsen-Yes	Charles Fisher-Yes
Tammy Kleeman-Yes	Lisa McCatty-Yes	Elaine Porter-Yes
Joan Spalding-Yes	Janine Sam-Yes	Connie Waitner-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

B. Cultural Preservation Committee request for seeding.

MOTION TO TABLE ITEM B, CULTURAL PRESERVATION COMMITTEE REQUESTING FOR SEEDING; by Joan Spalding, supported by Tammy Kleeman.

Roll Call

Kathy Berentsen-Yes	Charles Fisher-Yes	Tammy Kleeman-Yes
Lisa McCatty-Yes	Elaine Porter-Yes	Joan Spalding-Yes
Janine Sam-Yes	Connie Waitner-Absent	Carol Bennett-Yes

Motion carried. 8-Yes, 0-No, 0-Abstain, 1-Absent

C. Business Board Replacement.

MOTION TO TABLE ITEM C, AND REMOVE FROM THE TABLE ITEM A & B; by Janine Sam, supported by Connie Waitner

Roll Call

Charles Fisher-Yes	Tammy Kleeman-Yes	Lisa McCatty-No
Elaine Porter-Yes	Joan Spalding-Yes	Janine Sam-Yes
Connie Waitner-Yes	Carol Bennett-No	Kathy Berentsen-Yes

Motion carried. 7-Yes, 2-No, 0-Abstain, 0-Absent

A. Resolution authorizing execution of an independent contractor agreement with Bill Gregory for legal assistance program for Tribal Elders.

MOTION TO APPROVE RESOLUTION #01-0418-03, AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO EXECUTE A CONTRACT WITH WILLIAM GREGGORY TO PROVIDE LEGAL SERVICES TO TRIBAL ELDERS; by Janine Sam, supported by Elaine Porter.

Roll Call

Joan Spalding-Yes	Janine Sam-Yes	Connie Waitner-Yes
Carol Bennett-Yes	Kathy Berentsen-Yes	Charles Fisher-Yes
Tammy Kleeman-Yes	Lisa McCatty-Yes	Elaine Porter-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

B. Cultural Preservation Committee request for seeding.

MOTION TO APPROVE RESOLUTION #01-0418-04, APPROVING A BUDGET MODIFICATION TO THE OPERATING BUDGET FOR THE TRIBAL GOVERNMENT FOR FISCAL YEAR 2001 TO INCLUDE AN APPROPRIATION OF \$13,606.00 FROM THE GENERAL FUND FOR COMPLETION OF SITE IMPROVEMENTS TO THE TRIBE'S POW WOW GROUNDS; by Janine Sam, supported by Elaine Porter.

Roll Call

Janine Sam-Yes	Connie Waitner-Yes	Carol Bennett-Yes
Kathy Berentsen-Yes	Charles Fisher-Yes	Tammy Kleeman-Yes
Lisa McCatty-Yes	Elaine Porter-Yes	Joan Spalding-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

MOTION TO APPROVE RESOLUTION #01-0418-05, AUTHORIZING THE TRIBAL COUNCIL SPEAKER TO EXECUTE A CONTRACT WITH SENG CRANE & EXCAVATING, INC. TO SITE WORK AND HYDROSEEDING OF POW WOW GROUNDS; by Janine Sam, supported by Elaine Porter.

Roll Call

Connie Waitner-Yes	Carol Bennett-Yes	Kathy Berentsen-Yes
Charles Fisher-Yes	Tammy Kleeman-Yes	Lisa McCatty-Yes
Elaine Porter-Yes	Joan Spalding-Yes	Janine Sam-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

C. Business Board Replacement.

MOTION TO REMOVE ITEM C FROM THE TABLE; by Janine Sam, supported by Tammy Kleeman.

Roll Call

Tammy Kleeman-Yes	Lisa McCatty-Yes	Elaine Porter-Yes
Joan Spalding-Yes	Janine Sam-Yes	Connie Waitner-Yes
Carol Bennett-Yes	Kathy Berentsen-Yes	Charles Fisher-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

Spalding stated for the record she believes the Business Board does need to be restructured, she is opposed to jumping into doing that without having it planned out properly.

MOTION TO APPOINT CAROL BENNETT AND JANINE SAM TO TAKE THE CURRENT POSITIONS OF THE PEOPLE ON THE BUSINESS BOARD TEMPORARILY UNTIL THE

DESCRIPTIONS CAN BE POSTED AND FILLED;

by Tammy Kleeman, supported by Kathy Berentsen.

Roll Call

Lisa McCatty-Yes	Elaine Porter-No	Joan Spalding-No
Janine Sam-Yes	Connie Waitner-No	Carol Bennett-Yes
Kathy Berentsen-Yes	Charles Fisher-No	Tammy Kleeman-Yes

Motion carried. 5-Yes, 4-No, 0-Abstain, 0-Absent

Waitner feels there is a conflict and she believes having someone without ties to the casino would be better, i.e. Chuck Fisher, Tammy Kleeman or Bob Davis. Spalding stated the conflict of interest should be dealt with. Berentsen commented her reason she is supporting this is after talking with Mr. Dolan yesterday, finding that since the casino opened we do not have certain policies and procedures in place as far as payroll, travel—that was the responsibility of the Business Board and it was not done. Bennett said it's been two years—how long do we wait for the department to do their job.

Sam is looking forward to the opportunity to serve on the Business Board for a short duration. Sam believes this change is necessary. In the past she has brought concerns to the Business Board and this Council on numerous occasions regarding financial issues in the casino, regarding personnel issues in the casino, and no one addressed the matters. Her concerns were presented formally, informally, work sessions, Business Board meetings—Sam is looking forward to the opportunity to make an impact. It's time for a change. Sam would like to get the restructuring of Business Board done in less than six weeks.

Porter objected to the manner in which this is being presented and how it will be perceived by the membership; it's very derogatory, inflammatory, vicious and malicious manner.

V. NEW BUSINESS

A. Site Approval at Dontz Road.

Ruth Bussey requested the Tribal Council to approve the site selection, Phase I on the Dontz Road property. The Housing Commission approved Phase I at their last meeting. Tribal Council's approval will allow bids to go out to engineering services for the roads and architect services for the rendering of the proposed dwellings that will be built for Phase I (fifteen units for the Elders). Included in the packets to the Council are the drawings and strategic plan.

MOTION TO APPROVE RESOLUTION #01-0418-06, APPROVAL OF THE LITTLE RIVER BAND OF OTTAWA INDIANS AKI MAAD ZI WIN FINAL SITE SELECTION FOR RESIDENTIAL HOUSING; by Janine Sam, supported by Tammy Kleeman.

Roll Call

Elaine Porter-Yes	Joan Spalding-Yes	Janine Sam-Yes
Connie Waitner-Yes	Carol Bennett-Yes	Kathy Berentsen-Yes
Charles Fisher-Yes	Tammy Kleeman-Yes	Lisa McCatty-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

B. Approving statement of fees and expenses from Dettmer Law Office.

MOTION TO APPROVE RESOLUTION #01-0418-07, APPROVING STATEMENT OF FEES AND EXPENSES FROM DETTMER LAW OFFICE IN AMOUNT OF \$18,525.89;
by Janine Sam, supported by Elaine Porter.

Roll Call

Carol Bennett-No	Kathy Berentsen-Yes	Charles Fisher-Yes
Tammy Kleeman-No	Lisa McCatty-No	Elaine Porter-Yes
Joan Spalding-Yes	Janine Sam-Yes	Connie Waitner-Yes

Motion carried. 6-Yes, 3-No, 0-Abstain, 0-Absent

MOTION TO ADD TO THE AGENDA UNDER NEW BUSINESS, ITEM C, "GROUNDBREAKING DATE OR NOT";
by Joan Spalding, supported by Janine Sam.

Roll Call

Kathy Berentsen-Yes	Charles Fisher-Yes	Tammy Kleeman-Yes
Lisa McCatty-Yes	Elaine Porter-Yes	Joan Spalding-Yes
Janine Sam-Yes	Connie Waitner-Yes	Carol Bennett-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

C. Groundbreaking date or not.

Spalding talked about a memo from Jennifer Walker wanting to confirm the groundbreaking date for the casino—last Friday of the month. Spalding wasn't sure if it's not too late to back out with Marketing. Berentsen was in favor of just having a grand opening rather than a groundbreaking.

MOTION TO HAVE THE TRIBAL COUNCIL NOTIFY MARKETING TO CANCEL THE GROUNDBREAKING CEREMONY IN LIEU OF A GRAND OPENING; by Janine Sam, supported by Tammy Kleeman.

Roll Call

Charles Fisher-Yes	Tammy Kleeman-Yes	Lisa McCatty-Yes
Elaine Porter-Yes	Joan Spalding-Yes	Janine Sam-Yes
Connie Waitner-Yes	Carol Bennett-Yes	Kathy Berentsen-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

MOTION TO APPROVE A SPECIAL MEETING ON SATURDAY, APRIL 21, 2001 AT 5:00 P.M.; by Janine Sam, supported by Kathy Berentsen.

Roll Call

Joan Spalding-Yes	Janine Sam-Yes	Connie Waitner-Yes
Carol Bennett-Yes	Kathy Berentsen-Yes	Charles Fisher-Yes
Tammy Kleeman-No	Lisa McCatty-Yes	Elaine Porter-Yes

Motion carried. 8-Yes, 1-No, 0-Abstain, 0-Absent

VI. Concluding Business

- A. Next Meeting Date Saturday, April 21, 2001, 5:00 p.m.
- B. Public Comment Period

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 Janine Sam, supported by Tammy Kleeman.

Roll Call

Janine Sam-Yes	Connie Waitner-Yes	Carol Bennett-Yes
Kathy Berentsen-Yes	Charles Fisher-Yes	Tammy Kleeman-Yes
Lisa McCatty-Yes	Elaine Porter-Yes	Joan Spalding-Yes

Motion carried. 9-Yes, 0-No, 0-Abstain, 0-Absent

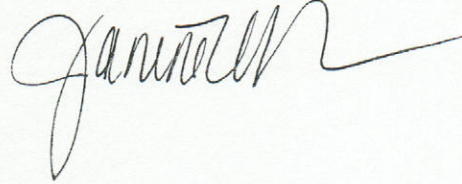
This portion of Open Session was adjourned.

Council reconvened in Open Session. There were no items to be placed in Open Session from the Closed Session. The meeting was adjourned.

Respectfully Submitted,

Debbie Fischer
Temporary Transcribing Assistant
11/14/02

Lisa M. McCatty
Tribal Council Recorder

A handwritten signature in black ink, appearing to read "Lisa M. McCatty", with a long horizontal flourish extending to the right.