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DRAFT

LITTLE RIVER BAND OF OTTAWA INDIANS

TRIBAL COUNCIL MEETING

MONDAY, JUNE 8, 1998

6:00 P.M.

I. PRAYER. The prayer was given by Jerry Battice.

II. GENERAL BUSINESS

A. CALL TO ORDER. The meeting was called to order by Chairman Robert Guenthardt at approximately 6 p.m. at the Tribal Community Center.

B. ROLL CALL. The roll was taken by Chuck Fisher. Present: Don Koon, Chuck Fisher, Bob Guenthardt, Bill Memberto, Kim Kequom, Kathy Berentsen, and Steve Parsons.

C. ADOPTION OF AGENDA. Moved by Bill M., to accept the agenda as is, seconded by Kathy, all in favor (6), (0) opposed. Motion carried.

D. ADOPTION OF MINUTES. Moved by Kathy, to adopt the minutes from the Sunday, April 19, 1998 Tribal Council Meeting, seconded by Kim, all in favor (6), (0) opposed. Motion carried.

Moved by Kim, to accept the Monday, May 11, 1998 Tribal Council meeting minutes, seconded by Bill M., all in favor (6), (0) opposed. Motion carried.

Moved by Kim, to accept the minutes with spelling corrections from the special Tribal Council meeting on Friday, May 15, 1998, seconded by Chuck, all in favor (6), (0) opposed. Motion carried.

E. FINANCIAL REPORT. Chris went over the financial report. Chris said that we are waiting for the Health & Human Services money to come in. Chris said that when the Tribal Council gets around to talking about Special sessions for the summer, we need to save one to go over the budget. He also said that he got a bid of \$5000.00 for two new air conditioners at the Health office. He will get a couple more bids on this. Discussion followed. Moved by Kim, to accept the financial report, seconded by Don, all in favor (6), (0) Opposed. Motion carried.

F. **STAFF REPORTS.** Don K. asked about Steve's staff report stating that the GSA vehicle being moved to Muskegon, where is it at down there? Steve said that it is at the FIA parking lot down there. Don also had a question in Kim's report, regarding future meetings; she said that the Child Welfare training in Minnesota on June 23 & 24th is too far. Kim said that what is on the agenda and what is being covered in this training is not a priority and there is no sense in sending someone to Minnesota for something that we really don't need. Don asked about her trip to Portland, Oregon for the 1998 BIA Social Services Training on August 3-6. Kim said the BIA is paying for that. Don also asked Kim about the "Suggestions for Improving your Job" part of her staff report in which she said that confidentiality is being violated on a regular basis by staff and one Council Member. Don asked if she had talked to this Council Member and if not, does she think that she should? Kim said yes. Moved by Bill M., to accept the staff reports, seconded by Don, all in favor (6), (0) opposed. Motion carried.

G. **TRIBAL MANAGER REPORT.** Bob said he has been very busy with a lot of meetings on gaming issues. The Tribe is also looking into a modular home building business. He has been to Sault Ste. Marie for COTFMA meetings and has also made several trips to Lansing and Detroit.

H. **ATTORNEY REPORT.** Bill B. said that the amendment which would prohibit the Secretary of Interior from approving a compact for Class III gaming states that if they are not approved in accordance with State law, meaning that if the Secretary tries to do something to deal with the fact that the State will not approve a compact, this amendment would essentially prohibit the Secretary from taking any action like that. The word is that they are going to try to attach that amendment to the Interior Appropriations Bill again. They tried to have it tacked onto a disaster relief bill a couple of months ago and that got defeated. Discussion followed. The other issue is the request for additional Appropriations. With the mark up on the House side, the week of June 15th will be the Tribes shot to try and have an amendment added to the Appropriations Bill to have some additional funds programmed for the Tribe. Bill gave an update on the Judgment Funds. He said that the Tribe's plan was approved by the Department of Interior. Under the Legislation, the plan does not become effective until the 60th day after the plan is delivered to Congress. Discussion followed.

I. **INTRODUCTION OF GUESTS.** Bob introduced Archie Martell Jr. who is the new Fisheries Biologist. Guests Present: Bob Hardenburgh, Carol Bennett, John Koon, June Sam, Janine Szpliet, Lavern Oren, Joan Spalding, and Gerald Battice. Staff Present: Tammy Carter, Archie Martell Jr., Diane Lonn, Bill Brooks, Andrea Breland, Laurie Eggert, Jim Wabindato, and Steve Bronson.

III. OLD BUSINESS

A. **HEALTH BOARD BY-LAWS.** Diane said that the Health Board has reviewed the By-laws and would like to have them approved. Bill B. went over

the changes that were made. Discussion followed. Moved by Steve, to accept the Health Board By-Laws, seconded by Chuck, all in favor, (3), (2) opposed, (2) abstaining. Motion carried.

B. **ADDING CHUCK FISHER TO THE HEALTH BOARD.** This was tabled due to changes that needed to be made to the Health Board By-laws. Now that these changes have been made, the Health Board would like to add Chuck Fisher to that Board. Moved by Steve, to add Chuck to the Health Board, seconded by Don, all in favor (4), (0) opposed, (3) abstaining. Motion carried.

C. **SECRETARIAL ELECTION REPORT.** Diane said that there were 533 "yes" votes and 32 "no" votes. Ann Bolton and Ginny Gillette were here along with the Election Board. Bill B. said there were no challenges to the Election. Discussion followed.

D. **DRAFT REVIEW OF COMBINED GRANT PROCEDURES AND INFORMATION SHEET.** Chuck discussed some of the issues surrounding this. Discussion followed. Bill B. said that some of these grants require Council approval and some don't, but because any grant that the Tribe obtains and requires financial obligations for expenditure of the money is a Council issue. Bill M. said that even though the Assistant Manager is in the office, we also need to have notification to the Tribal Chairman regarding these things also. Bob said that the Council will go over this.

E. **APPROVAL OF LAND ACQUISITION/USE COMMITTEE-COMPLIANCE PLAN.** Moved by Bill M., to table this until the next Tribal Council meeting, seconded by Kathy, all in favor (7), (0) opposed. Motion carried.

F. **APPROVAL OF MODIFICATION OF BIA BUDGET TO RE-ALLOCATE \$20,000 FROM HOUSING IMPROVEMENT PROGRAM TO COURT SERVICES FOR CONTRACTUAL PAYMENTS AND TRAINING FOR TRIBAL JUDGES.** This was discussed at the April 19th Council meeting, and if Council has approved the contracts with the Tribal Judges, this motion is needed to formalize the re-allocation of funds to support the anticipated contract payments of training costs for the Judges. Discussion followed. Moved by Bill M., to approve this with an amendment to the motion that if there is money left in this transfer of funds that it be returned to the program that it came from, seconded by Kim, all in favor (6), (0) opposed, (1) abstaining. Motion carried.

G. **FORMAL APPOINTMENT AND SWEARING IN OF CAROL BENNETT TO TRIBAL GAMING COMMISSION.** This was been tabled and taken off the agenda.

H. **APPROVAL OF CHILDREN'S CODE.** The ordinance has been reviewed by Council and a revised draft presented to Council on May 11th. No comments were received on this. Bill B. discussed and explained some of this. Moved by

Kathy to approve Ordinance # 98-900-01, seconded by Bill M., all in favor (6) (0) opposed, (1) abstaining. Motion carried.

IV. NEW BUSINESS

- A. **TRANSITION ISSUES AND TRANSITION PLANNING NECESSITATED BY ADOPTION OF NEW CONSTITUTION.** Bill B. provided a memorandum to the Council detailing some of the transition issues. He said hopefully we would know more in the next week or so. Bill B. said the big issue is going to be the qualifications for persons to sit on the Election Board. The Tribal Council may want to consider adopting some ethical standards for the Election Board that may be similar to the rules that apply to Judges. Discussion followed. Another issue is going to be the voting procedure. Whether the polling places are going to be established within the 9 county district, outside the 9 county district, or done by mail. Bill B. said that these are some of the issues that the Tribal Council and Election Board has to deal with.
- B. **NOTIFICATION OF TWO VACANCIES ON NATURAL RESOURCE COMMISSION.** Two positions on the Natural Resource Commission expire this month. Bill B. said that Al Medacco and Pat Ruitter were appointed to fill these vacancies but only until the term expires. Al and Pat have both expressed an interest in serving on the Commission, but the Ordinance requires that notice be published at least two weeks prior to the date Council approves vacancies and there is a letter going into the newsletter this month. There should be action on this next month.
- C. **LETTER STATING TRIBE'S INABILITY TO PURCHASE WALK-IN COOLER FOR START-UP OF FRESH FRUIT AND PRODUCE PROJECT THROUGH THE USDA.** Andrea said there is a fresh fruit and produce project through the USDA, but we have to be able to buy the equipment to run the program. The Tribe has been asked to write a letter stating that this is not something that we can do. Andrea asked for the Council's support for this as Bob will have to sign the letter.
- D. **HANDOUT DISCUSSION DRAFTS OF ORDINANCE DRAFTS FOR LIQUOR CONTROL ORDINANCE AND REVISIONS TO TRIBAL GAMING ORDINANCE.** Bill B. said that he hasn't gone through the Liquor Control Ordinance himself but he has worked with Kevin Wadzinski from Dorsey & Whitney to deal with the parts that he knew. Discussion followed. Bill B. said this is for Tribal Council review. Bill B. said the same goes for the Gaming Ordinance.
- E. **HANDOUT/DISCUSSION OF PROPOSED ADDITIONS TO PERSONNEL POLICIES FOR CONDUCT OF CRIMINAL HISTORY AND BACKGROUND INVESTIGATIONS OF EMPLOYEES.** Bill B. said this is just for review and there will be a Tribal Council Special session to review this. Certain categories of employees must have background checks. The Tribe will want

to perform checks on all employees for liability purposes. Bill B. said that there is specific language to deal with Public Law 101-630 which requires a criminal history check and certain background checks on employees who are going to have regular contact or control over children. What is proposed is that the Human Resource Director and the Assistant Manager be the primary individuals responsible for reviewing the background investigations. Discussion followed.

F. **SUPPORT FOR COLLABORATION FOR NAIC CONCEPT PAPER.** Kim said that this project is a proposal to facilitate a research and training project to determine the need for a Coordinated Health Service System for Indians who reside in Grand Rapids. This is just for Tribal Council's information.

G. **STATUS REPORT ON EMERGENCY FUNDS AND BURIAL ASSISTANCE.** Kim said Ronda submitted this and it is a reminder that this is a last resort program and you must be a Tribal member. There is also limited assistance. Since the implementation of this program, there have been five applications submitted, and four of them have been approved, and one is open. There have been several inquiries made that have turned out to be Social Service related and not emergency situations. During the month of May, we received three applications for the burial assistance program, one was approved, and one was denied on the basis that the deceased person was not a Tribal member, and one application is open pending documentation. There have been no problems with this program.

H. **REMOVAL OF BOBBIE JO NYHOLM FROM THE CHILD WELFARE COMMITTEE.** Ms. Nyholm recently moved to Wisconsin and will not be able to participate on the Child Welfare Committee. Moved by Bill M., to remove Bobbie Jo from the Child Welfare Committee, seconded by Don, all in favor (6), (0) opposed, (1) abstaining. Motion carried.

I. **KITCHEN FACILITY FOR LITTLE RIVER BAND COMMUNITY CENTER.**
This agenda item was cancelled.

V. CONCLUDING BUSINESS

A. **PUBLIC COMMENT.** Bob Hardenburgh asked about the sale of the license plates. Bill B. said there are some questions as to whether a replica of the Tribal Flag falls within the Tribal Seal Ordinance. It was decided that the license plates would be sold. Moved by Bill M., to sell these plates and divide the money equally between the Elders Committee and Education, seconded by Kathy, all in favor (6), (1) opposed. Motion carried.

B. **NEXT MEETING.** The next meeting will be at the St. Thomas Hall in Muskegon, MI. on July 13, 1998 at 6:00 p.m.

- C. **ADJOURNMENT.** Moved by Kathy to adjourn the meeting at approximately 9:30 p.m. and move into closed session, seconded by Kim, all in favor (7), (0) opposed. Motion carried.

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