



## Little River Band of Ottawa Indians

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**DRAFT**

### LITTLE RIVER BAND OF OTTAWA INDIANS

TRIBAL COUNCIL MEETING

MONDAY, AUGUST 10, 1998

6:00 P.M.

I. PRAYER. The prayer was given by Chairman Robert Guenthardt.

#### II. GENERAL BUSINESS

A. CALL TO ORDER. The meeting was called to order by Chairman Robert Guenthardt at approximately 6:10 p.m. at the Tribal Community Center.

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

C. ADOPTION OF AGENDA. Moved by Kim Kequom to adopt the agenda as is, seconded by Don Koon, all in favor (6) K. Berentsen, C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt. Opposed (0). Absent (1) B. Memberto. Motion carried.

D. ADOPTION OF MINUTES. Don Koon said that the July 13, 1998 Tribal Council meeting was held in Muskegon, MI. Moved by Chuck Fisher to accept the July 13, 1998 Tribal Council meeting minutes with change, seconded by Don Koon, all in favor (6) C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt, K. Berentsen. Opposed (0). Absent (1) B. Memberto. Motion carried.

E. FINANCIAL REPORT. Chris went over and discussed changes to the financial report. Chris said that he was on vacation at the last Tribal Council meeting and the question came up about whether or not we can afford to hire a Personnel Director. The services of a Personnel Director benefit all programs, but it is easier to put it into the indirect cost pool than it is to try and split up all the expenses between all the different programs. Chris said that we did not budget for a Personnel Director for this calendar year and the budgets for next year have not been done yet so the suggested thing to do would be to hold off on hiring one until January, 1999. Kathy asked if all receipts were turned in for program # 154 (Pow Wow). Kim said that the Pow Wow committee is working on the budget as of this time. Kathy said that thus



far we are in the red approximately \$ 4000.00 and would like to know what is going to be done about that. Kim said that the detailed budget that is being put together now and will be submitted to Saginaw Chippewa Tribe probably in the next week or so. Bob Hardenburgh asked how this bill will be paid if the Saginaw Chippewa's don't come through. Chris said that the only thing he can suggest would be to take it out of the interest income. Kathy also had a question about a couple programs that show a cash shortage. Chris explained why these programs showed a cash shortage. Discussion followed. Moved by Chuck Fisher to accept the Financial Report, seconded by Steve Parsons, all in favor (6) K. Kequom, S. Koon, S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher. Opposed (0). Absent (1) B. Memberto. Motion carried.

F. STAFF REPORTS. Bob said that rather than doing individual staff reports, he would like to recommend doing a program directors report. The staff reports would go to the Program directors report. The staff reports would go to the Program director who would go through them and then he/she would report to the Tribal Council. Don Koon asked if there was something that we could do with the prescriptions similar to what we did with the dental. Steve said that there are little things that can be done to control costs like using generics. Kathy said that she thought we were only going to be using K-Mart and the Apothecary Shop. Steve B. said that the only one that has not been eliminated is Rite-aid and this is because he has opened negotiations with Rite-aid state wide. It was decided that the Health Board will re-visit the drug store issue and hold off on sending a letter to Rite-aid eliminating them. Kathy asked if letters were sent to people in Manistee county who were using Contract Health Services to tell them that they can only use K-Mart or the Apothecary Shop, and Steve said yes. Discussion followed. Moved By Kim to accept the staff reports, seconded by Don K., all in favor (6), D. Koon, S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom. Opposed (0). Absent (1), B. Memberto. Motion carried.

G. TRIBAL MANAGER REPORT. Bob said that he has been working with the Tribal Attorney and the Natural Resource Department on our hunting and fishing issues that are coming up, as a member of COTFMA, we meet on the average of about twice a month. Bob has also been working with Jim Wabindato on the Modular Housing Business that we are trying to get going. We met with GTB on doing a joint venture and they seem quite interested and they do have the financial help that we need to help us along. Bob has been doing a lot of lobbying in Washington to get our land in trust. It's finally into the solicitors office and now has two more hoops to go through. Bob said in meeting with the gaming partners, he is getting a Class II agreement done. Moved by Kim to accept the Tribal Manager report, seconded by Don K., all in favor (5), S. Parsons, K. Berentsen, C. Fisher, K. Kequom, D. Koon. Opposed (0). Abstaining (1). B. Guenthardt. Absent (1), B. Memberto. Motion carried.

H. ATTORNEY REPORT. Bill B. said that in regards to the appropriations issues, the request for additional money is not getting approved by the House bill and we have been trying to get Senator Abraham's office to make a



request to the Appropriations committee chair for the Department of Interior to have an amendment added to the Senate Interior Appropriations Bill.

Discussion followed. Bill B. said another issue is some of the things going on in Congress dealing with Appropriations policies. Bill B. discussed some of these issues. The rest of the Attorney report didn't record well enough to transcribe. Moved by Kim to accept the Attorney report, seconded by Don K., all in favor (6), S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon. Opposed, (0). Absent (1) B. Memberto. Motion carried.

- Jim Wabindato gave a report on the trip that he, Chris, and Chuck went on to Washington D.C. for an Economic Development Conference. Discussion followed.

- I. INTRODUCTION OF GUESTS. Guests present; Jim Compeau, Carol Bennett, Pat Ruiter, John Koon, Bob Hardenburgh, Janine Szpliet, Jerry Guenthardt, Jacob Wabindato, Bob Compeau, Gerald Battice, Connie Waitner, Missy Waitner. Staff present; Bill Brooks, Jim Wabindato, Diane Lonn, Valerie Chandler, Bill Willis, Chris Holz, Jay Sam, Laurie Eggert, Mary Oleniczak, Tammy Carter, Andrea Breland, Steve Bronson.

### III OLD BUSINESS

- A. REVIEW REVISED LIQUOR CONTROL ORDINANCE. Bill B. said that he should have the latest draft done on Tuesday August 11, 1998 but basically the changes that were discussed at the July 26<sup>th</sup>, 1998 work session were relatively minor, one being the procedure for issuing licenses. The Tribal Council will be the licensing authority and whoever the manager is of the facility where the liquor is proposed to be sold would have to provide an application and present that application to the Tribal Council. There will be a background investigation required on the people with primary management responsibility for the liquor establishment. The Tribal Council could elect to also hold a public hearing on the application. The time line for taking action on the application was adjusted from thirty days to sixty days to allow the Tribal Council time to make a decision on the application at a regular Council meeting. Bill B. said that the main issues that were discussed at the July 26, 1998 work session had to do with responsibility. Bill said he is working on some language that would provide that until another regulatory commission or body is established by the Tribal Council that the proceedings to suspend or revoke a license or to impose penalties be referred to a three person body that would consist of the Tribal Council speaker, the Tribal Council reporter, and the Ogema. Discussion followed. There was no action required for this.

- B. ADOPTION OF FIRST ELECTION ORDINANCE. Bill B. said that this ordinance was also reviewed at the July 26, 1998 work session and the changes that were made are the result of the reviews. Discussion followed. Moved by Steve to accept the Ordinance as discussed at the work session, seconded by Chuck, all in favor (4), C. Fisher, D. Koon, S. Parsons, B.



Guenthardt. Opposed (2), K. Berentsen, K. Kequom. Absent (1) B. Memberto.  
Motion carried.

- C. APPROVAL OF REVISED CLASS II DEVELOPMENT AGREEMENT AND MANAGEMENT AGREEMENT. This was tabled and added to the work session agenda. Moved by Kathy to table this and add it to the Tribal Council work session, seconded by Don K. all in favor (5), D. Koon, S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher. Opposed (0). Absent (2), B. Memberto, K. Kequom. Motion carried.
- D. RATIFICATION OF SELECTION OF BID FOR KITCHEN CABINETS FOR COMMUNITY CENTER. Bob Hardenburgh said that he went out and got some bids and the best price came from Bear Lake hardware with a price of approximately \$3950. Including delivery. Moved by Steve to ratify the selection of the bid for the kitchen cabinets for the Community Center, seconded by Kim, all in favor (6), D. Koon, S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom. Opposed (0). Absent (1), B. Memberto. Motion carried.
- E. RATIFICATION OF PAYMENT TO GOUDREAU/WAKELY ARCHITECTS FOR WORK DONE ON COMMUNITY CENTER GRANT. This item was tabled from a previous meeting. Tribal Council was made aware of these expenses incurred for design work prior to project modification resulting in purchase of Forest Service Building (Community Center). Moved by Kim to approve payment to Goudreau/Wakely Architects, seconded by Don K. all in favor (6), S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon. Opposed (0). Absent (1), B. Memberto. Motion carried.
- F. ADOPTION OF COLLECTION POLICY (NAGPRA). A draft was submitted to Tribal Council on July 13, 1998 for review, subsequently, a work session was held with the Tribal Council on July 26, 1998. Bill W. answered some questions that Kim had. Moved by Steve to adopt the Collections Policy with the addition of "The objects will not be given or sold directly or indirectly to members of a Historic Collections Commission, Tribal Staff or Tribal Council except in the advertised auction" to C. under # 3 Sale, and also include a table of contents, seconded by Kim, all in favor (6), S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon. Opposed (0). Absent (1), B. Memberto. Motion carried.

#### IV. NEW BUSINESS

- A. WORK SESSION FOR REVIEW AND DISCUSSION OF DRAFT REPATRIATION POLICY DEVELOPED PER NAGPRA GRANT. Bill W. is requesting a work session for August with the Tribal Council to review draft policy. It was decided that this will be on the August 23, 1998 work session.
- B. BUDGET ADJUSTMENT TO PROGRAMS 277 & 280. Kim discussed taking \$5000. from interviewers and putting it into peacemakers. Discussion.



followed. Moved by Steve to move money from interviewers to peacemakers, seconded by Chuck, all in favor (2), C. Fisher, S. Parsons. Opposed (3), B. Guenthardt, K. Berentsen, D. Koon. Abstaining (1), K. Kequom. Absent (1), B. Memberto. Motion opposed.

Moved by Chuck to make an application to the funding source for the extension of program 280 for six months, seconded by Steve, all in favor (5), B. Guenthardt, K. Berentsen, C. Fisher, D. Koon, S. Parsons. Opposed (0). Abstaining (1), K. Kequom. Absent (1), B. Memberto. Motion carried.

- C. ADOPTION OF GUIDELINES FOR IDENTIFICATION OF CULTURAL ITEMS AFFILIATED WITH THE LITTLE RIVER BAND (NAGPRA). Guidelines have been developed to assist institutions in identification of Cultural items affiliated with the Tribe. Discussion followed. Moved by Kathy to adopt the guidelines with the addition of the table of contents and map, seconded by Kim, all in favor (6), K. Berentsen, F. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt. Opposed (0). Absent (1), B. Memberto. Motion carried.
- D. ADOPTION OF LAND ACQUISITION POLICY. Moved by Steve to table this and add it to the work session on August 23, 1998, seconded by K. Berentsen, all in favor (6), C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt, K. Berentsen. Opposed (0). Absent (1), B. Memberto. Motion carried.
- E. ADOPTION OF BIA ROADS INVENTORY & CONSTRUCTION PRIORITY LIST. This is a request for motion to approve roads inventory and priority list including submission of same to the Bureau of Indian Affairs. Moved by Don to adopt request, seconded by Chuck, all in favor (6), K. Kequom, D. Koon, S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher. Opposed (0). Absent (1), B. Memberto. Motion carried.
- F. IMPLEMENTATION OF TRAPPING & SMALL GAME/WATERFOWL HUNTING IN MANISTEE, WEXFORD, MASON & LAKE COUNTIES AS OUTLINED IN THE LITTLE RIVER BANDS TRIBAL CONSERVATION CODE. Moved by Kim to move to close session, seconded by Steve, all in favor (6), D. Koon, S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom. Opposed (0). Absent (1), B. Memberto. Motion carried.
- G. LITTLE RIVER BAND OF OTTAWA INDIANS TO JOIN LITTLE MANISTEE WATERSHED COUNCIL. Moved by Kim to approve joining Watershed Council, seconded by Don, all in favor (5), S. Parsons, B. Guenthardt, C. Fisher, K. Kequom, D. Koon. Opposed (0). Abstaining (1), K. Berentsen. Absent (1), B. Memberto. Motion carried.
- H. RELEASE DUTIES FROM CULTURAL PRESERVATION COMMITTEE TO THE POW WOW AND HAVE AN ACTUAL POW WOW COMMITTEE. Moved by Kim to table this until Carol Bennett meets with the Cultural Preservation Committee, seconded by Steve, all in favor (6), B. Guenthardt, K. Berentsen,



C. Fisher, K. Kequom, D. Koon, S. Parsons. Opposed (0). Absent (1), B. Memberto. Motion carried.

- I. RESOLUTION FOR PARTICIPATION IN THE LOW INCOME ENERGY ASSISTANCE PROGRAM (LIEAP). Moved by Kathy to approve the renewal of Little River Bands participation in the Low Income Energy assistance program, seconded by Chuck, all in favor (6), K. Berentsen, C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt. Opposed (0). Absent (1), B. Memberto. Motion carried.
- J. LITTLE RIVER MAINTENANCE & CONSTRUCTION CO. In order to more efficiently operate the Little River Bands Maintenance & Construction co, the Planning Department recommends Bob Campeau, Phil Memberto and Dave Schultz to fill three of the four vacant Board of Directors positions. Moved by Kathy to approve appointments, seconded by Kim, all in favor (6), C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt, K. Berentsen. Opposed (0). Absent (1), B. Memberto. Motion carried.
- K. MANISTEE FORGE PROPERTY ACQUISITION/MANUFACTURES HOUSING BUSINESS. The Planning Department will need authorization to continue the pursuit of the property and financing for the business. We anticipate the need to conduct a phase two environmental assessment and obtain an appraisal both of which expenditures will exceed the \$2500 threshold. They also request authorization to begin negotiations for financing. Moved by Kim to support the authorization to continue the pursuit of the property and financing for the business, seconded by Don, all in favor (5), K. Kequom, D. Koon, S. Parsons, K. Berentsen, C. Fisher. Opposed (0). Abstaining (1), B. Guenthardt. Absent (1), B. Memberto. Motion carried.
- L. REVIEW UPDATED LEGISLATIVE/POLICY AGENDA FOR REMAINDER OF 1998. This agenda request involves an attempt to get the Tribal Council on the same page with respect to a number of critical issues and decisions that need to be addressed before the end of the year. No Tribal Council action is requested at this time, this is for information only.
- M. PRESENTATION OF TWO (2) PROPOSALS FOR TRUST SERVICES FOR IMPLEMENTATION OF JUDGMENT FUND PLAN FROM HUNTINGTON BANK AND NORTHWESTERN SAVINGS BANK. Bill B. suggested that Tribal Council review these.
- N. STATUS REPORT ON DEVELOPMENT OF PEACEMAKING ORDINANCE AND JUVENILE CODE UNDER BUREAU OF JUSTICE ASSISTANCE GRANT. Bill B. discussed this. There was no action required for this.
- V. CONCLUDING BUSINESS
  - A. PUBLIC COMMENT. No public comment.



- B. CLOSED SESSION. Moved by Steve to move into closed session, seconded by Kim, all in favor (6), S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon. Opposed (0). Absent (1), B. Memberto. Motion carried.  
Moved by Kim to go back into open session at 11:45 p.m., seconded by Don, all in favor (6), S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon. Opposed (0). Absent (1), B. Memberto. Motion carried.
- C. ADDITIONAL PUBLIC COMMENT. There was no additional public comment.
- D. NEXT MEETING DATE. The next meeting will be a Special Session on Sunday August 23, 1998 at the Tribal Community Center. The next regular Tribal Council meeting will be on Sunday, September 13, 1998 at the Tribal Community Center.
- E. ADJOURNMENT. Moved by Kathy to adjourn meeting at 11:45 p.m., seconded by Chuck, all in favor (6), B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon, S. Parsons. Opposed (0). Absent (1), B. Memberto. Motion carried.
- These minutes could not be transcribed accurately due to poor tape recording.

08-31-98--mo