



Little River Band of Ottawa Indians

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*Approved.
9/9/00. of
9-0-0-0 vote.*

MINUTES
TRIBAL COUNCIL MEETING
Regular Session
Saturday, August 12, 2000
1:00 p.m.

I. PRAYER

As usual, the Tribal Council Meeting held on this date was started with a silent prayer.

II. GENERAL BUSINESS

A. CALL TO ORDER

Joan Spalding, the Tribal Council Speaker for the Little River Band of Ottawa Indians, called the Meeting to order at approximately 1:10 p.m.

B. ROLL CALL

The Roll Call followed. All Tribal Council Members were present with the exception of Janine Szpliet, who had a commitment at the Language Camp. The Tribal Council Recorder conducted the Roll Call and the Roll Call Record reflects the following:

Kathy Berentsen	-	Present
Carol Bennett	-	Present
Charles Fisher	-	Present
Don Koon	-	Present
Lisa McCatty	-	Present
Elaine Porter	-	Present
Joan Spalding	-	Present
Janine Szpliet	-	Not Present
Connie Waitner	-	Present

C. CONSENT AGENDA

In reviewing the agenda for approval, it was determined that Agenda Item "E", Old Business, would be removed from the day's agenda. The matter removed from the agenda involved the purchase of Gaming Commission computers. With this change, the agenda was approved. The Roll Call Record related to the adoption of the Agenda reflects the following voting results:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

X **OGEMA'S REPORT** - No report was available.

ATTORNEY REPORT – The Attorney’s Report was made available to the Tribal Council just prior to this meeting. As there was no opportunity to review its contents prior to the meeting, the Attorney was asked to provide a verbal report, which he did. Included in the verbal report in this portion of the meeting were the following: U.S. v Michigan update (which was extended), Land Acquisition Matters, the fact that Helen Ann Yunis has started, the upcoming meeting (on the 22nd) that will involve legal issues related to a deputation agreement, tax-related issues. There was also specific mention that there would be further discussion of some of these issues in the closed session portion of the Agenda. Connie Waitner made a motion to accept the oral attorney report and Elaine Porter supported this motion. The Roll Call Record indicates the following voting results:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

COMMITTEE/COMMISSION/DEPARTMENT REPORTS-MINUTES. Not unlike the Attorney Report, the Administrative Offices Report was also made available to the Tribal Council on today’s date. Bob Davis was asked to provide a verbal summary, which resulted in a somewhat in-depth discussion of the contents of his written report. The oral report closely followed the written report in terms of both content and organization. Third Quarter Objectives were clearly identified. There was also a discussion of the departments that provided departmental reports and those that didn’t. It was noted that there is a need for better reporting as well as the fact that he was anticipating the need for weekly meetings. It is also anticipated that next report will include 2001 budgeting related particulars. It should also be noted that each of the Objectives outlined were further discussed in a manner that reported progress in these areas. At the close of the oral report, there was also a discussion about the “structure” of the report and of its potential to be used as a “model” for future reporting. This portion of the meeting also involved the discussion of departmental reports. It was noted that the Binojeeuk Commission had not approved their minutes and therefore a need to bring these back once this was completed. It was in this portion of the meeting that the need to ratify the Contract between the Natural Resources-Conservation Department and Thomas Sutter was identified. There was a motion to ratify this contract put forth by Kathy Berentsen,

which was supported by Connie Waitner. The voting record related to this approval is as follows:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

After a brief period of further discussion, Connie Waitner made a motion to accept the reports for filing and Elaine Porter supported this motion. The related Roll Call reflects the following voting results:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	Opposed
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

APPROVAL OF MINUTES. With the above closure, the meeting moved to the matter of approving the minutes (Open Session Minutes) for the Tribal Council SPECIAL Meeting held July 20, 2000. Comments/questions were solicited. These minutes were approved by vote after a motion by Connie Waitner and support from Elaine Porter. The voting record is reflected below.

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

PUBLIC COMMENT. Comparatively, the Public Comment Portion of the meeting was brief. Some of the discussion areas included the Mason County Property. It was noted that Trust Status could likely be expected in approximately 9-10 months. There was also a discussion of overtime for Surveillance as well as some of the available means to address the issue. An Amendment Proposal was identified as a need to address this matter. Other needs identified included the need to review job descriptions and salary recommendations as well as a more general need for a review of Personnel Policies. It should perhaps be noted that no voting was associated with the Public Comment portion of this Tribal Council Meeting.

III. OLD BUSINESS

A. VEHICLE PURCHASE FOR PUBLIC SAFETY. In the discussion related to this agenda item, it was noted that this had been approved previously and was on the agenda in error. Joan Spalding made a motion to remove this agenda item and Connie Waitner supported this. The following reflects the associated voting results:

Kathy Berentsen	-	Opposed
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

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APPROVAL OF TRAILER PURCHASE FOR GAMING COMMISSION. This agenda item was discussed at length and in-depth. This discussion included a review of the pros and cons related to this consideration. Utilization of the Vet Building as a Gaming Commission Office was explored in this discussion as well. The discussion served to clarify a number of related details, including size (24x60) and costs. Current space needs, lease terms, setup and setup charges, possible renovation needs, adequacy, long-term needs, "fit" onto the property, space in the permanent casino were all numbered among the topics included in the overall consideration of this agenda item. At the end of the period of discussion, Elaine Porter made a motion to approve the lease of a trailer for the Gaming Commission NOT TO EXCEED \$28,000.00. Joan Spalding supported this motion. The Roll Call Record shows the voting results to be as follows:

Kathy Berentsen	-	Opposed
Carol Bennett	-	Opposed
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	Opposed
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

RESOLUTION APPROVING PAYMENT OF FEES AND EXPENSES (APRIL STATEMENT) TO PENINSULA LEGAL SERVICES FOR ELECTION BOARD SERVICES. It was noted in the discussion that was related to this agenda item that payment of the April billing would put Peninsula Legal Services over the ceiling of financial approval that the Tribal Council had previously established. It was also noted that a report detailing the expenses that have been incurred as the result of this contract had been previously requested. At this time, it was further noted that this was still in the process of being finalized. As the result of this discussion, there was a motion to table this agenda item put forward by Kathy Berentsen that was supported by Elaine Porter. The Roll Call Record, associated with this motion to table, reflects the following voting results:

Kathy Berentsen	-	In Favor
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Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	Opposed
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

APPROVAL OF RESOLUTION OF SUPPORT FOR MANISTEE COUNTY ROAD COMMISSION FOR PROPOSED ENGINEERING WORK ON DONTZ ROAD & APPROPRIATION OF \$6,000.00 TO SUPPORT THIS WORK. In the related discussion it was noted that this had been tabled in the past and that no new information had been available to support this agenda item. After this discussion, there was a motion to remove this agenda item from the Tribal Council's Agenda. The Motion to remove this consideration from the Tribal Council agenda was made by Joan Spalding and supported by Kathy Berentsen. The related Roll Call Record follows:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

COMPUTER PURCHASE APPROVAL FOR THE GAMING COMMISSION. This agenda item was removed from the Tribal Council Agenda earlier in the meeting, i.e., at the time the agenda was originally approved. As a result, this matter was not considered at this point in the meeting and no voting related to this consideration took place.

APPROVAL OF PAYMENT TO ADAMAZAK CONSTRUCTION FOR WORK ON DAVIS STREET RENTAL UNIT. Like the other "Old Business" Agenda Items, this matter had been previously tabled (due to a lack of supporting documentation). Supplemental information related to this matter was provided, which enabled this matter to go forward. In the discussion, it was made clear that the Housing Commission did have this in their budget. It was also noted that this work was completed through an appropriate bidding process and that the work was already completed. Kathy Berentsen made a motion to approve payment to Adamazak Construction. Elaine Porter supported the motion to approve payment. Voting results are as follows:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	Opposed
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

IV. NEW BUSINESS

APPROVAL BY MOTION OF SUBMISSION OF ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM (GAP) GRANT TO USEPA BY NATURAL RESOURCES-CONSERVATION DEPARTMENT. A copy of the grant submission related to this consideration was available in the Tribal Council packet. It should be noted that the proposal addresses the "current environmental needs of the Little River Band of Ottawa Indians". Some of the more prominent project-related objectives include establishing & maintaining an environmental presence; provide assistance to the Housing Commission re: design and implementation of a green housing development; help provide for responsible waste disposal/reduction and investigate major and minor air pollution sources within the historic reservation boundaries. Kathy Berentsen made a motion to approve the submission of the above noted proposal; Elaine Porter supported this. The associated roll call voting record was as follows:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	Opposed
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

LAND USE REGULATIONS APPROVAL BY RESOLUTION. This matter was discussed at some length. Land Use Regulation changes were provided. The primary focus of the discussion revolved around the following: camping, tribal land camping use and camping rules. In the course of this discussion, it was determined that this issue required further consideration. The major concern expressed by Tribal Council members in the meeting was that camping would be opened on all tribal land, i.e., no designated camping areas had been identified. As a result, a work session with the Natural Resources Commission was scheduled for the evening of August 30, 2000 (6:00 p.m.) to further discuss these issues in more detail. There was a motion to table this agenda item until after the work session that was scheduled. Motion was by Chuck Fisher and supported by Don Koon. Roll Call Voting Record is as follows:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

CHECK APPROVAL (S) BY MOTION FOR CHECK REQUESTS OVER \$2,500.00 PER POLICY. There were actually two separate check requests that fell into this category that were included for the Council's consideration. One of these involved the matter of payment to Adamzak for renovation work to the Davis rental. No action was taken at this time in the meeting on this portion of this agenda item as the matter had already been favorably considered as the result of a separate agenda request from the Housing

Commission/Department. A scholarship matter was the subject of the second check included in this portion of the meeting. It was noted that the Education Committee did approve the involved scholarship. Additionally, it was further noted that the Education Department does have approved guidelines for the issuance of scholarships. Connie Waitner made the motion to approve. Elaine Porter offered support. The vote was recorded as follows:

Kathy Berentsen	-	In Favor
Carol Bennett	-	Opposed
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	Opposed
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

RESOLUTION APPROVING PAYMENT OF FEES AND EXPENSES TO JAMES McCLURKEN FOR RIGHTS PROTECTION WORK. It should be noted that the \$ amount involved in this matter totaled \$3,678.75. Billing statement contained detailed description of services performed by J. McClurken & Associates as the result of an approved consulting agreement for ethnohistorical work related to the tribe's treaty rights and jurisdiction. A motion was made by Elaine Porter to approve Resolution 00-0812-01 which approved payment for the above noted services. Connie Waitner supported this Elaine's motion. Voting Record follows:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent from meeting
Connie Waitner	-	Absent for vote

It should also be noted that, after the motion but prior to the vote, there was further discussion about the extreme sensitivity of the "content" of the materials submitted by J. McClurken and Tribal Council Members were asked by the Tribal Attorney to destroy this information. Also, in this interim, Connie temporarily left the business portion of the meeting and was not present for this vote.

RESOLUTION APPROVING PAYMENT OF FEES AND EXPENSES FOR RICHARD BISHOP (DATED 7/21/00) FOR CONSULTING WORK ASSOCIATED WITH U.S. v. MI CASE. In the process of discussion, there were a number of amendments to the resolution that accompanied this Tribal Council consideration. A record of these changes will be maintained in the files associated with this meeting. For the purposes of the notes, it should be mentioned that Professor Richard Bishop had an approved consultant agreement with the tribe. His work was associated with the U.S. v MI case. The amendments related to the Resolution for this agenda item were approved after a motion by Kathy and support from Elaine. The vote to approve the amendments follows:

Kathy Berentsen	-	In Favor
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Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	In Favor

Following the approval of the amendments to the related Resolution, a motion was made by Elaine Porter and supported by Chuck Fisher for the approval of Resolution # 00-0812-02 which approved the payment of fees and expenses to Dr. R. Bishop. The Roll Call Record reflects the following vote:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	Absent *

* There is a note in the written Roll Call Record associated with this meeting that mentions that Connie Waitner left the meeting at approximately 4:10 p.m.

RESOLUTION APPROVING PAYMENT OF FEES AND EXPENSES FOR MARK SLONIM IN REGARD TO THE U.S. v. MI CASE. In the discussion related to this agenda item, it was noted that with the requested approval, the contract ceiling would be exceeded. There was a motion by C. Fisher, which was supported by D. Koon to table this matter until the contract was reviewed and the ceiling increased. The Roll Call related to tabling this matter, as above, reflects the following vote:

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	Absent

RESOLUTION AUTHORIZING THE TRIBAL OGEMA, OR IN HIS ABSENCE, THE TRIBAL COUNCIL SPEAKER, TO SUBMIT THE TRUST APPLICATION REQUEST FOR THE CONSUMER POWER SETTLEMENT LANDS.

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor

Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	Absent

RESOLUTION APPROVING THE TRIBAL OGEMA, OR IN HIS ABSENCE, THE TRIBAL COUNCIL SPEAKER TO SUBMIT THE TRUST APPLICATION REQUEST FOR THE PERE MARQUETTE RIVER ACRES PROPERTY.

Kathy Berentsen	-	In Favor
Carol Bennett	-	In Favor
Charles Fisher	-	In Favor
Don Koon	-	In Favor
Lisa McCatty	-	In Favor
Elaine Porter	-	In Favor
Joan Spalding	-	In Favor
Janine Szpliet	-	Absent
Connie Waitner	-	Absent

V. CLOSED SESSION

Closed Session Minutes are done independently of Open Session Notes. These minutes are the Open Session Minutes for the Tribal Council Meeting for the Little River Band of Ottawa Indians held August 12, 2000.

VI. ADJOURNMENT OF CLOSED SESSION.

The Closed Session was adjourned by procedure, i.e., when two Tribal Council Members left the meeting (Kathy Berentsen at 6:05 p.m. and Carol Bennett at 6:07 p.m.), a quorum was no longer present and no further business could be conducted.

VII. MOTION TO MOVE TO OPEN SESSION.

Due to the lack of a quorum, there was no motion to return to open session in order to adjourn the meeting.

VIII. ADJOURNMENT.

This meeting was closed by procedure.