



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, MAY 29, 2002
LITTLE RIVER BAND COMMUNITY CENTER**

APPROVED
11/13/02

**OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians Tribal Council held a meeting at the Little River Band Community Center on May 29, 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, May 29, 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: Jo Anne House, Kathleen Block, Matthew Stratton, Pat Morris, Leatrice Castonia, railbirds

C. Approval of Agenda

McCatty asked to postpone items New Business J and K. Sam asked to postpone approval of open and closed session minutes.

MOTION TO APPROVE AGENDA AS AMENDED; 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)

D. Tribal Council Minutes

The meeting minutes were removed during agenda review.

E. Public Comment Period

Kimberly Alexander arrived at 10:07 a.m.

Matthew Stratton asked about the property at Indian Village, which is adjacent to Tribal Trust lands. Parsons responded that the Council is making efforts to investigate the property, as well as pursuing reservation restoration. Stratton informed the Council that based on his personal experiences regarding his individual rights, it is very important to address the reservation boundary and jurisdiction issues for the Tribe and for the benefit of Tribal members.

III. Continuing Business

A. Grants & Contracts

None submitted.

Dan Shepard arrived at 10:15 a.m.

B. CMT Business

1. Bulletin #57 – Tile work for bathroom

Fisher informed the Council that this item is for installing additional tile in the four public bathrooms near the gaming area. Cunningham Limp is requesting that this item be paid as additional work. Fisher indicated that the CMT is negotiating to include the installation within the tile allowance to cut costs. McCatty questioned whether tile in the 4 public restrooms being discussed was including the proposed tile work presented in the project scope of work. Fisher responded no. Fisher informed the Council that there was an overage of approximately \$200,000.00, and the CMT had requested Cunningham Limp to forward confirmation of the overage in writing, but has not yet received confirmation from Cunningham Limp. Fisher suggested that CMT could go back to Cunningham Limp regarding men's restroom facilities continuing to argue that the current project is not an 'upgrade' as required in the contract. Discussion of the whether or not this work constituted an 'upgrade' in accordance with the construction contract ensued. Fisher stated approval for the additional work was a CMT recommendation. Parsons asked if there was a timeframe within this work would be done. Fisher estimated the work would be completed very near June 20th.

**MOTION TO DENY BULLETIN #57 FOR TILE
WORK FOR BATHROOM;** by Porter; supported by
Medahko.

Roll Call

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

Motion carried (7-2-0-0)

IV. Old Business

A. Approval of Expenditure for Pow Wow Grounds

Joan Spalding arrived at 10:18 a.m.

**MOTION TO APPROVE RESOLUTION #02-0529-01,
EXPENDITURE FOR POW WOW GROUNDS;** 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)

V. New Business

A. Approval of Resolution Declaring the First Legislative Recess of 2002

Parsons indicated that if the Council adopts the resolution, Council authorizes a legislative recess to begin on June 22, 2002 and end on June 30, 2002. No Tribal Council business will be conducted. This recess results in the cancellation of the June 26, 2002, Wednesday Council meeting.

**MOTION TO APPROVE RESOLUTION # 02-0529-02,
DECLARATION OF FIRST LEGISLATIVE RECESS FOR
2002;** 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)

Discussion regarding Gaming Commission ensued during the wait for Joe LaPorte to arrive.

Joe LaPorte arrived at 10:26 a.m.

B. Field Training Officer Program Presentation

LaPorte informed the Council that all Tribal Police officers will be required to attend the BIA Academy. LaPorte indicated that the Field Training program is a 14-week program. Parsons asked if this training will become in-house training, following the completion for the instructors. LaPorte stated following participation, the Police Department will have an in-house program and will have 3 training employees to do the training of the rest of the police. Sam asked if administration has been approached regarding the application of personnel policy, as completion of this program is required of new officers, which extends the probationary period. LaPorte stated he has not discussed this with Human Resources.

Katie Glocheski arrived at 10:30 a.m.

Sam asked that LaPorte follow-up with Human Resources regarding the probationary period provisions.

Joe LaPorte left at 10:34 a.m.

C. Adoption of Amended Enrollment Ordinance #02-200-01

Parsons stated there have been many work sessions regarding the amendments. Spalding asked for an overview of the changes to the Ordinance. House stated the amendments include: clarification of documentary evidence and the process by which enrollment applications are reviewed and processed. House reviewed the application and review process. It was noted that there is a 30-day appeal period following a determination by the Commission, and if the applicant does not appeal within the timeframe, the applicant forfeits their right to appeal to Tribal Court. It was noted that the initial determination in writing is done by the Enrollment Commission for eligible and ineligible applicants. The Tribal Court's ability to rule is limited to reviewing whether or not the Enrollment Commission interpreted the ordinance and their regulations accurately. The Tribal Court's function is to oversee that processes were followed and abided by. House stated there is no clear indication that new information cannot be filed to increase blood quantum. House stated the Enrollment Ordinance places no liability with the Tribe to prove or disprove blood quantum, the applicant must be able to provide proof.

John Koon arrived at 10:42 p.m.

McCatty asked Alexander if the current blood quantum is relayed to the new member at the time of membership. Alexander stated it is. Shepard asked if there is a process set up for increasing blood quantum. House stated there is nothing that prohibits members for applying for an increase in their blood quantum determination. Parsons clarified the appeal process applies to a specific decision relative to an application. Glocheski asked when this amendment goes into effect. Parsons replied the amendments are effective July 29, 2002, if adopted today. House stated there is some training that will occur with these amendments. Alexander and Glocheski stated they have already been implementing portions of the new processes and standards that could be implemented, in anticipation that the Ordinance will be modified, to be in compliance. Council stated this was a good thing.

**MOTION TO APPROVE RESOLUTION # 02-0529-03,
 ADOPTION OF AMENDED ENROLLMENT ORDINANCE
 #02-200-01; 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)

D. Adoption of Residential Building Ordinance #02-550-01

Sam stated for the record that as a Council member, she believes that building codes are legislative in nature, and issues that require regulations or policies on the reservation are within the province of the Tribal Council and she does not believe that the Executive Order issued by the Ogema to determine building codes is valid, as the Ogema cannot legislate. Sam further commented that she believes approving building codes was beyond the scope of the Ogema's authority. Sam doesn't think the Council should endorse an executive order that was not within the constitutional definitions of the Ogema's power. Sam wanted to say for the record that she does not endorse that. Porter asked about the "it is further resolved that" and why this is included. Sam asked what entity the building permits are issued to. Shepard stated issued to Little River Housing Commission. Sam asked who signs or issues the permits. Shepard stated they have not been signed yet.

**MOTION TO APPROVE RESOLUTION #02-0529-04,
 ADOPTION OF RESIDENTIAL BUILDING ORDINANCE,
 #02-550-01; by Sam; supported by Porter.**

Roll Call

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

Motion carried (8-0-1-0)

E. Adoption of Amendments to the Housing Commission Ordinance, #96-700-01

Parsons stated the amendments apply to selection of Commissioners and the removal process from the Commission. Porter asked about section 4.05 regarding resignation of a commissioner as it seems to contradict itself. House stated this is a notice period and essentially have 30 days to change their mind and must go through the Ogema, the Commission and the Tribal Council to have them change their mind to resign.

MOTION TO APPROVE RESOLUTION #02-0529-05, ADOPTION OF AMENDMENTS TO THE HOUSING COMMISSION ORDINANCE, # 96-700-01 ; 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)

F. Adoption of Amendments to the Children’s Code #98-900-01

MOTION TO APPROVE RESOLUTION #02-0529-06, ADOPTING AMENDMENTS TO THE CHILDREN’S CODE, # 98-900-01; 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)

**G. Adoption of Commission By-Laws
 1. Binojeeuk Commission**

MOTION TO APPROVE RESOLUTION #02-0529-07, ADOPTION OF BINOJEEUK COMMISSION BY-LAWS; by Fisher; 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)

2. Enrollment Commission

**MOTION TO APPROVE RESOLUTION # 02-0529-08,
ADOPTION OF ENROLLMENT COMMISSION BY-LAWS;**
by Kleeman; supported by Ruiter.

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)

Kim Alexander, Katie Glocheski and Dan Shepard left at 11:07 a.m.

3. Gaming Commission

**MOTION TO APPROVE RESOLUTION # 02-0529-09,
ADOPTION OF GAMING COMMISSOIN BY-LAWS;**
by Kleeman; supported by Medahko.

Sam recommended that House prepare a communication to Operations regarding the Gaming Commission employing staff. House stated she would draft that memo. Bennett asked the question regarding the Gaming Commission employing staff and that these rules were changed once before. McCatty asked that this be a clarified more and what responsibilities lie with whom. House indicated that as a result of the amendments adopted by the Tribal Council, the Gaming Commission is the top of the organizational chart, with staff, compliance and surveillance subordinated to the Commission. House stated the chairperson is the supervisor of said employees. House stated the change occurred with the adoption of the Gaming Commission Ordinance. McCatty has question regarding background check and if the by-laws state a background check is done but doesn't have to be conducted by the Gaming Commission and if the background check has to pass. House stated potential employees have to meet the standard and cannot be employed if they do not meet that standard. Spalding stated to McCatty that the provision would remain. McCatty clarified that Spalding and House are saying

different things regarding the background check. House stated as long as standard remains the qualifications to be an employee of the Gaming Commission must follow the ordinance.

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)

4. Housing Commission

Parsons queried if the age requirement at 18 in this ordinance was correct, as in others it is 21 years of age. House checked the Housing Commission Ordinance and concurred that this is correct.

MOTION TO APPROVE RESOLUTION # 02-0529-10, ADOPTION OF HOUSING COMMISSION BY-LAWS; by Kleeman; supported by Porter.

McCatty stated the second blank in the by-laws should probably be the resolution for by-laws and the second space is for the resolution number for Housing Commission Ordinance. House stated the resolution blank for the amended could be confusing. The Council asked that the (as amended) blank be deleted from the by-laws. Section 1.02b should be this adopting resolution and in section 1.03 should be the resolution that adopted the Ordinance in 1996.

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)

5. Natural Resources

McCatty was surprised that this item was on the agenda, as the bylaws are not prepared for adoption at this meeting. House asked that this be on the agenda to be consistent with the other by-laws and that a work session be called for the by-laws with Natural Resource Commission and the Tribal Council. McCatty stated that the Ordinance will need significant changes to comply.

MOTION TO POSTPONE ACTION ON NATURAL RESOURCE COMMISSION BY-LAWS FOLLOWING A WORK SESSION WITH NATURAL RESOURCE COMMISSION; 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)

H. Approval of Gaming Facility

Sam made a correction to page 2 of 4 of the resolution to read “permanent Gaming Facility is expected to be completed on or about May 31, 2002”

MOTION TO APPROVE RESOLUTION # 02-0529-11, APPROVAL OF GAMING FACILITY; by Kleeman; supported by Ruiter.

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)

I. Resolution Regarding Unemployment Insurance Decision

Parsons stated this is a pressing item and need to notify the Unemployment Agency and today is the date to make this decision. House stated Mr. Drewes was going to be contacted regarding availability of the surety bond. Parsons stated Drewes spoke with him this morning that the bond was the best way to go but unsure of his ability to do that. Parsons stated once the surety bond is obtained they can get reimbursed that amount. Parsons stated the amount is approximately \$714,000. Sam asked if a waiver of immunity would be contained within this resolution. House stated this resolution waives no sovereign immunity.

Richard Sprague arrived at 11:42 a.m.

Parsons stated there was no new news from Drewes regarding the surety bond.

MOTION TO APPROVE RESOLUTION #02-0529-12, AFFIRMING INTENTION OF BAND TO ACCEPT REIMBURSEMENT STATUS FOR EACH UNIT OF THE BAND IN ACCORDANCE WITH SECTION 13(L) OF THE MICHIGAN EMPLOYMENT SECURITY ACT, AS AMENDED WITH FOLLOWING CHANGES TO THE RESOLUTION, IN THE LAST "IT IS FURTHER RESOLVED THAT" IN THE LAST LINE AFTER, "SECURITY INSTRUMENT" INSERT THE FOLLOWING LANGUAGE, "AND/OR INTERIM FINANCIAL TRANSACTIONS PRIOR TO OBTAINING A SECURITY INSTRUMENT"; by Parsons; 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)

J. Approving Budget Modification to the Commercial Fishing Start-Up Program Budget in the Conservation Department to Authorize Expenses Associated with Securing Dockage for Commercial Vessel

Postponed.

K. Approving Budget Modification to the Commercial Fishing Education, Training and Development Program Budget in the Natural Resource Conservation Department to Authorize Expenses Associated with Leasing the Trap Net Vessel for Use by Tribally-licensed Fishers

Postponed.

VI. Concluding Business

- A. Next Meeting Date(s) – June 5, 2002**
- B. Public Comment Period**

Fisher stated himself, McCatty, Tom Davis, members of CMT and Cunningham-Limp will be meeting at 12:00 noon in Trailer 7 to discuss substantial completion.

Speaker Parsons informed the membership that the Tribal Council would be going into closed session today, and 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 Ruiter.

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 11:52 a.m.

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


Janine M. Sam
Tribal Council Recorder