



Little River Band of Ottawa Indians

PO Box 314

Manistee MI 49660-0314

(616) 723-8288

toll-free 1-888-723-8288

**TRIBAL COUNCIL MEETING MINUTES
MONDAY MAY 11, 1998**

DRAFT

- I. PRAYER. The prayer was given by Gerald Battice
- II. GENERAL BUSINESS
- A. CALL TO ORDER. The meeting was called to order by Chairman Robert Guenthardt at approximately 6:05 p.m. at the Tribal Community Center.
- B. ROLL CALL. The roll was taken by Chuck Fisher. Present: Bob Guenthardt, Kim Kequom, Kathy Berentsen, Don Koon, and Chuck Fisher. Absent: Steve Parsons (out of town), and Bill Memberto (sent in proxy vote).
- C. ADOPTION OF AGENDA. Chuck said that he had some additions to the agenda. The first one is the In Med Program. This was added as H. under New Business. The next addition was an update on the Secretarial Election. This was added as I. under New Business. Chuck submitted a draft copy of the Health and Human Services by laws for comment and review. This was added as J. under New Business. The next item is Issues in conjunction with the usage of the Tribal Logo. This was added as K. under New Business. Another item is the results of the Elders response to the Building's naming contest. This was added as L. under New Business. The Pow-Wow Ad Hoc committee was added as M. under New Business. Kathy said that she thought the Tribal Council had decided not to act on anything that was given to the Council on the day of the Council Meeting. The Council doesn't have time to read, act, or vote on these things. The Council should only act on things that are on the agenda. It was decided that the added agenda items will not be added as agenda items, but rather be added as FYI items and will be put under Public Comment. Moved by Kathy to accept the agenda as was written, excluding all the changed, seconded by Kim, all in favor (5), (0) opposed (2) absent. Motion carried.
- D. ADOPTION OF MINUTES. The adoption of the minutes was tabled until the June Council meeting, as they are being proof read. Moved by Kathy to table this, seconded by Don, all in favor (5), (0) opposed (2) absent. Motion carried.
- E. FINANCIAL REPORT. Chris said that the BIA money came in and most of the programs are on track budget wise. He said we should think in terms like we did last year by starting the budget process in July or August, reviewing all the current level of spending of all the programs and he would be able to make adjustments from line to line so that by the end of the year everything would be pretty close to the way it was suppose to be. Discussion followed. Chris said that we are funded at about half that of other new Tribes and this is not fair and people should write the their Congressmen and tell them that this Tribe is not being treated fairly. Chris said if anyone has any questions he would try and answer them. Moved by Kathy, to accept the financial report as presented by Chris, seconded by Kim, all in favor (5), (0) opposed (2) absent. Motion carried.
- F. STAFF REPORTS. Kim wanted to remind people that the quarterly reports that go into the BIA need to have Bob's signature on them. Kim said that Denise did a very good job on her report.

report. Kim asked Chuck if there was a progress report on the Grand Rapids Clinic. Chuck said that the last meeting was cancelled and they are trying to re-schedule. Kathy asked what Andrea's job was. Bob said that her job title is Community Health Representative. Kathy also said that she had to call the office because she was missing some staff reports, and wanted to know if there is a date that these are due. Tammy said that it is posted on the calendar in Mary's office. Moved by Kim, to accept the staff reports, seconded by Don, all in favor (4), (0) opposed, (1) abstaining, (2) absent. Motion carried.

Kim said that Bill W. and Jay did a very good job on the incident reports that they filled out. She asked what plans there were on the Pleasanton Township one. Bill said that we are waiting for a response. The remains were sent to MSU and they are being analyzed. Deputy Cermak will get in touch with the Tribe as soon as the results are filed. Kim also had a question about the Health Board meeting minutes. Under Old Business, A, there was some discussion about the by laws and having a better understanding of what the Family Services Director does so that it can be included in the by laws and needing to know what her duties are. Kim said that she thinks it's important to look at what the Family Services Department does as a whole and not just one persons duties. Discussion followed.

G. ATTORNEY REPORT. Bill Brooks said that regarding Treaty rights issues, the five 1836 treaty Tribes are continuing to work on developing an Inter Tribal Management Entity, and probably will have some kind of proposal that is a little more concrete to bring back to the Tribal Council and Natural Resource Commission in the next couple of months. Bill B. said that we are suppose to hear this month sometime on the Tribes request for monies from the BIA for Attorney fees and litigation support for the treaty rights litigation. Marc Slonim has been very good about the amount of time he is putting in on this work. He said in regards to the Judgment Fund, he has talked to a person at the Central Office who is doing the review for the 80/20 plan and she indicated that they are going to try and complete their recommendations within a couple of weeks, they only have until June 15, 1998 to complete their review anyway and get letters to both the Senate and the House so the sixty days can start running. Hopefully the Judgment Fund Plan will be effective by mid August at the latest. Bill said that in regards to the Appropriation increase, the Tribe is going to have some funding problems if there are no additional monies coming into the Tribe because there are a lot of programs that are being funded during this year, which include the Home Improvement program, and the Johnson Omally program. A lot of the additional monies that were added to the Education Scholarship programs for this year, and a substantial part of the Social Services programs that are being funded this year are all being funded with carry over monies which are not going to be there next year, so if we don't get an increase in appropriations, there will be some tough choices to make in terms of how much direct services will be available to the Members in 1999. Bill B. said that the documentation is still moving forward on the Management agreement, The Tribal Council has a copy of the deficiency letter in their packet from NITC and we will be working with North Americans Attorney's this week to talk about the bigger issues we are going to need to resolve. The Construction Management team is going to recommend that the Tribe pursue a contract with a group out of Farmington Hills. Bill wanted to remind Council that they need to sit down with North American and come to an agreement on numbers for the construction budget and any other development costs so the Council knows where they are going in terms of costs. The Council scheduled a special meeting for Friday May 15, 1998 at 1:00 p.m. to talk about the construction development budget and the appointment of members to the Board of Directors for the LRB Maintenance and Construction Company. Bill wanted to remind everyone that June 6, 1998 is the date for the Community Policing workshop. Bill Willis, Joan Spalding, and Bob Hardenburgh volunteered to be on the Board of Directors for the LRB Maintenance and Construction Company.

H. INTRODUCTION OF GUESTS. Guests Present. Al Medacco, June Sam, Janine Szpliet, Jerry Battice, Carol Bennett, Pat Ruitter, Roderick Crampton, Elaine Porter, Joan Spalding, Jerry Guenthardt Bob Hardenburgh, John Koon, Jonnie Sam III, and Jim Compeau. Staff Present. Bill Brooks, Diane Lonn, Tammy Carter, Mary Oleniczak, Steve Bronson, Chris Holz, Jim Wabindato, Jonnie Sam II, Bill Willis, Missy Waitner, Chuck Fisher, and Tom Guenthardt.

Kathy asked if we could add Tribal Chairman Report onto the next Tribal Council Agenda. This was added to the agenda prior to the Attorney report.

III. OLD BUSINESS

- A. APPROVAL OF LAND ACQUISITION/USE COMMITTEE BY LAWS, COMMITTEE TERMS, AND COMPLIANCE PLAN. Bill W. said that attached is the final version of the committee's compliance plan, by laws, and committee terms. The committee went over this at their last meeting and agreed to submit it for adoption and approval. At that same meeting, the committee appointed the officers. The committee member terms and officers are as follows: 2-year terms; Jay Sam (Chairperson), Bob Hardenburgh (Vice-Chairperson/Secretary). 1-year terms; Carol Bennett, Bob Comeau, and Jerry Guenthardt. The Tribal Council decided that they would re-visit the committee compliance plan. Moved by Kathy to support approval of the Land Acquisition committee by laws, seconded by Don, all in favor (6), (0) opposed (1) absent. Motion carried. Moved by Kathy to support the committee terms and appointments, seconded by Don, all in favor (6), (0) opposed (1) absent. Motion carried.
- B. REVIEW OF REVISED CHILDRENS CODE. Bill B. said that the code was reviewed at a Tribal Council Special Session a couple of months ago, and as a result of that review, a number of revisions were proposed. The code needs to be reviewed for final comment and will be posted at the Tribal Office and the Community Center for public comment. The final draft for adoption will be presented to the Tribal Council at the June 8, 1998 Tribal Council regular meeting.

IV. NEW BUSINESS

- A. THIS IS FOR THE TRIBAL COUNCIL'S INFORMATION LETTING THEM KNOW THAT THERE ARE TWO PEOPLE THAT WILL BE ADDED TO THE HEALTH APPEALS BOARD. The two people that are being added to this board are Sally Jobes, and Joan Spalding.
- B. DESIGNATION OF REPATRIATION SITE (S). With the events in both Arcadia, and Lake County, it is important for the Tribe to come to grips with the need for a site to reinter any remains that would/could be NAGPRA or otherwise related or returned to the Tribe. The Land Acquisition/Use committee discussed the topic and would recommend the site in the northeast corner of Orchard Landing property be utilized as it would be out "harms" way and non-intrusive to most suggested uses. Moved by Bob to use this site as a repatriation site, seconded by Chuck, all in favor (5), (1) opposed (1) absent. Motion carried.
- C. RESOLUTION TO ADOPT THE COMMERCIAL AND SUBSISTENCE FISHING REGULATIONS OF CHIPPEWA – OTTAWA TREATY FISHERY MANAGEMENT AUTHORITY (COTFMA) FOR THE 1836 TREATY CEDED WATERS OF THE GREAT LAKES, AND ANY SUBSEQUENT AMENDMENTS TO SUCH REGULATIONS, AS A TRIBAL ORDINANCE AND AUTHORIZING NATURAL RESOURCE COMMISSION (NRC) TO ISSUE SUBSISTANCE AND COMMERCIAL FISHING LICENSES TO MEMBERS TO PERMIT FISHING IN ACCORDANCE WITH COTFMA REGULATIONS. Bill B. said that with the Tribe becoming a member of COTFMA, they have a set of regulations that is recognized by the other Tribes and by the State of Michigan. As a member of COTFMA, the Tribe is delegated authority over Great Lakes fishing activities to that Inter Tribal Organization, so once the Tribes' membership in COTFMA does become official the regulations will apply to the Tribe. Bill B. said that the current Tribal regulations would continue on inland waters but on the Great Lakes, the COTFTMA regulations would apply but the Natural Resource commission would still have the authority to adopt Tribal rules that are more restricted than COTFMA and they also have the ability to adopt a rule to deal with subjects that COTFMA doesn't cover. Moved by Kim, to adopt Resolution # 98-0511-01 (To adopt the Commercial and Subsistence Fishing Regulations of the Chippewa-Ottawa Treaty Fishery Management Authority (COTFMA) for the 1836 Treaty ceded waters of the Great Lakes, and any subsequent amendments to such regulations, as a Tribal ordinance and authorizing Natural

Resource Commission (NRC) to issue subsistence and commercial fishing licenses to members to permit fishing in accordance with COTFMA regulations), seconded by Kathy, all in favor (6), (0) opposed, (1) absent. Motion carried.

- D. REVIEW OF PROBABLE COUNCIL LEGISLATIVE AGENDA FOR SUMMER. REQUEST FOR ESTABLISHMENT OF SPECIAL SESSION CALENDAR OR DESIGNATION OF COUNCIL MEMBERS TO SERVE AS AD HOC LEGISLATIVE COMMITTEE TO REVIEW LEGISLATIVE PROPOSALS. Bill B. said that there are some issues that are going to need to be handled over the summer and he wanted to notify the Council of some legislative items that will need to be addressed.
- E. FORMAL APPOINTMENT OF TOM GUENTHARDT TO A ONE YEAR TERM ON THE GAMING COMMISSION AND APPOINTMENT OF CAROL BENNETT (POSSIBLY) TO GAMING COMMISSION FOR TWO YEAR TERM PENDING BACKGROUND INVESTIGATION. Tom Guenthardt was tentatively appointed and has now passed the background investigation. He was formally appointed and sworn into office for a one-year term. Moved by Kim to appoint Carol Bennett to the Gaming Commission (subject to a good background investigation), seconded by Kathy, all in favor (5), (0) opposed (2) absent. Motion carried.
- F. APPROVAL OF FEES/EXPENSES FOR MARC SLONIM FOR SEPTEMBER 1997. Bill B. would like Council approval of this so that Marc can be paid. Moved by Kim to approve Resolution # 98-0511-02 (Approval of Fees/Expenses for Marc Slonim for September, 1997), seconded by Kathy, all in favor (6), (0) opposed, (1) absent. Motion carried.
- G. APPROVAL OF FEES/EXPENSES FOR MARC SLONIM FOR OCTOBER 1997 THRU FEBRUARY 1998. Bill B. would like Council approval for payment of fees and expenses for this time. Moved by Kim to approve Resolution # 98-0511-03 (Approval of Fees/Expenses for Marc Slonim for October, 1997 thru February, 1998), seconded by Chuck, all in favor (6), (0) opposed, and (1) absent. Motion carried.

V. CONCLUDING BUSINESS

- A. PUBLIC COMMENT. Kathy said that there were some concerns over the progress of the Pow-Wow. Do we need to appoint an Ad Hoc committee to do this. Discussion followed.

Chuck said that the Health and Human Services and Family Services by laws will be included in the next Council meeting packet at the end of the month, as will other items including the commercial use of the Tribal Logo, the results of the Naming contest. A vote was conducted at the Elders meeting for the names of the buildings and the outcome of that meeting was,
The Clinic; The Odawa Healing Lodge
The Tribal Offices; Land of the Turtle
The Community Center; The Native House

- B. NEXT MEETING. The next regular Tribal Council meeting will be on June 8, 1998 at 6:00p.m. at the Tribal Community Center.

The July 13, 1998 Tribal Council meeting will be held in Muskegon, with a location to be announced.

- C. ADJOURNMENT. Moved by Kim to adjourn the meeting at approximately 8:30 p.m., Seconded by Kathy, all in favor (5), (0) opposed (1) absent. Motion carried.

06/02/98--mo