

LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL COUNCIL REGULAR MEETING WEDNESDAY, JUNE 19, 2002 LITTLE RIVER BAND COMMUNITY CENTER



OPEN SESSION TRIBAL COUNCIL MINUTES

The Little River Band of Ottawa Indians held a meeting at the Little River Band Community Center on June 19, 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, June 19, 2002, was called to order at 10:12 a.m.

B. Roll Call

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

Quorum established.

Charles Fisher called stating due to some last minute issues regarding the Casino opening tomorrow he would not be able to be in attendance. Pat Ruiter was out of state.

Others Present: Jessica Burger, John Bussey, Candace Chapman, Bill Memberto, Richard Sprague, William Willis and Sadie Riffle.

C. Approval of Agenda

The following were changes to the printed Agenda:

- 1) Remove Item B 1. Change Order in the Amount of \$7,947 for NetCom
- 2) Add Item 4 Acceptance of Diabetes Grant under III-A Grants and Contracts
- 3) Item E. Enrollment Commission Resignation under V- New Business

MOTION TO APPROVE AGENDA AS AMENDED; by Kleeman; supported by Porter.

Roll Call

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

Motion carried (7-0-0-2)

D. Tribal Council Minutes

04/17/02

The following alterations were made to the Minutes:

- 1) Page seven add at the bottom "...Resolution at an earlier date because of the annual membership meeting being held on the same date..."
- 2) Page two...Dougher stated he will look for viable...
- 3) Page five ... move items on the to apply expenses to...

MOTION TO APPROVE THE APRIL 17, 2002 TRIBAL COUNCIL OPEN SESSION MINUTES AS AMENDED; by Kleeman; supported by Medahko.

Roll Call

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

Motion carried (7-0-0-2)

E. Public Comment Period

There was no public comment.

III. Continuing Business

A. Grants & Contracts

MOTION TO TABLE III-A 1, 2, AND 3; by Sam; supported by Kleeman.

Roll Call

C. Bennett –	Yes	C. Fisher –	Absent	T. Kleeman –	Yes
L. McCatty –	Yes	P. Medahko –	Yes	S. Parsons –	Yes

E. Porter –	Yes	P. Ruiter –	Absent	J. Sam –	Yes
Motion carrie	ed (7-0-0-2)				

Item III A-4 Diabetes Grant was considered at this time.

MOTION TO APPROVE RESOLUTION 02-0619-01 FOR ACCEPTANCE OF A SPECIAL DIABETES PROGRAM GRANT FROM INDIAN HEALTH SERVICE (IHS) AND APPROVING A MODIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2002 IN THE AMOUNT OF \$60,560; by Kleeman; supported by Porter.

Roll Call

2022 0002		
C. Bennett - Yes	C. Fisher – Absent	T. Kleeman – Yes
L. McCatty - Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Absent	J. Sam – Yes

Motion carried (7-0-0-2)

B. CMT Business

Removed from Agenda

IV. Old Business

A. Acceptance for Filing Gaming Commission Report for May 2002

There were two pages of confidential material included in the packet, which were moved to the Closed Session.

MOTION TO ACCEPT FOR FILING THE GAMING COMMISSION REPORT FOR MAY 2002; by Kleeman; supported by Bennett.

Roll Call

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

Motion carried (7-0-0-2)

B. Acceptance for Filing Housing Commission Report for May 2002

MOTION TO ACCEPT FOR FILING THE HOUSING COMMISSION REPORT FOR MAY 2002; by Porter; supported by Kleeman.

Roll Call

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

Motion carried (7-0-0-2)

C. Acceptance for Filing Natural Resources Commission Report For May 2002

Porter asked why the report was not present. McCatty stated that the NRC no longer had the secretarial support available at the meeting because of overtime issues. The Department secretary was transcribing this from a tape of very poor quality. Porter noted that there was a Secretary on the NRC who could take hand written notes during the meeting, which would supplement the tape.

McCatty also noted that the packet of material included regulations in accordance with the Commissions Ordinance. Parsons asked if these were submitted for approval. McCatty indicated the material was not for approval, but rather for acceptance. Sam indicated Mr. Koon, Chairman of the NRC, did attempt to contact her the day before the meeting, however, she was unable to return his call.

Discussion was held regarding the Regulations included in the packet. Sam stated previously all Regulations from the NRC had been enacted by the Tribal Council with a Resolution. Porter stated she believed the Regulations were submitted in error, Sam concurred. Parsons requested the Regulations be re-submitted to Council for action at a future date.

MOTION TO HAVE TRIBAL COUNCIL PLACE ON THE AGENDA FOR ACCEPTANCE DURING THE JULY 10, 2002 OPEN SESSION REGULATION #02-SF01, THIS IS A FISHING REGULATION FOR GILL NET AND IMPOUNDMENT NET LICENSES, PERMITS AND MARKING REQUIREMENTS; by Sam; supported by Porter.

Roll Call

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

Motion carried (7-0-0-2)

MOTION TO ACCEPT FOR FILING INFORMATION FOWARDED TO THE COUNCIL FROM THE NRC EXCLUDING REGULATION #02 SF01; by Sam; supported

by Porter.

Roll Call

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

Motion carried (7-0-0-2)

D. Acceptance for Filing Cultural Preservation Committee Report For May 2002

Sam stated the new petty cash policy needs to be forwarded to the CFO for review. McCatty questioned sign information on M22 and US31. House stated this should all be public record because it was handled in Open Session by the Cultural Preservation Committee

MOTION TO ACCEPT FOR FILING THE CULTURAL PRESERVATION COMMITTEE REPORT FOR APRIL AND MAY 2002 WITH THE EXCEPTION OF THE PETTY CASH PORTION; by Kleeman; supported by Porter.

Roll Call

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

Motion carried (5-1-1-2)

MOTION FOR TRIBAL COUNCIL TO FORWARD THE PETTY CASH POLICY TO THE OGEMA WITH A REQUEST IT BE FORWARDED TO THE CFO FOR DETERMINATION IF THE POLICY COMPLIES WITH GOVERNMENTAL ACCOUNTING STANDARDS AND CURRENT TRIBAL REGULATIONS FOR PURCHASING. TO BE RETURNED TO THE COUNCIL BY THE JULY 10, 2002 OPEN MEETING; by Sam; supported by Porter.

Discussion was held regarding the legality of the petty cash policy the Cultural Committee had recently passed.

Roll Call

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

Motion carried (7-0-0-2)

E. Acceptance for Filing the Legislative Update for May 2002

MOTION TO ACCEPT FOR FILING THE LEGISLATIVE UPDATE FOR MAY 2002; by Porter; supported by Kleeman.

Roll Call

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

Motion carried (6-0-1-2)

MOTION TO REMOVE FROM THE TABLE ITEMS III-A 1,2,3; by Parsons; supported by Kleeman.

Roll Call

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

Motion carried (7-0-0-2)

A. Grants and Contracts

1. Acceptance of FY2002 P.L. 93-638 Contract Funds From Indian Health Service

Willis explained the Resolution was to formally accept the funds that are generated through the annual funding agreement between the Tribe and the Indian Health Service. The amount would be \$1,020,197.00. Sam queried if the Council could receive a copy of the entire contract. Willis indicated this could be done prior to submission. Burger indicated she had submitted a copy of the entire contract to Tribal Council for the past two years and would be submitting one this year as well.

MOTION TO APPROVE RESOLUTION # 02-0619-02 ACCEPTANCE OF FISCAL YEAR 2002 INDIAN HEALTH SERVICE PUBLIC LAW 93-638 CONTRACT FUNDS AND APPROVING A MODIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2002 IN THE AMOUNT OF \$1,020,197.00; by Kleeman; supported by Bennett.

Sam queried if this amount was the amount expected and therefore budgeted for. Burger stated the amount expected and built into the budget was \$250,000 less than the award amount.

Roll Call

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

Motion carried (7-0-0-2)

2. Acceptance of FY2002 P.L. 93-638

Willis indicated this grant was similar to the one in A-1. This grant deals with funds awarded through the BIA.

MOTION TO APPROVE RESOLUTION #02-0619-03 ACCEPTANCE OF FY2002 BUREAU OF INDIAN AFFAIRS P.L. 93-638 CONTRACT FUNDS APPROVING A MODIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2002 IN THE AMOUNT 0F \$956,384; by Porter; supported by Kleeman.

Sam asked that Willis be responsible for the Resolutions being forwarded to accounting in order for the dollar amounts to be reflected in the revenue and expense portion of the Financial Report. Willis indicated he would forward the information to the proper personnel.

Roll Call

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

Motion carried (7-0-0-2)

3. Acceptance of Contract Modifications from Indian Health Services (IHS) and Approving a Modification to the Operating Budget for Fiscal Year 2002 in the amount of \$69,452.

Willis explained this was a result of two modifications made to the original IHS budget.

MOTION TO APPROVE RESOLUTION # 02-0619-04 ACCEPTANCE OF CONTRACT MODIFICATIONS FROM INDIAN HEALTH SERVICES (IHS) AND APPROVING A MODIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2002 IN THE AMOUNT OF \$69,452; by Kleeman; supported by Porter.

Sam stated in the transmittal letter it stated some of the funds were non-recurring. Burger stated that was correct and no new programs would be initiated this year. The funds would go to the programs that were currently active.

Roll Call

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

Motion carried (7-0-0-2)

V. New Business

A. Amendment to Binojeeuk Commission By-Laws to Allow for Attendance at Meeting by a Commissioner by Phone Conference

MOTION TO APPROVE RESOLUTION # 02-0619-05 AMENDMENT TO BINOJEEUK COMMISSION BY-LAWS TO ALLOW FOR ATTENDANCE AT MEETING BY A COMMISSIONER BY PHONE CONFERENCE; by Porter; supported by Kleeman.

Roll Call

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

Motion carried (7-0-0-2)

B. Supplemental Appropriation from Fisheries Settlement Fund to Include Funds for Dock/Storage Fees for Tribally-owned Commercial Fishing Vessels.

Discussion was held to clarify what expenditures were included in this appropriation. Many of the Council members expressed concern for the apparent high charges for the fees. The use of the blue building for storage was discussed. Various options were discussed, however, it was the consensus of the Council members to postpone a decision until more information could be gathered.

MOTION TO POSTPONE SUPPLEMENTAL APPROPRIATION FROM FISHERIES SETTLEMENT FUND TO INCLUDE FUNDS FOR DOCK/STORAGE FEES FOR TRIBALLY-OWNED COMMERCIAL FISHING VESSELS, TO RETURN THE ITEM TO THE OGEMA AND REQUEST ADDITIONAL INFORMATION INCLUDING

COST COMPARISONS FOR STORAGE AND PLACE THE ITEM UNDER OLD BUSINESS FOR THE AGENDA OF JULY 10, 2002; by Sam; supported by Kleeman.

Roll Call

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

Motion carried (7-0-0-2)

C. Purchase of Copier by Gaming Compliance

MOTION TO APPROVE THE PURCHASE OF ONE COPY MACHINE FOR THE GAMING COMMISSION IN THE AMOUNT OF \$14,605.00 FROM ACCOUNT #1000-121-5600, THE GAMING COMPLIANCE BUDGET OF THE GENERAL FUND; by McCatty; supported by Medahko.

Roll Call

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

Motion carried (6-1-0-2)

D. Approving Appropriation from Land Acquisition Account

Parsons stated there was a new BIA requirement to put land in trust and a sign-off from the State Historical Preservation Office must be obtained before the completion of the transaction. Sam stated the letter was addressed to Little Traverse Bay not Little River. After a brief discussion it was decided the name on the letter was incorrect, however, the letter itself was dealing with Little River because it referred to property in Mason County. The Council members questioned if there was money in the land acquisition line item. It was the consensus of the Council to gather more information prior to action on this item.

MOTION TO POSTPONE ACTION ON RESOLUTION # 02-0619-07, APPROVING AN APPROPRIATION FROM LAND ACQUISITION UNTIL THE JULY 10, 2002 MEETING; by Porter; supported by Kleeman.

Roll Call

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

Motion carried (7-0-0-2)

It was the consensus of the group to set up a work session as soon as possible regarding the concerns expressed about land acquisition. House suggested a report be requested outlining the process for placing land into trust.

E. Resignation from the Enrollment Commission

A letter from Tina Vaquera stating her resignation from the Enrollment Commission was presented.

MOTION TO ACCEPT TINA VAQUERA'S LETTER OF RESIGNATION FROM THE ENROLLMENT COMMISSION; by Kleeman; supported by Porter.

Roll Call

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

Motion carried (7-0-0-2)

Parsons stated the Ogema would be notified of the vacancy on the Enrollment Commission so an appointment can be made as soon as possible.

VI. Concluding Business

- A. Next Meeting Date(s) July 10, 2002
- B. Public Comment Period

The Director of Operations apologized for not being in attendance at the time the copy machine issue was before the Council.

Jessica Burger stated the Indian Health Service would be coming for an on-site visit. No date had been established for the on-site visit. Currently the Tribe is operating without a Health Board. One of the compliance items was to view Health Board minutes. Burger indicated some previous citations were listed in the materials the Council members received. Burger stated she would like to meet with Council members sometime after the first of July for a work session. Burger stated she thought the department was in good standing, however, there may be some problems with the tie-in with some of the ancillary services with other departments. Sam requested that items of this magnitude be submitted on an Agenda Request prior to coming before the Council.

Bill Memberto spoke briefly regarding the following subjects:

- 1) What method the State uses to issue small contracts
- 2) Native American land use regarding graves who was the contact the State worked with. Either need to establish a committee or make this a responsibility of Cultural Committee
- 3) Need to make some sound statements to the State government regarding input from the Tribes regarding policy and procedures that effect the Tribes

Richard Sprague stated, in his opinion, the tribal preference policy was not being adhered to in the hiring process especially in middle management.

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 Porter.

Roll Call

co – Yes	S. Parsons – Yes
- Absent	J. Sam – Yes
_	Absent

Motion carried (7-0-0-2)

This portion of Open Session was adjourned at 12:15 p.m.

MOTION TO RECONVENE THE OPEN SESSION PORTION OF THE MEETING; by Kleeman; supported by Sam.

Roll Call

C. Bennett – Yes	C. Fisher – Absent	T. Kleeman – Yes
L. McCatty - Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Absent	J. Sam – Yes
11.1.		

Motion carried (7-0-0-2)

Council reconvened in Open Session at 4:41 p.m.

MOTION TO MOVE RESOLUTIONS #02-0619-08 AND #02-0619-09 AND THEIR RESPECTIVE ROLL CALL VOTES TO OPEN SESSION; by Sam; supported by Kleeman.

Roll Call

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

Motion carried (7-0-0-2)

MOTION TO APPROVE RESOLUTION #02-0619-08
AUTHORIZING THE TRIBAL OGEMA, OR IN THE
ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO
EXECUTE A LEASE AGREEMENT WITH HIDDEN
HARBOR MARINA FOR DOCK SPACE FOR THE TRAP
NET VESSEL; by Porter; supported by Sam.

Roll Call

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

Motion carried (4-3-0-2)

MOTION TO APPROVE RESOLUTION #02-0619-09 AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO EXECUTE A TRAP NET VESSEL EQUIPMENT LEASE AGREEMENT WITH MATTHEW STONE FOR THE TRAP NET VESSEL "CIERRA."

Roll Call

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

Motion failed (2-3-2-2)

MOTION TO ADJOURN THE MEETING; by Kleeman; supported by Bennett.

Roll Call

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

Motion carried (7-0-0-2)

Meeting adjourned at 4:45 p.m.

Respectfully submitted,

Sadie Riffle

Transcribing Assistant

anine M. Sam

Tribal Council Recorder