

Approved
8/13/03

Final Draft
Submitted 8/13/03
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**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, MAY 1, 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 May 1, 2002. Following are the minutes of that meeting.

I. Opening Prayer

The opening prayer was given by Al Medacco.

II. General Business

A. Call To Order:

The regularly scheduled Tribal Council meeting of Wednesday, May 1, 2002, was called to order at 10:12 a.m.

B. Roll Call

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

Quorum established.

Others Present: Helen Ann Yunis, Kathleen Block, Al Medacco, Candace Chapman, Pat Morris, Leatrice Castonia, Matthew Stratton, John Bussey, Mark Knee, Archie Martell, Brian Medacco, Bob Campeau, Ruth Bussey, Grabowski

Speaker Parsons stated that Kleeman is out ill and Medahko had a medical emergency.

C. Approval of Agenda

MOTION TO APPROVE AGENDA AS SUBMITTED; by Porter; supported by McCatty.

Roll Call

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

Motion carried (7-0-0-2)

D. Tribal Council Minutes

2/13/02

**MOTION TO APPROVE THE FEBRUARY 13, 2002
TRIBAL COUNCIL OPEN SESSION MINUTES; by Fisher;
supported by Porter.**

Roll Call

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

Motion carried (7-0-0-2)

Bob Davis arrived at 10:14 a.m.

2/20/02

**MOTION TO APPROVE THE FEBRUARY 20, 2002
TRIBAL COUNCIL OPEN SESSION MINUTES; by Ruiter;
supported by Porter.**

Roll Call

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

Motion carried (7-0-0-2)

3/06/02

**MOTION TO APPROVE THE WEDNESDAY, MARCH 6,
2002 TRIBAL COUNCIL OPEN SESSION MINUTES; by
Porter; supported by Ruiter.**

Roll Call

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

Motion carried (7-0-0-2)

Sam stated the Tribal Council is now in compliance with the meeting ordinance and minutes are now up to date.

E. Public Comment Period

Al Medacco asked if articles are censored before placed in the newspaper and who is liable for articles published in the press. Sam commented there have been several articles in the paper over the last several years that have represented Little River Band in one way or another.

Shepard and Cole arrived at 10:19 a.m.

Fisher stated there has been some discussion about a public relations department. Parsons stated because Tribe is becoming larger there is interest from the community. Parsons stated publicity is out of the Council's control. Porter stated anything that is officially done should have some kind of approval.

Katie Glocheski arrived at 10:22 a.m.

Glocheski stated that Ludington Paper came to interview her. Parsons stated his comments were not directed to any article in particular.

III. Continuing Business

A. Grants & Contracts

No items were submitted by Bussey today.

B. CMT Business

1. FYI - Casino Art Project Update

Fisher indicated that the CMT has discussed a possible relationship with a consultant to help Cindy Brege. Fisher stated this is a time sensitive matter and need to move this forward. Fisher indicated that Brege may do a consulting agreement with the lady and get this accomplished this week. Fisher stated there is a draft letter to be sent to the Tribal artisans. Brian Medacco asked who has final say on the artwork, the CMT or the Tribe. Fisher stated ultimately this decision is made by the CMT. Porter asked how the CMT came up with hiring a consultant. Fisher stated Brege wanted additional assistance in making final decisions. Porter asked if there were bids for the consultant. Porter asked if the artisans at the showing are still being considered. Fisher stated they are. P. Morris asked how much money was put aside for art. Fisher stated right now there is \$400,000.

Jim Thompson arrived at 10:25 a.m.

2. FYI - FF&E/Provisions Update

Fisher noted the Council did have a thorough review of the FF&E update yesterday with the CMT and Casino Operations.

Jessica Burger arrived at 10:31 a.m.

Chapman asked if an opening date was given. Fisher stated the last date being reviewed was June 20, 2002 without any further problems. Sam stated she ran into John Anderson and the water was being turned on today and should be operational by next week. Porter stated this is a soft opening date and a grand opening will not occur until later. Parsons noted the Casino is looking at late June with a grand opening later in the summer. Shepard asked if the machines are being moved from the old casino. Parsons stated they will be moved. Shepard asked if this is cost effective or should they buy new ones. Parsons stated they are expensive and it is cost effective to move the machines. Shepard asked what the plans are for the interim casino. Parsons stated Council has met with the Ogema and there are no set plans for the interim casino. Fisher stated the expanded portion of the interim casino is scheduled to be a training center for the casino and office space for the Gaming Commission. Parsons asked that Shepard speak with the Ogema if he has any ideas for the interim casino. Porter suggested bringing up any ideas at a staff meeting. Cole asked how much the cost was for the interim casino and stated it seems that the Tribe spent a lot of money on this facility to have it just stand empty.

IV. Old Business

V. New Business

A. Jim Thompson Introduction

Mark Knee introduced Jim Thompson who is the new District Ranger. Thompson noted that he addressed the Natural Resource Commission on Wednesday. Thompson brought up the issue of the toilet at Rainbow Bend and will be discussing this issue at an upcoming meeting with the Natural Resources Commission. Thompson discussed the tunk hole easement. Thompson informed Council that they will again issue parking passes for recreational areas for the Tribal members at no cost. Thompson stated he will be the lead contact on the Memorandum of Understanding between the Tribe and US Forest Service.

Thompson left at 10:47 a.m.

B. Approval of Resolution Authorizing Payment for Trap Net Purchase

Martel stated this is something that was approved last year but the money was not carried over.

**MOTION TO APPROVE RESOLUTION # 02-0501-01,
APPROVAL OF EXPENDITURE BY CONSERVATION
DEPARTMENT;** by McCatty; supported by Porter.

Roll Call

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

Motion carried (7-0-0-2)

**C. Approval of Supplemental Appropriation to Public Safety
Department for Purchase of Two (2) Police Vehicles**

LaPorte arrived at 10:52 a.m.

McCatty asked if this item was taken to the Ogema and if he supported this item. LaPorte stated he did support. McCatty asked LaPorte if these vehicles are for Conservation. LaPorte stated the vehicles will not be used for conservation. Martell stated that the monies for Fisheries Trust are to be used to enforce the Great Lakes Fisheries. Sam stated it is possible that the trucks previously purchased were charged against a wrong account. LaPorte stated that monies used to purchase trucks were done by Dan Broton. LaPorte stated it was his understanding this was new money coming in. Parsons asked if the monies for the trucks could be moved to the "Fisheries Trust"? Parsons suggested possibly not acting on this resolution today until the accounting corrections have been made. Porter suggested removing the sixth whereas in the Resolution.

**MOTION TO REMOVE THIS ITEM UNTIL ADDITIONAL
INFORMATION IS REPRESENTED;** by Porter; supported by
Ruiter.

Roll Call

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

Motion carried (7-0-0-2)

D. Release of Judgment Fund Monies in Trust

**MOTION TO APPROVE RESOLUTION # 02-0501-02,
RELEASE OF JUDGMENT FUND MONIES IN
TRUST;** by Porter; supported by Bennett.

Roll Call

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

Motion carried (7-0-0-2)

Phillip Memberto, Michelle Bernatche, and Denise Koon arrived at 11:05 a.m.

E. Hawk Nest and Fox Dens on Dontz Road

Koon stated there have been meetings with Council and the Housing Commission. Koon asked that Council make the decision of what to do regarding the redtail hawk and red fox. Mark Knee stated there are redtail hawk and red fox dens and there are no federal or state laws protecting these animals. Knee stated the bird is tolerant of people. Parsons asked if there is a formal recommendation from Natural Resources. Mark Knee stated the recommendation is a 400 foot buffer zone until July 31, 2002. Parsons stated there is no construction scheduled in the Phase 3 area and there is a road going through the area. Shepard asked that this item be tabled and have a work session regarding this item. Ruiter asked if Housing noticed there were a redtail hawk nest and fox dens. Memberto stated he walked with Dawn Cornelius last fall and saw the nest and dens and she stated there would be no problem with the housing project. Memberto recommends having a work session between Housing, Natural Resources and Council. Sam voiced concern that the Commissions need to come to an agreement between the two bodies of Housing and Natural Resources, and noted that because the two commissions are not able to agree on a solution, she does not see a resolution forthcoming. Sam wanted this to be on the agenda so that this item was well documented. Sam stated she does not have comfort level that Commissions would come to a joint decision. Mark Knee stated there is police tape around the area. Ruth Bussey stated her first contacts were with Natural Resources. R. Bussey stated it is her intent to handle the Housing Project with respect to the animals.

Bob Campeau stated if the construction is not moved forward with phase III and phase IV will cost \$18,000 and would not be complete before November 1. Memberto stated need to have a work session with Council, Housing and Natural Resources. Memberto also stated there are rehab places that could possibly be used. Memberto suggested having a work session as soon as possible. Koon stated knew the nest was there last year. Koon stated the bird was not bothered all spring but now that the road is going to be closer to the hawk nest, this may bother the bird. Koon stated there would be a lot of money involved and time. Burger stated may want to perform some ceremonies out there and find resolution for those animals from the creator. Burger stated the spirits may take those birds somewhere else if ask for guidance. Koon asked when the next Phase would be beginning at the housing project. Parsons stated it was recommended to have a work session with Council at 4:00 p.m.tomorrow. Castonia asked that the foxes be trapped instead of killed.

F. Approval of Native American Preference Policy for the Little River Casino Resort

Sam stated this item was coming back to the Council as “and termination” was added into the language in the Native American Preference Policy.

**MOTION TO APPROVE RESOLUTION # 02-0501-03,
APPROVAL OF NATIVE AMERICAN PREFERENCE
POLICY FOR THE LITTLE RIVER CASINO RESORT
WITH CHANGE ON RESOLUTION ON PAGE TWO OF
TWO STRIKING “TERMINATION OF EMPLOYEES”;** by
Sam; supported by Fisher.

Roll Call

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

Motion carried (7-0-0-2)

VI. Concluding Business

- A. Next Meeting Date(s) – May 8, 2002**
- B. Public Comment Period**

No public comment was made.

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 Ruiter; supported by Sam.

Roll Call

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

Motion carried (7-0-0-2)

This portion of Open Session was adjourned at 11:45 a.m.

MOTION TO RETURN TO OPEN SESSION; by Bennet, supported by Fisher.

Roll Call

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

Motion carried (7-0-0-2)

Items to be moved from Closed to Open:

MOTION TO MOVE THE FOLLOWING ITEMS FROM CLOSED TO OPEN SESSION: THE DIRECTIVE TO BILL BROOKS REGARDING THE GAS STATION PROJECT AND ECONOMIC DEVELOPMENT PROCESS, THE SPECIAL ATTORNEY CONTRACT, AND SLOT CONTRACT, THE MOTIONS AND ROLL CALL VOTES FOR EACH ITEM; by Sam, supported by McCatty.

Roll Call

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

Motion carried (7-0-0-2)

Actions from closed session:

Economic Development/Gas Station Project Directive to Brooks

MOTION THAT THE TRIBAL COUNCIL DIRECT BILL BROOKS TO WORK WITH TRIBAL COUNCIL TO DEVELOP THE STRUCTURE, PROCESS AND ANY

OTHER DOCUMENTS TO OVERSEE THE PROJECT SUCH AS RESOLUTIONS AND STRUCTURE, AND TO INFORM THE TRIBAL OGEMA BY NEXT WEEK; by Sam; supported by McCatty.

Roll Call

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

Motion carried (7-0-0-2)

Special Attorney Contract:

MOTION TO APPROVE RESOLUTION # 02-0501-04, APPROVAL OF SPECIAL COUNSEL CONTRACT WITH RICHARD G. MCGEE, AS AMENDED; by Sam; supported by Porter.

Roll Call

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

Motion carried (7-0-0-2)

Slot Contract:

MOTION TO APPROVE RESOLUTION # 02-0501-05, AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO EXECUTE A SALES ORDER #52014 WITH SODAK GAMING AND CONSENTING TO HAVE DISPUTES ARISING UNDER THAT AGREEMENT RESOLVED BY BINDING ARBITRATION IN ACCORDANCE WITH SECTION 4 OF ADDITIONAL TERMS AND CONDITIONS TO THAT SALES ORDER; by Fisher; supported by Ruiter.

Roll Call

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

Motion carried (7-0-0-2)

This concludes the items moved from closed session to open session.

It was noted for the record that the Speaker will draft a letter to CORA, informing that organization of the Ogema's resignation.

MOTION TO ADJOURN THE OPEN SESSION; by Ruiter, supported
by Porter.

Roll Call

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

Motion carried (7-0-0-2)

The meeting adjourned at 4:20 p.m.

Respectfully Submitted,

~~Sadie Riffle~~
~~Transcribing Assistant~~



Jarine Sam
Tribal Council Recorder