



Little River Band of Ottawa Indians
1762 U.S. 31 South
Manistee, MI 49660
(231) 723-8288

TRIBAL COUNCIL MEETING MINUTES
REGULAR MEETING
Monday, April 24, 2000

I. PRAYER

Silent Prayer time was given

II. GENERAL BUSINESS

A. CALL TO ORDER: 6:04 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.

C. CONSENT AGENDA:

1. APPROVAL OF AGENDA.

III. OLD BUSINESS (*Remove*)

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

E. CONTRACT APPROVAL WITH JULIE CARR FOR HEALTH
STSYEM CONSULTATION.

III. OLD BUSINESS (*Separate into Two-2 parts*)

F. (Part 1) RESOLUTION APPROVING MODIFICATION OF FISCAL
YEAR 2000 OPERATION BUDGET AND
APPROPRIATING AN AMOUNT NOT TO EXCEED
\$234,254.00 FROM GENERAL FUND FOR EXPENSES
ASSOCIATED WITH PRELIMINARY DESIGN WORK
FOR PERMANENT CASINO/RESORT FACILITIES.

(Part 2) AUTHORIZING THE TRIBAL OGEMA, OR IN HIS
ABSENCE, THE TRIBAL COUNCIL SPEAKER TO
EXECUTE DESIGN AGREEMENT WITH CUNNINGHAM
LIMP COMPANY AND AGREEING TO BINDING
ARBITRATION AND A LIMITED WAIVER OF
SOVEREIGN IMMUNITY.

APPROVED
5-13-00 *WJK*

IV. NEW BUSINESS (*Remove*)

G. APPROVAL OF ACCEPTANCE OF SCHOLARSHIP FUNDS FROM PEPSI.

H. DISCUSSION ON PROJECT ADMINISTRATOR POSITION – PERMANENT CASINO.

IV. NEW BUSINESS (*Addition*)

I. AUTHORIZING TRIBAL OGEMA TO FORWARD LETTER TO EPA.

J. COUNCIL APPROVAL TO DEVELOP A PROPOSAL TO ANA FOR ASSISTANCE IN CONDUCTING A TRIBAL CENSUS.

VI. CLOSED SESSION – NEW BUSINESS (*Addition*)

II. REQUEST FOR EXTENTION FOR FILING FINAL AUDIT OF GAMING OPERATION FISCAL YEAR 1999.

III. NATIONAL CITY BANK AGREEMENT.

*** Motion: Kathy Berentsen – “To accept the agenda as amended”**

*** Support: Don Koon**

| | | |
|-------------------|---------------------------|--------------------------|
| 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.

2. APPROVAL OF MINUTES.

3/11/00 Closed Session Minutes:

*** Motion: Kathy Berentsen – “To approve (3/11/00 Closed Session Minutes)”**

*** Support: Charles Fisher**

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

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

APPROVED
5-13-00 *[Signature]*

3/13/00 Closed Session Minutes:

*** Motion: Janine Szpliet – “To approve (3/13/00 Closed Session Minutes)”**

*** 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.

3/29/00 Emergency Meeting Minutes:

*** Motion: Janine Szpliet – “To accept the minutes from Wednesday, March 29 – Emergency Meeting”**

*** 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.

4/8/00 Regular Meeting Minutes:

*** Motion: Elaine Porter – “To approve March 29, Emergency Meeting Minutes”**

* Joan Spalding responded that the minutes being considered were 4/8/00.

* Elaine Porter withdrew her Motion.

*** Motion: Kathy Berentsen – “To approve April 8, 2000 Minutes”**

*** Support: Don Koon**

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|-------------------|-------------------------|---------------------------|
| 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.

APPROVED
5-13-00 WAA

D. INTRODUCTION OF GUESTS. *No Guests were identified.*

E. PUBLIC COMMENT.

➤ Question: Are Commission members allowed to be involved in employee Interviews ?

* Joan Spalding replied that that was not currently part of the policy, but there could be accommodations made in certain instances.

➤ Question: Whether it would be possible for the Tribal Council to be present at the next Natural Resource Commission meeting ?

* Joan Spalding replied that it would be Wednesday, May 3 at 6:00 p.m.

III. OLD BUSINESS

A. ACCEPTANCE OF OPERATING BUDGET 2000 FINANCIAL STATEMENTS.

* Joan Spalding questioned whether the Council needed to take any formal action on the item.

* Dan Broton replied that he felt there was no need to take any action.

B. APPROVAL OF BURIAL ASSISTANCE POLICY AND PROCEDURES.

* Kathy Berentsen asked whether an Obituary would be sufficient documentation of someone's death for the purposes of the program.

* Charles Fisher replied that in some instances, obtaining a copy of the Death Certificate can be a lengthy process. It was felt that any document which was considered acceptable to the funeral home, would be considered by the Tribe.

* Charles Fisher stated that discussion on the issue would be a somewhat time consuming due to the fact that there are a number of circumstances to take into consideration, but the thought was to keep it as simple as the Tribe can. A specific circumstance that would have to be talked about was the issue of how unborn children will be treated for the purposes of the program. The draft proposal has been reviewed by the Court.

* Joan Spalding asked Bill Brooks whether he had reviewed the information.

* Bill Brooks replied that he has looked at the material and that it looked straight forward, but there are always a few issues to be addressed.

* Joan Spalding suggested that a worksession be scheduled to go over the proposed program and when it comes back to Council that it be accompanied by a resolution.

APPROVED
5-13-00 (WKA)

*** Motion: Janine Szpliet – “That the item (Burial Assistance) be removed from the agenda for a worksession”**

*** Support: Connie Waitner**

*** Motion: Lisa McCatty – “To amend the Motion, to include a copy of the prior financial funeral assistance program (policy) the Tribe has in place”**

*** Support: Janine Szpliet**

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|-------------------|--------------------------|---------------------------|
| 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.

*** Vote on Motion as amended: “To remove the Burial Assistance consideration from the agenda to a worksession and attach a copy of the existing policy”**

| | | |
|-------------------|---------------------------|--------------------------|
| 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.

* Joan Spalding mentioned that the earliest date she has for a worksession is May 15, 2000 at 10:00 a.m.

C. APPROVAL OF PROPOSED REVISIONS/ADDITION TO THE EMPLOYEE PERSONNEL MANUAL.

* Janine Szpliet asked question relating to page 35, Sec. 7.4, “it say that when the Director of Operations or Human Resources Director feels it is necessary to dismiss or suspend an employee ...”, she didn’t realize that the Tribe was giving that authority to the Human Resources Director.

* Joan Spalding replied that it was in a previous draft.

* Carol Bennett said that Sec. 7.3 (Terminations), the part “general employees will only be terminated for cause, however the Tribe is an at-will employer and an employee may be discharged as such without cause”. She felt that the sentence alone would cause some people to back-off from being hired by the Tribe.


APPROVED
5-13-00 [Signature]

- * Dan Coates replied that he thought the Tribe had been an at-will employer since the beginning. That is the argument that the Tribe gets into between the at-will and the just-cause employer, meaning that someone will be shy about employment, but normally that is not the case.
- * Carol Bennett mentioned that it's like they don't have any leg to stand on, there is no chance for them to make it through any mistakes.
- * Dan Coates replied that he didn't believe that the Tribe ever, maybe once before his time, did exercise the "at-will" status. Most people are discharged with cause.
- * Carol Bennett stated she just wanted to mention that she disagreed with that portion.
- * Bill Brooks said that reinforcing that the Tribe is an at-will employer can be viewed as a harsh message, it is there to reinforce that employees don't have a property right to their jobs. Outside of Union jobs, almost every other place of employment in the country is an at-will employment situation, but he agrees with Dan Coates that people are only let go for good cause. The reason for reinforcing the at-will nature of employment in the Personnel Policy is important is because if the Tribe doesn't do that, it creates the impression in the minds of the employees and potentially, in the Courts, what you have here is an employment contract. What the Personnel Policies are trying to do is to say that this what the Tribe is going to do and try and create a fair work environment for everyone, but the Tribe is emphasizing that as we try to create that environment the Tribe is not guarantying employment. It allows managers the right to make tough employment calls, otherwise, anytime they do take an action it leaves open the door for the employee to challenge it based on difference of opinion.
- * Kathy Berentsen mentioned in Sec. 7.7, on page 37, she questioned whether suspension should be added in under Transaction, "Records will be maintained in the Human Resource Department ...", because suspension was mentioned earlier in 7.4.
- * **Motion: Kathy Berentsen – "To add the word suspension, in Sec. 7.7, under Transaction"**

* **Support: Janine Szpliet**

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|-------------------|---------------------------|-------------------------|
| 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.

APPROVED
5-13-00 

*** Motion: Charles Fisher – “To approve as amended, including a cover page”**

*** Support: Don Koon**

| | | |
|-------------------|--------------------------|--------------------------|
| Roll Call: | K. Berentsen – No | 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: 8 for, 1 opposed, 0 abstain and 0 absent.

F. (Part 1) RESOLUTION APPROVING MODIFICATION OF FISCAL YEAR 2000 OPERATION BUDGET AND APPROPRIATING AN AMOUNT NOT TO EXCEED \$234,254.00 FROM GENERAL FUND FOR EXPENSES ASSOCIATED WITH PRELIMINARY DESIGN WORK FOR PERMANENT CASINO/RESORT FACILITIES.

- * Janine Szpliet mentioned that the resolution was for \$234,254.00, but the Agenda Request was for \$240,000. She mentioned that it should be clarified a portion of the \$240,000 is for an outstanding invoice.
- * Joan Spalding stated that it has been anticipated that the new design would save the Tribe \$5-7 Million dollars, but in order to pin down the actual cost savings the design work being proposed would have to be completed.
- * Janine Szpliet said that she was unclear as to where the outstanding invoice of \$94,354.00 came from or who authorized it, because it is separate.
- * Bill Brooks responded that he did not think that that work was authorized and that it was for architectural work that Klai-Juba had done.
- * Joan Spalding replied that they proceeded with refining the design without the Tribe officially and specifically approving it, because that was the way the operation was going and the Tribe was pushing them so hard previously on the interim that they would go forward without their contract, the Tribe did put a halt to it and told them that it needed to be approved before any further work could be done.
- * Kathy Berentsen questioned that if they proceed with the design work and it comes back to Council, the Tribe does not like it and they have to come up with a new plan, would the Tribe have to pay for that too.
- * Joan Spalding said there has already been work done on a “stand-alone” permanent Casino that the Tribe would not have to pay for, if we use any of that design, then we owe Klai-Juba.

- * Joan Spalding mentioned that the reason they were asked to look at a different design utilizing the current building was because any of the uses that have been previously discussed for usage of the current building doesn't require the dollar extent, it cost a lot more to build Casino space then it does to build a bingo hall, convention center, because you have all the cords in the floor, the surveillance brings the cost up to around \$240 per square foot.
- * Carol Bennett mentioned that if the Tribe was to go with a "stand-alone" permanent Casino, the Tribe would actually have to shut the operation down while they move from one facility to the other.
- * Kathy Berentsen said that her concerns were regarding the fact that things seem to keep changing and if they are experts why does there continue to be changes and amendments. Right at the present time, they are saying the Tribe will save \$5-7 Million, but as the year progresses, the Tribe may spend that \$5-7 Million or over that on changes.
- * Janine Szpliet stated that any future contract should include design guaranties.
- * Connie Waitner mentioned that they did come within budget and ultimately that is what she cares about. There has been Business Board meetings and the Tribal Council was invited so that they could get a better understanding of where people wanted to go with future designs, but nobody could quite come up what the Tribe should do with the existing building once the Tribe had the "free-standing" resort. There was discussion not only about cost savings, but the money that was invested in the Casino to begin with and to better utilize what the Tribe had in existence. At that point the Tribe have Cunningham-Limp some direction to go take a look at the cost saving factors and what the Tribe could do to come up with the same type of design, but utilize what the Tribe already had and keep in mind the resort concept the Tribe has always wanted.
- * Lisa McCatty asked whether the Tribe had any open contract with Cunningham Limp or if the Tribe was obligated to them in any way.
- * Bill Brooks replied "no".
- * Janine Szpliet stated that looking at Invoice #99035-01 form Cunningham-Limp, in the amount of \$94,354.00, she objects to the bill in the sense that the Tribe did not have a contract, there was not even an implied agreement, nor did the Tribe have any discussions with anyone including Mr. Juba, Tom Celani, the costs of the conceptual designs were never discussed with the Tribe, nor was the responsibility for payment of those designs ever discussed at any of the meetings she attended in January. She said for the benefit of the Tribe the process has to move forward in as an expedient manner as possible, but she did not feel as though this was a very good way to do business. Janine felt that, at a minimum, the company should be sent a letter to that affect, because \$100,000 is a lot of money.

APPROVED
5-13-00 *WA*

* **Motion: Lisa McCatty** – “To remove the item from the agenda until the Ogema has obtained two (2) other bids for the design work for the Permanent Casino, with consideration of the previous plans, which were approved by the Council of the main project”

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

* **Motion: Connie Waitner** – “To approve Resolution #00-0424-01, Approving modification of Fiscal Year 2000 Operation Budget and appropriating an amount not to exceed \$234,354.00 from General Fund for expenses associated with Preliminary Design Work for Permanent Casino/Resort facilities”

* **Support: Don Koon**

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|-------------------|-------------------------|--------------------------|
| 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 – No |
| | C. Fisher – Yes | |

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

* Charles Fisher mentioned that there was still the issue regarding the letter and that it was not included in the motion.

* Janine Szpliet replied that it was only a suggestion.

* Connie Waitner asked if it would be alright if the Business Board brought the issue back to Cunningham-Limp and have it come directly from the Business Board.

* Janine Szpliet replied that it would be sufficient.

* Joan Spalding responded by stating that Tom Celani has already been given the information, as has Steve Guidos. She said that she believes that the Council did bear some of the burden of the payment, nobody ever instructed them to stop, or said how much is this going to cost.

F. (Part 2) AUTHORIZING THE TRIBAL OGEMA, OR IN HIS ABSENCE, THE TRIBAL COUNCIL SPEAKER TO EXECUTE DESIGN AGREEMENT WITH CUNNINGHAM-LIMP COMPANY AND AGREEING TO BINDING ARBITRATION AND A LIMITED WAIVER OF SOVEREIGN IMMUNITY.

* **Motion: Janine Szpliet** – “That this item be tabled until Council has an opportunity to be provided copies of the contract for review”

* **Support: Lisa McCatty**

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|-------------------|-------------------------|---------------------------|
| 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.

IV. NEW BUSINESS

A. APPROVAL OF RESOLUTION FOR PAYMENT OF FEES AND EXPENSES FOR JOHN HOENIG & ASSOCIATES FOR WORK RELATED TO U.S. v MICHIGAN.

*** Motion: Connie Waitner – “To approve Resolution #00-0424-02, Approving payment of fees and expenses detailed in March 29, 2000 Statement John M. Hoenig & Associates for expert services rendered in U.S. v Michigan in the amount of \$4,195.80”**

*** Support: Elaine Porter**

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|-------------------|---------------------------|-------------------------|
| 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.

B. APPROVAL OF BUDGET AMENDMENT FOR ACCOUNTING DEPARTMENT.

* Dan Broton gave brief presentation regarding justification for staff increase.

*** Janine Szpliet left at 7:55 p.m.**

*** Motion: Lisa McCatty – “To amend the Year 2000 Operating Budget to add in \$102,260 for positions of Staff Accountant, Enterprise Accountant, Budget Coordinator, Fixed Asset Coordinator and Trust Accounting position be developed and brought back to the Council with the quarterly appropriation request”**

*** Support: Kathy Berentsen**

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|-------------------|----------------------------|--------------------------|
| 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 – Absent | |

APPROVED
5-13-00 *WJA*

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

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

C. APPROVAL OF RESOLUTION AUTHORIZING RELEASE OF PER CAPITA FUNDS HELD IN TRUST FOR CERTAIN MINORS REACHING THE AGE OF MAJORITY IN APRIL.

*** Motion: Kathy Berentsen – “To pass Resolution #00-0424-03, Authorizing the release of Per Capita funds held in trust for certain minors reaching the age of majority in April”.**

*** Support: Elaine Porter**

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|-------------------|--------------------------|----------------------------|
| 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 – Absent |
| | C. Waitner – Yes | |

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

D. APPROVAL OF VESSEL AND CREW ASSISTANCE FROM USGS GREAT LAKES SCIENCE CENTER FOR SPRING LAKE TROUT, LAKE WHITEFISH AND BURBOT SAMPLING.

- * Joan Spalding mentioned that this would be a matter of moving funds from the equipment line to the contractual services line.
- * John Koon mentioned that the matter was only discussed at the Natural Resources Commission meeting, but there was no vote taken on whether to move forward with it.
- * Connie Waitner asked that if there was going to be funds moved from equipment to contractual, then what item(s) are they not going to purchase that they had previously intended on purchasing.
- * Archie Martell replied that there was money available from savings they had on other items they had purchased.
- * John Koon mentioned that although he did not disagree with the matter, but the Natural Resources Commission should have been made aware of the matter.
- * Joan Spalding replied that she agreed with John Koon that matters need to be discussed at the commission level, but with the short notice the matter needed to be acted on.
- * Kathy Berentsen questioned whether the dollar amount in the resolution was correct or not.

APPROVED

5-13-00 WKU

*** Motion: Kathy Berentsen – “To amend the resolution under Certificate of Adoption, add the word Band”.**

*** Support: Lisa McCatty**

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

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

*** Motion: Charles Fisher – “Under the third Whereas, adding (; and), in keeping with general format”.**

*** Support: Kathy Berentsen**

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

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

*** Motion: Connie Waitner – “To approve Resolution #00-0424-04, Approving the vessel and crew assistance from the USGS Great Lakes Science Center for spring Lake Trout, Lake Whitefish and Burbot sampling in the amount of \$4,546.00 as amended”**

*** Support: Elaine Porter**

* Kathy Berentsen mentioned that the resolution is only asking for \$4,500.00.

*** Motion: Kathy Berentsen – “To amend the motion on Resolution #00-0424-04 to \$4,500.00”.**

*** Support: Lisa McCatty**

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

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

APPROVED
5-13-00 *WJH*

*** Vote on Motion as amended:**

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

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

E. APPROVAL OF DEPUTATION AGREEMENT WITH BUREAU OF INDIAN AFFAIRS AND AUTHORIZING SUBMISSION OF SUCH AGREEMENT TO THE FIELD SOLICITOR FOR REVIEW AND APPROVAL.

* Kathy Berentsen asked about the reference on the first page, third paragraph where it states "it is further recognized that the official jurisdictional determination will be made by a Prosecutor from one of the various jurisdictions", is that either the State, the Tribe's, it would not be both together.

* Bill Brooks replied it would be the Prosecutor from the Tribe, the State and from the US Attorney's office determining which jurisdiction is going to prosecute.

* **Motion: Lisa McCatty – "To table the item until it has been reviewed by the Court, being that it is a jurisdictional matter and then come back to the Tribal Council after it has been commented on by them"**

* **There was no Support for the Motion**

* **Motion: Connie Waitner – "To approve the Deputation Agreement"**

* **Support: Elaine Porter**

* **Motion: Lisa McCatty – "To amend the Motion, by adding the word "the" to the third line of the agreement and add "s" to the end of "provide"**

* **Support: Kathy Berentsen**

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

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

* **Carol Bennett left at 9:55 p.m.**

APPROVED
5-13-00 *WKA*

*** Vote on Motion as amended: "Approval of Deputation Agreement with grammatical and typographical corrections"**

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

Motion passes: 6 for, 1 opposed, 0 abstain and 2 absent.

*** Motion: Kathy Berentsen – "To amend the resolution, the ninth Whereas, the second sentence at the very end, to delete "to".**

*** Support: Charles Fisher**

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

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

*** Motion: Kathy Berentsen – "To pass Resolution #00-0424-05, Authorizing the Tribal Ogema, or in his absence, the Tribal Council Speaker to execute a Deputation Agreement with the Bureau of Indian Affairs and authorizing the submission of such agreement for approval as amended".**

*** Support: Don Koon**

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

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

F. APPROVAL OF FEES AND EXPENSES FOR MARC SLONIM FOR WORK RELATED TO U.S. v MICHIGAN.

*** Motion: Elaine Porter – "Approving Resolution #00-0424-06, Approving payment of fees and expenses for the March statement to Ziontz, Chestnut, Varnell, Berley & Slonim"**

*** Support: Don Koon**

APPROVED
5-13-00 WJA

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

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

*** Items G & H were removed**

I. AUTHORIZING TRIBAL OGEMA TO FORWARD LETTER TO EPA CONSENTING TO RESTRICTING TREATMENT AS A STATE (T.A.S. AGREEMENT) FOR SECTION 106 FUNDING TO MANISTEE RESERVATION ON AN INTERIM BASIS.

*** Motion: Kathy Berentsen – “Authorizing Tribal Ogema to forward letter to EPA consenting to restricting treatment as a State for Section 106 funding to Manistee Reservation on an interim basis”**

*** 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 – Absent | C. Waitner – Yes |
| | C. Bennett – Absent | |

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

J. COUNCIL APPROVAL TO DEVELOP A PROPOSAL TO ANA FOR ASSISTANCE IN CONDUCTING A TRIBAL CENSUS.

*** Motion: Kathy Berentsen – “That Charles Fisher proceed with the development of the ANA application to conduct a Tribal Census”**

*** Support: Elaine Porter**

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

Motion passes: 5 for, 1 opposed, 1 abstention and 2 absent.

APPROVED
5-13-00 *[Signature]*

V. CONCLUDING BUSINESS

A. PUBLIC COMMENT.

* Bill Brooks mentioned that the results of the National City Bank proposal could probably be announced in Open Session once it is acted on.

B. NEXT MEETING DATE.

Worksession: Wednesday, April 26, 2000 @ 9:00 a.m.
Regular Session: Saturday, May 13, 2000 @ 1:00 p.m.

C. ADJOURNMENT OF OPEN SESSION.

* **Motion: Kathy Berentsen – “To adjourn Open Session”**

* **Support: Don Koon**

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

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

*** The purpose of Closed Session is to discuss the consideration of bids/contracts and pending litigation.**

D. MOTION TO GO INTO CLOSED SESSION

* **Motion: Kathy Berentsen – “To go into Closed Session”**

* **Support: Don Koon**

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

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

*** Due to the Confidential nature of information discussed in Closed Session, minutes of Closed Session are maintained separately, as provided for under Article IV, Sec. 6(d) of the Constitution of the Little River Band of Ottawa Indians, in order to protect the integrity and confidentiality of the information discussed.**

APPROVED
5-13-00 WAA

VIII. RETURN TO OPEN SESSION

*** Motion: Kathy Berentsen – “To go back into Open Session”**

*** Support: Don Koon**

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

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

*** Joan Spalding mentioned that the item regarding National City Bank Agreement was moved from Closed Session to Open Session.**

K. NATIONAL CITY BANK AGREEMENT.

* Lisa McCatty questioned why the document references financing terms, why does the Tribe need financing terms.

* Bill Brooks replied that financing terms gives the Tribe more flexibility with their money.

*** Motion: Kathy Berentsen – “On page 3 of the resolution, “Little River Band of Ottawa Indians hereby approves the modification”, delete the word “of”**

*** Support: Charles Fisher**

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

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

*** Motion: Joan Spalding – “To approve Resolution #00-0424-08, Approving budget modification in the amount of \$250,000.00 to appropriate General Revenue funds for expenses associated with acquisition of the National City Bank property and authorizing the Tribal Ogema, or in his absence, The Tribal Council Speaker to execute documents necessary to complete such acquisition”**

*** Support: Elaine Porter**

APPROVED

5-13-00 WNA

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

Motion passes: 6 for, 1 opposed, 0 abstain and 2 absent.

IX. ADJOURNMENT

*** Motion: Kathy Berentsen – “To adjourn”**

*** Support: Don Koon**

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

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

APPROVED
5-13-00 *WA*