



**LITTLE RIVER BAND OF OTTAWA INDIANS**

**TRIBAL COUNCIL**

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✓  
APPROVED  
03/21/01

ORIGINAL

**REGULAR MEETING OF THE TRIBAL COUNCIL**  
**Open Session**  
**June 26, 2000**  
**Little River Band Community Center**

**I. Silent Prayer**

**II. General Business**

**A. Call to Order**

Meeting called to order at 6:07 p.m., on Monday, June 26, 2000.

**B. Roll Call**

Members Present: Joan Spalding, Speaker; Charles Fisher, Recorder; Councilors: Carol Bennet; Kathy Berentsen; Don Koon; Lisa McCatty; Elaine Porter; Janine Szpliet; and Connie Waitner.

Members Excused:

Members Absent:

Others Present: Bill Brooks, Cy Hill.

**C. Consent Agenda**

**1. Approval of Agenda.**

*Summary: Discussion regarding amendments and deletions to the agenda.*

**MOTION TO TABLE ITEM A. UNDER OLD BUSINESS by Janine Szpliet, second by Kathy Berentsen.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (9-0-0-0).

**MOTION TO TABLE ITEM B. UNDER OLD BUSINESS by Janine Szpliet, second by Elaine Porter.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
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K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (9-0-0-0).

**MOTION TO TABLE ITEM A. UNDER NEW BUSINESS by Janine Szpliet, second by Connie Waitner.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - No	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (8-1-0-0).

**MOTION TO TABLE ITEM D. UNDER NEW BUSINESS by Janine Szpliet, second by Elaine Porter.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - No	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (8-1-0-0).

**MOTION TO TABLE ITEM E. UNDER NEW BUSINESS by Janine Szpliet, second by Connie Waitner.**

Roll Call:

C. Bennett - No	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - No	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (7-2-0-0).

*Summary: Discussion regarding leaving the item on for information and discussion, whether a status report had been prepared, and moving the item to a work session.*

**MOTION TO REMOVE ITEM III. UNDER CLOSED SESSION by Janine Szpliet, second by Elaine Porter.**

Roll Call:

C. Bennett - No	D. Koon - No	J. Spalding - No
K. Berentsen - No	L. McCatty - No	J. Szpliet - Yes
C. Fisher - No	E. Porter - No	C. Waitner - No

Motion fails. (1-8-0-0).

**MOTION TO TABLE ITEM B. UNDER NEW BUSINESS by Charles Fisher, second by Connie Waitner.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - No	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (8-1-0-0).

**MOTION TO TABLE THE MINUTES OF JUNE 10, BOTH THE REGULAR AND CLOSED SESSION by Charles Fisher, second by Janine Szpliet.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (9-0-0-0).

**MOTION TO ACCEPT THE AGENDA AS AMENDED by Janine Szpliet, second by Elaine Porter.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (9-0-0-0).

**A. Introduction of Guests**

Joan Spalding asked those in attendance to introduce themselves.

**B. Public Comment**

*Summary: The following questions, requests and concerns were raised during public comment. Discussion regarding format for placing items on the agenda. Discussion regarding challenging a recall.*

**MOTION THAT A COPY OF THE TRIBAL CONSTITUTION, PUBLIC LAWS, EMPLOYMENT POLICIES AND NEW ELECTION RULES BE COPIED AND POSTED ON THE BULLETIN BOARD FOR MEMBERS, SO THEY ARE AWARE OF WHAT POLICIES AND LAWS THE TRIBE HAS, SO THAT SOME QUESTIONS CAN BE ANSWERED by Lisa McCatty, second by Janine Szpliet.**

**MOTION TO AMEND ORIGINAL MOTION, TO INCLUDE A COPY OF THE CURRENT YEARS BUDGET BE ADDED TO THE LIST by Lisa McCatty, second by Kathy Berentsen.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - No
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (8-1-0-0).

**Vote on Main Motion as Amended.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - No
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (8-1-0-0).

**III. Old Business**

Item A. and B. were tabled.

**C. Appointment of Tribal Judges.**

*Summary: Discussion regarding re-scheduling a date for the appointment hearing, notice to the Ogema regarding why a hearing is being held, holding a work session to review rules of procedure and time lines.*

**MOTION THAT ON MONDAY, JULY 3 AT 10:00 A.M. UNTIL NOON THE COUNCIL MEET TO HAVE THE WORKPLAN by Kathy Berentsen, second by Janine Szpliet.**

Roll Call:

C. Bennett - No	D. Koon - No	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (7-2-0-0).

**MOTION TO TAKE A RECESS UNTIL THE DATE THAT THE OGEMA WAS SWORN-IN CAN BE OBTAINED by Lisa McCatty, second by Janine Szpliet.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (9-0-0-0).

*(Janine Szpliet departed at 7:40 p.m.)*

**MOTION THAT THE COUNCIL HOLD A SPECIAL MEETING ON JULY 8 AT 9:30 A.M. FOR THE PURPOSE OF APPROVING THE RULES OF PROCEDURE**

**FOR JUDICIAL HEARINGS by Joan Spalding, second by Don Koon.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - No	J. Szpliet - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (7-1-0-1).

**IV. New Business**

**A. Approval by Motion for Request for Proposals for Audit as Required by Contract.**

*Summary: Brief presentation.*

**MOTION TO ASK DAN BROTON TO GO AHEAD WITH THE REQUESTS FOR PROPOSALS FOR AUDITS by Kathy Berentsen, second by Connie Waitner.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Absent
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion carries. (8-0-0-1).

**B. Approval of Gaming Commission Employee Uniform Logo.**

*Summary: Brief over view given.*

*(Janine Szpliet returned to the meeting.)*

**MOTION TO APPROVE THE USE OF THE LOGO ON GAMING COMMISSION UNIFORMS by Connie Waitner, second by Elaine Porter.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - No	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (8-1-0-0).

**C. Approval of Gaming Commission Contract with Egghart & Associates.**

*Summary: Brief overview given.*

**MOTION TO APPROVE RESOLUTION #00-0626-01, RATIFYING THE EXPANDED SCOPE OF SERVICES CONTRACT WITH EGGHART & ASSOCIATES FOR COMPLIANCE AUDITING AT THE LITTLE RIVER CASINO RESORT by Connie Waitner, second by Elaine Porter.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - No	L. McCatty - No	J. Szpliet - Yes

C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes
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Motion Carries. (7-2-0-0).

**D. Approval of Gaming Commission Consultant Contract with Kb&a (Kerby, Bailey & Associates, Inc.) In the Amount of \$2,500.00 for Work Related to Licensing of Vendors.**

*Summary: Brief overview given.*

**MOTION THAT IN THE LAST, IT IS FURTHER RESOLVED THAT, ON THE THIRD LINE, IT CURRENTLY READS, AND CONSENTS TO THE JURISDICTION OF THE TRIBAL COURT OF LITTLE RIVER OTTAWA, IT SHOULD READ, OF THE TRIBAL COURT OF THE LITTLE RIVER BAND OF OTTAWA INDIANS by Kathy Berentsen, second by Lisa McCatty.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet -Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (9-0-0-0).

**MOTION TO AMEND THE MOTION TO ALSO CHANGE THE DATE WITHIN THE CERTIFICATE OF ADOPTION TO JUNE 26 by Lisa McCatty, second by Janine Szpliet.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet -Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (9-0-0-0).

**Vote on Main Motion as amended.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet -Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (9-0-0-0).

**MOTION TO APPROVE RESOLUTION #00-0626-02, APPROVAL OF CONSULTING CONTRACT WITH KERBY, BAILEY & ASSOCIATES FOR THE DEVELOPMENT OF THE VENDOR REGULATION PROCESS FOR THE GAMING COMMISSION AND AGREEING TO A LIMITED WAIVER OF SOVEREIGN IMMUNITY IN SUCH CONTRACT AS AMENDED by Janine Szpliet, second by Elaine Porter.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - No	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (8-1-0-0).

**I. Approval of Payment of Fees and Expenses for Marc Slonim For the Month of May 2000 for Work on US V MI.**

*Summary: No discussion took place.*

**MOTION TO PASS RESOLUTION #00-0626-03, APPROVING STATEMENT OF FEES AND EXPENSES FOR MAY 2000 FOR PAYMENT TO ZIONTZ, CHESTNUT, VARNELL, BERLEY & SLONIM by Kathy Berentsen, second by Janine Szpliet.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (9-0-0-0).

**J. Approval of Payment of Fees and Expenses to Dorsey & Whitney LLP for Rights Protection Services.**

*Summary: Discussion regarding the approval of a contract prior to any further work.*

**MOTION TO APPROVE RESOLUTION #00-0626-04, APPROVING STATEMENT OF FEES AND EXPENSES FOR APRIL 2000 FOR PAYMENT TO DORSEY & WHITNEY, L.L.P. IN THE AMOUNT OF \$15,771.71 by Elaine Porter, second by Don Koon.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (9-0-0-0).

**K. Approval of Payment of Fees and Expenses to James M. McClurken for Rights Protection Work.**

*Summary: Discussion regarding some fo the work being invoiced precedes the contract.*

**MOTION TO APPROVE RESOLUTION #00-0626-05, APPROVING STATEMENT OF FEES AND EXPENSES FOR MAY 2000 FOR PAYMENT TO JAMES M. MCCLURKEN & ASSOCIATES by Janine Szpliet, second by Connie Waitner.**

Roll Call:

C. Bennett - Yes	D. Koon - Absent	J. Spalding - Yes
K. Berentsen - No	L. McCatty - No	J. Szpliet - Yes

C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes
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Motion Carries. (7-2-0-0).

**L. Approval of Payment of Fees and Expenses to Peninsula Legal Services for Contractual Services for the Election Board.**

*Summary: No discussion took place.*

**MOTION TO PASS RESOLUTION #00-0626-06, APPROVING STATEMENT OF FEES AND EXPENSES FROM PENINSULA LEGAL SERVICES FOR SERVICES TO THE ELECTION BOARD DURING THE MONTHS OF MARCH AND MAY 2000 by Kathy Berentsen, second by Charles Fisher.**

Roll Call:

C. Bennett - No	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Abstain	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - No

Motion Carries. (6-2-1-0).

**M. Approval of Payment of Fees and Expenses to Peninsula Legal Services per Contract for Prosecuting Attorney Issues.**

*Summary: No discussion took place.*

**MOTION THAT COUNCIL APPROVE RESOLUTION #00-0626-07, APPROVING STATEMENT OF FEES AND EXPENSES FROM PENINSULA LEGAL SERVICES FOR PROSECUTORIAL SERVICES DURING THE MONTHS OF APRIL AND MAY 2000 IN THE AMOUNT OF \$18,278.31 by Janine Szpliet, second by Elaine Porter.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Abstain	L. McCatty - Abstain	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (7-0-2-0).

**N. Approval of Payment of Fees and Expenses to Richard C. Bishop for Consulting Services Pertaining to US v. MI Case.**

*Summary: No discussion took place.*

**MOTION TO APPROVE RESOLUTION #00-0626-08, APPROVING STATEMENT OF FEES AND EXPENSES FOR PAYMENT TO PROFESSOR RICHARD BISHOP by Janine Szpliet, second by Elaine Porter.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes



Motion Carries. (9-0-0-0).

**O. Resolution Authorizing the Release of per Capita Funds Held in Trust for Certain Minors Reaching the Age of Majority in June 2000.**

*Summary: No discussion took place.*

**MOTION TO PASS RESOLUTION #00-0626-09, AUTHORIZING RELEASE OF PER CAPITA FUNDS HELD IN TRUST FOR CERTAIN MINORS REACHING THE AGE OF MAJORITY IN JUNE 2000 by Kathy Berentsen, second by Janine Szpliet.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (9-0-0-0).

**IV. Concluding Business**

**A. Public Comment**

*Summary: There was no public comment offered.*

**B. Next Meeting Date.**

Work session: July 3, 2000 at 10:00 a.m.  
July 5, 2000 at 9:00 a.m.

Regular Meeting: July 8, 2000 at 1:00 p.m. (Conference Room)

The purpose of Closed Session is to discuss pending litigation and/or contract issues.

**C. Adjournment of Open Session**

*Summary: No discussion took place.*

**MOTION TO ADJOURN OPEN SESSION by Kathy Berentsen, second by Don Koon.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (9-0-0-0).

**MOTION TO GO INTO CLOSED SESSION by Kathy Berentsen, second by Janine Szpliet.**

Roll Call:

C. Bennett - No	D. Koon - No	J. Spalding - No
K. Berentsen - Yes	L. McCatty - No	J. Szpliet - Yes
C. Fisher - No	E. Porter - No	C. Waitner - No

Motion Fails. (2-7-0-0).

(Joan Spalding called for a brief recess.)

**MOTION TO GO INTO CLOSED SESSION by Kathy Berentsen, second by Janine Szpliet.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Absent

Motion Carries. (8-0-0-1).

**V. Return to Open Session**

**MOTION TO RETURN TO OPEN SESSION by Janine Szpliet, second by Connie Waitner.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (9-0-0-0).

**VI. Adjournment**

**MOTION TO ADJOURN by Janine Szpliet, second by Connie Waitner.**

Roll Call:

C. Bennett - Yes	D. Koon - Yes	J. Spalding - Yes
K. Berentsen - Yes	L. McCatty - Yes	J. Szpliet - Yes
C. Fisher - Yes	E. Porter - Yes	C. Waitner - Yes

Motion Carries. (9-0-0-0).

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Minutes Transcribed/Drafted by: \_\_\_\_\_

Respectfully Submitted,

Approved as Drafted/  
Approved as Corrected  
Date:

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Lisa M. McCatty,  
Tribal Council Recorder