



Little River Band of Ottawa Indians

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APPROVED

8/4/97

TRIBAL COUNCIL MEETING MINUTES MONDAY, JULY 7, 1997

I. GENERAL BUSINESS

A. CALL TO ORDER. The meeting was called to order by Chairman, Robert Guenthardt, at 6:00 p.m. at the 310 Ninth Street Tribal office.

B. ROLL CALL. Roll was taken by Steve Parsons. Present: Don Koon, Bill Memberto, Bob Guenthardt, Kim Kequom, Steve Parsons, Kathy Berentsen (arrived late), and Chuck Fisher (arrived late).

C. ADOPTION OF AGENDA. It was asked to add the following to the agenda under Old Business: E. Gaming Compact Update. Also, under New Business: D. Sacred Fire, E. Approval of Addendum to Mark Slonim Contract, F. Resolution to Support the Thomas Properties, G. Support for Resolution #97-0707-01, Elder's Health Care Grant, and H. Support for Food Commodity Program. Moved by Kim, to accept agenda with changes, seconded by Steve, all in favor (5), (0) opposed, (2) absent. Motion carried.

D. ADOPTION OF MINUTES. No changes were made. Moved by Bill M., to accept minutes without changes, seconded by Steve, all in favor (5), (0) opposed, (2) absent. Motion carried.

E. FINANCIAL REPORT. Chris gave an update as to what still needs to be done with the Forest Clinic and what has been completed. He said that we are under the budget of what we can spend so that will be carried over. Steve asked if that will impact our future funding and Chris said that it hasn't in the past. Bill M. was concerned with the excess of money in the budget and suggested that the Council look at that. Chris said that the actual financial report has not been completed yet but, he will mail each Council member a packet with the information as soon as it is done.

F. STAFF REPORTS. Kim asked that when a Council member has a question with a staff report, do they go to the individual to ask the question or is this the time to bring it up because the Council has really never brought up any issues in particular. Bob said to bring it up here any time. Kim said okay, she had a question then; in Andrea's report, the annual training for the CHR conference

that was missed, Kim wondered how was it that they missed the annual training. It was asked if any of the staff present knew and no one did. Bill M. said that he knew that they were on the list at one time but he didn't know if or how they got taken off of the list. Kim said this is the same one that Barb Wheeler went to last year so that means we knew about it and yet, why didn't we go? She asked if she is to then ask Andrea and what can we do so they don't miss it next year. Bob said that Steve Bronson is in charge of that department so we can talk to him about not missing next year's conference. Bill M. said that one thing he found helpful was the CHR reporting form that shows a quantity of people served. Bill B. suggested that if a staff doesn't give a verbal report that their written report be available to the Tribal members in attendance of the meeting so they can see if they have any questions. Kim asked if there was a reason why we don't have all staff reports verbal instead of written. Bob said because it takes so long and that's what they tried to get away from in the past when all staff gave verbal reports. Bill M. said that he sees the Council only needing to talk to the department head people for information on programs, etc. Moved by Bill M., to have the staff department head people present at all Council meetings, seconded by Kim, all in favor (7), (0) opposed. Motion carried. Bill M. suggested to set some goals and expectations for the program directors. Moved by Bill M., to accept the staff reports with changes/questions, seconded by Steve, all in favor (7), (0) opposed. Motion carried.

G. INTRODUCTION OF GUESTS. Present: Debra Lewis Gutowski, Martin Trevar, Gerald Pete, Bruce Crittenden (DeVere Construction), Dick Crittenden (DeVere Construction), Connie Waitner, Jerry Guenthardt, Percy Campeau, Ida Campeau, Bob Hardenburgh, and Katie Glocheski. Staff Present: Valerie Chandler, Tammy Carter, Diane Lonn, Bill Willis, Jay Sam, Bill Brooks, and Mark Dougher.

II. OLD BUSINESS

A. APPOINTMENT OF GAMING COMMISSION. Kim asked that since the interviews have been conducted, does that mean that they have been picked or do we have a list or something? Kathy asked if Bill W. had a list of the people for this and he said he isn't involved in this anymore since he submitted his resume. Bill M. asked that since the interviews took place if anyone has any notes or written documentation on these. Bob said he was there but he didn't write anything down. Bill B. said that the ones he knows that were submitted and interviewed were Jim Campeau, Valerie Chandler, Tom Guenthardt, and Bill Willis. Bob said that Tom Shepard expressed an interest, had an interview and later decided he didn't want it. Bill B. said that the other three who submitted letters of interest never responded to set up an interview. Bob said that the Council can approve the four that applied but that still leaves one position open because we're supposed to have five. Kathy mentioned that since three of them are staff, how much time is going to be involved in the Commission. Bob said that they would meet once a month like a committee. He also mentioned that

these people still need to pass a background investigation and the other position is still open for whoever would like it. Kathy asked if it would be a conflict of interest in Tom's situation where he is already on two Commissions and a staff member. Bill B. said no, the only time it would be a conflict of interest is when someone with the Courts gets involved since the Commission would be working with them or if it were someone on the Tribal Council. He said he thinks why we didn't very many applications is because the Gaming Commission will be regulating the gaming enterprise and people within their household would not be able to hold key employee positions. Bill M. asked where do we see the Gaming Commission going because he understands some of these positions are paid. Bill B. said that until the compact is resolved, he sees the Commission learning the Tribe's Gaming Ordinance and going for training. Bill B. also said that he thinks the terms for the Commission are staggered in such that two Commissioners would be for a one year term, two for a two year term, and one for a three year term. Bill M. was concerned that if and when the positions become full time paid positions, the people who currently have a job will be holding two jobs when someone else could have a chance to be employed. Jerry Guenthardt pointed out that we only have four who are interested right now when we really need five, so why not appoint the ones interested? Chris suggested to appoint the four for one year for now. Bill B. said that the present nominees won't actually be official until they pass the background check. Moved by Steve, to accept the nomination of the four applicants (Bill Willis, Tom Guenthardt, Valerie Chandler, and Jim Compeau) pending the approval of the background investigation, seconded by Bill M., all in favor (7), (0) opposed. Motion carried.

B. CHR TRANSPORT POLICY. Bill M. said that the only thing he had was that in the policy it states that a person in desire of the transportation shall notify the Health Department which will be passed on to the CHRs. No where does it state that someone will notify these people if they have been approved for the transport. The Council discussed how soon after a request is made that someone should notify the people requesting transport of approval and it was decided that 24 hours would be a good time to respond back to them. Moved by Bill M., to approve the CHR Transport Policy as amended, seconded by Kim, all in favor (7), (0) opposed. Motion carried.

C. PUBLIC HEARING SCHEDULE SET UP TO DISCUSS JUDGMENT FUND DISTRIBUTION PLANS. Bob suggested combining the Council meeting with the distribution plan and have the August meeting in Muskegon and the September meeting in Grand Rapids. Bill M. said that he thinks maybe the Council should schedule an annual meeting for down in those areas for a given month or two to keep the members down there informed. The Council talked about having the meeting start at 4:00 p.m. and then the Distribution plan at 6:00 p.m. in both places. It was decided to have the Muskegon meeting on August 4, 1997 and the Grand Rapids meeting on September 8, 1997. Moved by Bill M., to change the August and September Council meetings to Muskegon and Grand Rapids respectively, seconded by Kim, all in favor (7), (0) opposed. Motion carried.

Steve asked Bob the status on the Gaming compact. Bob said that he talked to Larry Rosenthal late last week and he said that it should be marked up July 14, 1997 and there is a chance that it could get passed in the House before they go into their August recess but, it is just a chance. He said that the Senate floor probably won't get it until sometime in September and it looks promising.

D. APPOINTMENT OF CONSTRUCTION MANAGEMENT TEAM. Bill W. said that the Committee and the Council interviewed five people, three of whom were Tribal members and then it was narrowed down to two people. The Committee and Council then could not come to terms on an equitable hourly salary. The Council then talked about the other three applicants of why they were not selected; one didn't show up for an interview and the other two wanted a considerable amount of money up front. Bob said the only reason his and Connie's names are on the list is because they both volunteered to do it for free. There was concern whether or not Bob could handle being on the team since he already works and is on the Council and they don't want him to get burdened down. It was brought up that these positions have been posted over and over again so it's not likely we'll get anymore people interested in the Team. The Council discussed how long the appointment should be for and six months was decided upon. Moved by Steve, to appoint Don Koon Sr. and Connie Waitner to the Construction Management Team on a voluntary basis for six months, seconded by Kathy, all in favor (7), (0) opposed. Motion carried.

E. GAMING COMPACT UPDATE. Bob said that right now the compact is dead in the water and working with the other Tribes, we will probably sue the Secretary of the Interior. He said that we filed suit against the State and that was rejected. We were told that they were going to pass the compact in July and they lied. Steve asked why they didn't pass the compact. Bob said that we had opposition from one of the other Tribes and the City Council in Detroit. Bob was then going to read the letter from Detroit stating their opposition but, it was moved by Bill M., to suspend the agenda to move on to the Devere Construction, seconded by Kim, all in favor (7), (0) opposed. Motion carried.

III. NEW BUSINESS

B. PROPOSAL TO PURSUE NEGOTIATION JOINT VENTURE AGREEMENT WITH DEVERE CONSTRUCTION COMPANY. Bill B. said that a while back, Bob, Mark Dougher, and himself met with Dick Crittenden and John Pridnia who are with DeVere Construction in Alpena. Bill B. said that a few years back, DeVere Construction did a joint venture agreement with Bay Mills Indian Community and under that agreement set up a separate construction company that has been handling the construction projects on the Bay Mills Indian reservation and on other construction projects in that area. Bruce Crittenden then spoke about the company and explained that they have previously done factories and governmental agencies. He said that they have built 69 homes, 3 apartment complexes, medical center, golf course and are getting ready to build

a gas station and convenience center. Bill B. asked Bruce Crittenden to explain more why it would be advantageous for the Tribe to get into a joint venture agreement with the construction company rather than start our own. Bruce said that one thing that they are doing is training people in the business so eventually the Tribe can start up a construction company without having DeVere there. Bill M. asked Bruce how long they have been in business with Tribes. He said six years and Bill M. asked if any of the Tribes have ventured out on their own yet. Bruce said that Bay Mills now has their own construction company and employs approximately 25 of their own people. Bill M. asked him how long that took to happen and Bruce said about a year and a half. Bill M. said that he was a little uncomfortable with some of the clauses in the proposal of the agreement such as where it states that Native Americans can get employment with this because who can really designate who is Native American and who is not. He said that the legal definition of a Native American is someone who belongs to a Tribe and has some identification to prove it and therefore we should go by this standard for employing someone in the company. Steve suggested instead of rewriting the clause to just add in there what the Little River Band defines as Native American. Moved by Bill M., to negotiate a Joint Venture Agreement with DeVere Construction, seconded by Kim, all in favor (7), (0) opposed. Motion carried.

Moved by Bill M., to return back to E. GAMING COMPACT UPDATE under II. OLD BUSINESS, seconded by Kathy, all in favor (7), (0) opposed. Motion carried.

II. OLD BUSINESS

E. GAMING COMPACT UPDATE. Bob read the letter to the Council signed by the City Council of Detroit to House Speaker Curtis Hertel stating their opposition to the compact. Bill M. said that he hesitates to say it but that letter was written by the Sault Ste. Marie Tribe and this is our biggest opposition. Bob said that the casino proposed to go on I-75 belongs to a Tribe that already has a compact. Bob said that what makes him mad is that it states that they are the legitimate Tribes and we are not. It was talked about putting an article in a Saturday edition of the Detroit Free Press expressing our opinion on the matter. Bob said that George Bennett from GTB wrote a really good letter supporting us. Bob then read a press release response on the issue that he and Bill B. wrote. Katie suggested to just go ahead and open the casino and see what they do. The Council then lead a discussion over the letter, the other Tribes positions and listened to each others opinions. It was mentioned that if our gaming compact stood alone, it would probably pass but, because it's tied to other compacts, that's what is dragging us down. Bob then suggested to move on to New Business.

III. NEW BUSINESS

A. TRIBAL COURT ORDINANCE. Bill B. said that he feels that the Council needs to act on this so we can get a court system going to deal with Indian Child Welfare issues, Conservation issues, etc. and if a work session is planned, he hopes to do it soon. Discussion was lead as to what exactly it means on the requirements of who can be a Tribal Court Judge. Moved by Bill M., to have a work session on July 21, 1997 at 6:00 p.m., seconded by Kim, all in favor (7), (0) opposed. Motion carried.

C. THE LAND ACQUISITION COMMITTEE WOULD LIKE TO SCHEDULE WORK SESSION WITH TRIBAL COUNCIL. It was decided to have the work session at the same time as the Tribal Court Ordinance work session. Moved by Bill M., to schedule a work session with the Land Acquisition Committee on July 21, 1997 at 6:00 p.m., seconded by Kim, all in favor (7), (0) opposed. Motion carried.

D. SACRED FIRE. Bill M. said that he talked with members of the Sage Council about cultural process. He said that Hannahville said they had difficult times for the Tribe and one of the ways they resolved this was by having a sacred fire and give offerings of tobacco and designate fire keepers. He also said he thinks that the Council should open every meeting with an opening prayer. Bill M. suggested maybe talk about this at the Council retreat. Katie said that she thinks that we also need to have some sweat lodges down on Indian Village. Bill M. asked the Council to think about this and come up with some ideas.

E. APPROVAL OF ADDENDUM TO MARK SLONIM CONTRACT. Bill B. said that for the past two years the Tribe has been working with Mark Slonim on Treaty rights and in September, Mark found out his contract had expired. Bill B. proposed to add an addendum to Mark's contract to extend it for two years. Bill M. asked Bill B. if Mark gives us reports now and then as to what he is doing. Bill B. said he has submitted time reports in the past but he hasn't submitted a bill to the Tribe in about a year because he recognizes the Tribe's ability to pay. Moved by Bill M., to authorize an amendment to a special attorney contract to extend the contract from September 30, 1996 to September 30, 1998 in Resolution #97-0707-02, seconded by Kim, all in favor (7), (0) opposed. Motion carried.

F. RESOLUTION TO SUPPORT THE THOMAS PROPERTIES. Bob explained that these are the MESC building and the Forest Service building. Bill B. said that one would go for a community center and some more offices because currently we have all of the staff in the Forest Clinic building and the hope is to eventually provide clinical services to Tribal members here in the Fall. Bill B. said that to build a community center would be in excess of \$1 million and these two buildings have a combined space of what the planned community center would be. Plus we could use some leftover HUD money for this instead of giving it back. Bob said that we would be getting more square footage for half the cost of what we would be paying for a new community center. Tribal members

present expressed their concern on how the Council is "calling all of the shots" and "keeping secrets" from Tribal members concerning the Thomas properties. It was brought up that it needs to be kept somewhat confidential so the price on the property doesn't go up or we have someone else who wants to purchase it so we can't have it. Moved by Bill M., to support Resolution #97-0707-03 to authorize the purchase of the Thomas properties, seconded by Kim, all in favor (7), (0) opposed. Motion carried. Moved by Bill M., to support Resolution #97-0707-04 to authorize the use of a community development block grant for the use of the acquisition of the Thomas properties and to execute the mortgage documents for such acquisition and agreeing to the limited immunity waiver, seconded by Chuck, all in favor (7), (0) opposed. Motion carried.

G. SUPPORT FOR RESOLUTION #97-0707-01, ELDER'S HEALTH CARE GRANT. This resolution was passed before the July Council meeting via telephone by Chuck. (Note: Kathy was not contacted regarding this Resolution.)

H. SUPPORT FOR FOOD COMMODITY PROGRAM. Bill M. mentioned that we have in the past done food commodities through the Sault Ste. Marie Tribe and now the Pokagon Band and because of that it puts restrictions on what counties we can serve. He said that any city over 15,000 people cannot receive them and he wants to know where are our commodities going to be targeted to and how are we going to serve our members. Bill M. also said that he feels that we need to have certain staff here so the Council can be better informed of what is going on. Kim mentioned that she understood that Andrea would be doing Food Commodities and yet, Melissa has brought this resolution to the Council for approval so she's kind of confused as to who is doing the program. Moved by Kim, to table the Food Commodity Program until the work session on July 21, 1997, seconded by Bill M., all in favor (7), (0) opposed. Motion carried.

IV. CONCLUDING BUSINESS

A. PUBLIC COMMENT. Diane asked where are we at concerning the Committee Procedures Compliance Plan; she had her committee complete theirs and she hasn't heard anything as to what's going on with the plans. Bob said that he thinks her committee is the only one that has been turned in and nothing can be decided until all are handed in. Kathy mentioned that the Compliance Plan was to be mailed and explained to each committee chair and that was never done. The Council and Tribal members present then discussed and exchanged opinions as to who should be required to be at the Council meetings, why and what should be done about it. Bob mentioned that if you look around, it is the same people at the meetings every month. Bill M. said that he thinks we need more people from the Muskegon area to come to these meetings so they can be more informed. The Council then talked about the committees submitting the Committee Compliance Plan and Work Plan and about having a submission deadline date of July or September.

B. NEXT MEETING. Bob said that the next meeting is August 4, 1997 in Muskegon at 4:00 p.m.

C. ADJOURNMENT. Bob asked for a motion to adjourn. Moved by Don, to adjourn at 10:30 p.m., seconded by Bill M., all in favor (7), (0) opposed. Motion carried.

D. CLOSED SESSION. Immediately after the adjournment, the Council then went into closed session.

7/14/97--vc