



GAA CHING ZIIBI DAWAA ANISHINAABEK

LITTLE RIVER BAND OF OTTAWA INDIANS

TRIBAL COUNCIL

EMERGENCY MEETING

WEDNESDAY, SEPTEMBER 16, 2002

Little River Band Downtown Offices

APPROVED
1/15/03

**OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians held a meeting at the Little River Band Downtown Offices on September 16, 2002. Following are the minutes of that meeting.

II. Call To Order:

The emergency open Tribal Council meeting of Monday, September 16, 2002, was called to order at 5:42 p.m.

B. Roll Call

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

Quorum established.

Others Present: Jo Anne House, Kathleen Block, Katherine Glocheski, Alyce Giltz, Kim Alexander, Leatrice Castonia, Pat Morris, Candace Chapman, Bridget Cole, Jonnie J. Sam, II, Denise Koon

The Speaker stated the purpose for this meeting is to discuss documentation that was released from a Closed Session of Tribal Council. House asked that people speak clearly and slowly as there is only one tape recorder for this session.

III. New Business

A. Discussion and adoption of actions regarding unauthorized release of Closed Session materials by a Member of Tribal Council

McCatty asked that a full disclosure be given by the Tribal Council member who knows the facts. Porter pointed out that the agenda stated Wednesday, September 16 should read "Monday". Fisher asked for clarifying statements as well.

Kleeman stated at the last Wednesday meeting she copied the last wage scale, which listed employees and their wage. Kleeman copied this for Ruiter to take to the Wisconsin meeting for distribution. Kleeman stated Ruiter did not distribute at that meeting. Kleeman said a paper was given to Candace Chapman with that

information on it. Parsons stated this was a Closed Session document and unless the document is moved from Closed to Open Session the document remains a confidential document of the Tribal Council.

Glocheski commented that confidential material should never be taken out of the Tribal Council office. Ruitter stated this paper was not handed to Chapman. Parsons stated the document has made its way to the public. Parsons stated portions of the document were apparently covered. Alyce Giltz stated the paper came to her with the names on it, which was received from Candace Chapman. Giltz stated Chapman asked for job descriptions. Giltz took the paper to Tina Vaquera and told her that Chapman had this document in her possession. Kleeman stated that the paper she copied did not have names on it. Giltz stated the paper she had included names, position and wages listed for herself and others. Giltz stated names were highlighted on the list from Chapman. Ruitter stated there were no names on the document. Fisher asked Giltz to confirm there were other names on the list. Jonnie J. Sam, II stated the paper brought to him by Chapman did not list names but had notes in the outside margin. Giltz retracted her statement and stated it may have been possible that her name was not included on the list but her position and pay were and stated she may have not seen actual names. Bennett asked where the highlighted paper is now and how many sheets were included. Giltz stated there were approximately three pages to the document. Bennett stated Ruitter opened her packet in Wisconsin, realized the paperwork was there and she did not take this out of her car while she was in Wisconsin.

McCatty asked if the document was handed out in Wisconsin, or any place else, and asked if it was limited to just this one circumstance. Glocheski asked Chapman where she got this information. Chapman stated she would like to defer this to her boss. Jonnie J. Sam, II stated himself, Candace Chapman, Tina Vaquera and Bill Brooks spoke at 3:00 p.m. today. The Ogema stated he is reluctant to describe how the document came to be but did state that the document Candice had was a copy of what Tina Vaquera had distributed to Council. Chapman stated she did not disperse this document to anyone or at the membership meeting. Bennett stated if we cannot deal with this issue in Open Session then should go into Closed Session with the Ogema. Bennett noted Council will be held accountable and Council needs information to do our jobs. The Ogema stated he would prefer to defer this information to a Closed Session. Chapman stated she has seen Closed Session material before. Chapman stated she had seen this document before she had received the copy of the document. Giltz stated the document doesn't look like something that came from Human Resources computer.

Janine Sam stated that there is a Closed Session this afternoon and would like to see a copy of the document and make a comparison of the two documents. Sam stated that comparison would be necessary to determine if the copy Chapman had

was actually the document submitted to Council during Closed Session. Medahko clarified with Giltz that there were no names on the document she received from Chapman. Medahko asked about the highlighting on the document. Giltz stated it was highlighted with a green pencil highlighter. Giltz stated as she looked at the document she could associate names with the job position listed. Chapman asked that it be noted that Giltz changed her mind from saying there was names on it and then she stated maybe there was not.

McCatty stated for the record she did not disseminate this document and that this is very confidential documentation and in the future, documents of this nature do not leave the building. Jonnie J. Sam, II apologized that this document was sent back to Human Resources rather than the Tribal Council. The Ogema stated he and the Director of Operations had taken the information and put it onto an excel spreadsheet. Ruiter stated that the papers that were taken to Wisconsin had nothing on them and they never left the car. Fisher asked what Ruiter meant by nothing. Ruiter stated there were no names or markings on the paper.

Glocheski stated anyone could pick up this paper and know who the people are because we know all the people. Alexander asked if it was everyone who worked for the Tribe? Giltz stated it would not be possible because there are approximately 200 Tribal employees and couldn't get 200 employees on three pages. Bennett stated it was brought to her attention that Tribal Council and Tribal Judges were not included in the document.

McCatty stated she has prepared several resolutions in relation to this matter for Council to consider today. Recorder Sam had a question regarding the resolution about copyrighting and wondered if House had reviewed them. House stated placing a copyright on a document doesn't necessarily make them confidential but does help in discrimination. House believes that placing a copyright on a final draft or approved documents of the Tribe would not have a negative effect as a whole. Recorder Sam believes the rest of the resolutions are appropriate. Ruiter asked that a mark be on the paperwork that no one knows is there. Medahko asked House if these resolutions prohibit someone from using Tribal letterhead. House believes this is not necessarily addressed in this resolution. House stated none of the resolutions go to that issue. Porter stated most people who work here have access to the Tribal logo or seal. House stated this is addressed through personnel policies and monitored from time to time. House stated this is an employee loyalty issue.

Parsons asked if Council was ready to proceed with the resolutions.

Parsons stated this is a reaffirmation of Closed Session documents. Parsons read the NOW THEREFORE IT IS RESOLVED THAT the Tribal Council finds that "confidential" or "proprietary information" means any item or information about or collected for a closed session portion of a Tribal Council Meeting, Proprietary

business information, Employment history, Personnel files and actions, enrollment files, background investigations, and shall be protected by confidentiality. McCatty stated one item that is not included in the resolution is the penalty.

Fisher stated that it is already every Councilors responsibility to keep this confidential activity. However, this is a matter that each person must resolve themselves. He does not think that this resolution would have the intended affect. Porter stated that she is also having some difficulty with this issue, and that she had no part of introducing this to the public. However, she had hoped that this would already be understood by the Councilors. She expressed concerns about how she could show the members that their confidence is not misplaced.

Sam stated that everyone is disturbed by this, and goes beyond an action by a Council member. Sam stated that the concern is also about the discussion and allegations being made. She further stated that it is appropriate that the Council create standards to which each member shall be held. For example, the paperwork has been altered from the original paperwork and how did that violate confidentiality and making that proof. Sam stated that the Councilors had admitted their involvement, and that it is appropriate that Council hold themselves accountable. The Tribal Council had discussed this matter in early 2000. The Council is doing this for the Tribe in the future; it is our responsibility to define laws for these actions. The Tribe should address this matter, while each individual involved may feel bad about it, steps should be taken to put controls in place.

Kleeman stated that from what Chapman has stated, that other matters, along with this has been seen from closed session activities.

Fisher stated that he has learned from one of his teachers, regarding stating the obvious and his difficulty with having to do this. Fisher stated that this area is so important, that if it is not obvious, it should be.

Giltz stated that she was hurt, she felt like her name was on the document with her pay.

Glocheski stated that she could see Giltz' point and made an analogy to a child running to his parent after he was told not to say anything. Felt that people should be punished for their wrongdoing.

Cole stated that she felt that the employees were victims of the wrongdoing. She did not know why a Councilor would want to do this, even if the Tribe could post all this information. She felt let down by the government and her employer.

Fisher stated that this does go deeper than the previous discussion, that it is a trust factor. The Council acts on many items, and he has stood up for the Council and its actions, but, we have to have the trust of the members and we have to earn it. Porter stated that not only has this hurt employees, but the Council has also been hurt by this loss of trust. That this is one more way that the membership has been hurt, and the Council has been hurt. Porter stated that this was a matter of Kleeman wanting to get the most information possible to the membership in the interest of communication, and that after speaking with her about this issue, that she recognizes that she, and Councilors, should be more careful about what information is released.

Chapman asked if the resolution identified how information can be released? So members know? Parsons stated that this resolution would not, but other processes exist, or may be acted upon today, to identify how information is released from closed session. Tribal Council acts upon that as a group, and is headed in that direction.

MOTION TO APPROVE RESOLUTION # 02-0916-01, RECORDS SUBJECT TO CONFIDENTIALTY PROVISION; by Kleeman; supported by Ruiter.

Giltz stated that there was an easier way to get information regarding pay, that the job descriptions contain pay ranges. The job description is not confidential. Parsons responded that yes, but the Tribal Council had asked for more specific information and that was the document that had been released.

Roll Call

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

Motion carried (9-0-0-0)

Parsons read the Resolve portion of the next resolution, “Identifying Confidential and Proprietary Documents.” McCatty had recommended deletion of last Resolve. Medahko asked why that Resolve should be removed. House responded that it would be difficult for the Recorder to ‘ensure’ that the materials are returned. Porter followed up with similar concerns.

Sam stated that she suggests that the title of the resolution be amended and she requested that prior officers and Ogema return documents and that a certification be developed that the prior officer make such certification.

McCatty suggested that the Resolve should be struck. McCatty stated that she did not want the title changed; the stamp requirement goes to the entire Tribe.

Kleeman stated that the Council had already done this, and asked what the response was? Sam stated not to her knowledge. The Ogema stated that the documents appear to be within his offices. Fisher asked if this referred to all records.

Parsons asked for final recommendations. Kleeman suggested that it be struck. Porter asked if the Council was restricted to working on these documents only in the Council conference room? Fisher stated that this would be inconvenient.

Parsons stated that it would restrict the Closed Session items only to the Conference room, that the materials could not be reviewed prior to the meeting. Ruiter suggested that these could be reviewed on Tuesday. Medahko followed up on the huge amounts of documents they have been unable to review prior to action, and this just builds on that concern.

McCatty stated that language is very strict, and that it will lead to inconvenience. However, in light of the action that brought us here, her intention was to create these types of restrictions. Parsons stated that the Resolve that requires a written response to release closed session/confidential documents addresses this matter. McCatty stated that this came from the Tribal Council Meeting Procedures Ordinance. Porter stated that if she could not be trusted, that she should be removed. This is an issue of integrity and finds this overkill measure as insulting. Kleeman stated that according to what she heard today, the information came from somewhere else. Ruiter stated that this will help, and if these restrictions are necessary for a while, then that is what we have to do. Porter asked how are you going to get this out of the Councilor's memory. Parsons restated that this would add a great deal of difficulty to reviewing the documents prior to the meeting.

Ruiter stated that everyone should have the paperwork in by Friday and that will give us time to review. Parsons stated that this would hamper exceptions.

Glocheski asked if the membership would be informed as to this meeting.

Sam recommended alternative language for the Resolve. IN REPLACEMENT OF THE DOCUMENTS IS FINAL RESOLVE THAT the Tribal Council Recorder shall cause any confidential/criteria closed session paperwork in possession of any Council member to be assigned a code number and each member of Council shall have the obligation to return any paperwork for destruction following the final position of any agenda item. All paperwork will be tracked and accounted for by the Recorder.

Giltz asked if the Council was aware of repercussions as a result of the release so that the trust factor is resolved.

IT IS FINALLY RESOLVED THAT the Tribal Council Recorder shall have placed on each page of Closed Session and Confidential Documents the name of the Councilor, or recipient, and the date of issuance; and that upon conclusion of the meeting or action, each Councilor, or recipient, is responsible for returning all materials to the Tribal Council Recorder for storage and/or destruction.

Fisher stated that we have been discussing information only related to closed session, but there is other confidential information available. We have not addressed that matter. Ruitter stated that she would read this type of information only in the conference room. House stated that this would address both closed session and confidential documents as the amendment was written. Sam stated that she was going to follow up by ordering stamps to implement this action.

Porter stated that with all the distrust that seems to be here, are they going to trust you to keep their stuff stamped for them and that you're not going to stamp out something that goes somewhere else.

**MOTION TO APPROVE RESOLUTION #02-0916-02,
IDENTIFYING CONFIDENTIAL AND PROPRIETARY
DOCUMENTS AS AMENDED BY DELETING THE LAST TWO
RESOLVES AND INSERTING THE PROPOSED RESOLVE;** by
Kleeman; supported by Porter.

The proposed Resolve was read for the record -- IT IS FINALLY RESOLVED THAT the Tribal Council Recorder shall have placed on each page of Closed Session and Confidential Documents the name of the Councilor, or recipient, and the date of issuance; and that upon conclusion of the meeting or action, each Councilor, or recipient, is responsible for returning all materials to the Tribal Council Recorder for storage and/or destruction.

Roll Call

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

Motion carried (9-0-0-0)

Parsons read the Resolves of the proposed resolution, "Violations of Confidentiality, Work Rules or Ethical Standards."

Kleeman asked if this meant an employee has to be terminated? NO, it identifies a range of disciplinary action depending on the action identified. Parsons asked what the purpose of the resolution was? McCatty stated that it was intended to identify that confidential information has been distributed, and that the Ogema should take action. Parsons stated that pre-supposing that an employee do something wrong and should this wait until after closed session.

Sam asked if this was really is an issue of training, once a month, for each employee. The handbook is not covered in staff meetings. Sam stated that if you are going to hold employees responsible for these policies, you should be training them. Kleeman stated that the Ogema met with an individual and this may have been addressed. Candace asked if similar procedures or actions were made against Councilors for this matter? McCatty responded that the Personnel Manual does not apply to Councilors. Chapman stated that the Council is not bound by this and has no restrictions. Chapman asked, when she received the document, if it was confidential, and took action based upon the response that it was not.

Bennett stated that she had received a phone call and the individual stated that Chapman had been making copies of this document, but that Chapman's wage already appeared in the newsletter at a prior time. Chapman stated that this may have appeared in the body of Tribal Council minutes, and that she had looked into that. Bennett stated that she would follow up on that if she got called again.

Kleeman asked if wages from a grant are confidential, for example COPS grants? Bennett stated that this was not the entire wage, and she was told that wages were confidential. Sam stated that in the Indirect Cost Proposal includes 100% of employee wages, and that Legislative Counsel and Tribal Council should follow up on this. Bennett stated that this would make those wages public.

Sam II stated that the 638 contract funds have been used, where possible, in the wage lines.

MOTION TO POSTPONE ACTION ON THE RESOLUTION IN CONSIDERATION TION OF RESOLUTION VIOLATIONS OF CONFIDENTIALITY, WORK RULES OR ETHICAL STANDARDS PENDING DISCUSSION IN CLOSED SESSION; by Sam; supported by Kleeman.

Roll Call

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

Motion carried (9-0-0-0)

Sam stated that it is her understanding that this resolution applies to all employees of the Tribe and any circumstance. McCatty agreed.

Parsons read the Resolves in the resolution "Persons Authorized to Release Tribal Records."

Kleeman and Medahko raised issues about Commissioners who may also participate in closed sessions. McCatty stated that changing 'employees' to 'persons' would address this matter.

House stated that the Resolves do not follow, and that the overall resolution of the document release is covered here in the first resolve, the second resolve covers confidential documents held by persons of the Tribe, and the last resolve covers Closed Session documents of the Tribal Council. McCatty stated that closed session documents should be released by Tribal Council upon request.

Sam stated something that seemed to make sense to change the words from Closed Session files to Confidential files or Proprietary files. We need to ensure that the ordinance protects the integrity of the files of the Tribe regardless of the agency that's handling them.

House stated that the resolution only partially addresses the issue and recommended that the Tribal Council and the Tribal Ogema should meet in a work session to more clearly identify how information is released as representative of the Tribe. That this issue should be more clearly addressed there.

McCatty suggested changes to broaden the last Resolve to apply to persons with access to Confidential Documents. Ruitter suggested that this discussion is not like the first time this occurred, it occurred in the past, and it probably will not stop future releases.

MOTION TO POST PONE ACTION ON THE RESOLUTION 02-0916 PENDING A WORK SESSION WITH THE TRIBAL OGEMA AND THE HUMAN RESOURCE DIRECTOR TO HAVE A DISCUSSION ON HOW DOCUMENTS ARE RELEASED; by Medahko; support by Kleeman.

Bennett stated that postponing this is not appropriate because of the concern regarding this matter. House stated that this could be raised by the Ogema at a staff meeting or a management meeting to bring this to their attention and that a work session could finalize this. Discussion on tape recording by Cole was not legible.

Roll Call

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

Motion carried (6-3-0-0)

Parsons asked McCatty to present a summary of the resolution because of the numerous resolves.

Sam stated that she supported the resolution, but the format of the resolution is not the standard format used to amend an ordinance. This should be reformatted to this form. McCatty stated that the Council could adopt this as it is written, and directs the attorney to bring this matter back. Sam suggested an amendment to the Resolve that states NOW THEREFORE IT IS RESOLVED THAT the Tribal Council directs the legislative attorney to prepare amendments to the Tribal Council meeting procedures ordinance to replace section 907.

Sam II asked if this violated the Constitution? Sam stated no, this was taken from the Constitution and allowed access. McCatty stated that her intent was to move the reviewing party from the file room to another area.

Chapman asked if this would limit her ability to get copies of the minutes. Sam stated that as written, she would only be able to view it. Chapman stated that she objected to that, so long as the action was in open session, she should be able to get copies.

Porter stated that this could wait for further review by the Tribal Council in a work session. Kleeman stated that members expect to see minutes in the newsletter. McCatty asked if the copies were made in the copy room, Kleeman responded yes, and McCatty stated that the records should be locked up. House stated that this resolve would not affect the placement of the minutes in the newsletter.

Porter made a statement for the record, that if a limited number of people that go back in that room, she is someone that very seldom goes to look through those records. Porter stated that she had no idea there was even a key back there to get into the Closed Session material, which to me if that is the way that it's kept that is not appropriate.

Glocheski asked if the Closed Session minutes were placed in an envelope and sealed. Sam responded that the Closed Session materials are placed in a file, locked in a cabinet and locked in the room. Glocheski stated that sealing the envelope would be more secure. Sam stated that there are no envelopes large enough for this purpose. Glocheski stated that multiple envelopes could be used. Sam stated that this may cause confusion and may result in the file being missing.

**MOTION TO APPROVE RESOLUTION # 02-0916-03, AMENDING
ACCESS TO COUNCIL MINUTES AND RECORDS AS
AMENDED; by McCatty; supported by Sam.**

Bennett asked if this stops the minutes from being placed in the newsletter? Sam responded no. Chapman asked if she would be able to receive printed versions of the minutes because she has requests in. Sam stated that her requests would be honored, as they could not retroactively take back the ability to receive the minutes.

Medahko asked for clarification on the ability to receive the minutes? Sam stated that no, these would be future actions and discussion by Tribal Council when presented. Cole asked for clarification, would she be able to have copies of the minutes? No, but she could take notes. Sam stated that these are amendments for proposal, and not for implementation.

Kleeman stated that the resolution directs the Legislative Counsel to draft the amendments, and that why not vote no now, rather than wait until it is brought back. She would like to see the members in Wisconsin get copies when they ask for them. Porter felt that the Tribal Council should not distribute copies, that the Constitution only requires them to be made available. Porter also suggested that the minutes could be made available through the web site of the Tribe.

McCatty stated that the resolve refers only to access the minutes, it does not identify that you cannot make copies. Ruiter and Parsons stated that the resolution does imply that you can only view the records, not make copies.

Roll Call

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

Motion failed (3-5-1-0)

A short recess was called at 8:17 p.m.

The meeting reconvened at 8:21 p.m.

Little River Band of Ottawa Indians Copyright Notice

The purpose of the Resolution is to declare that every document of the Tribe shall contain a footer clause that shall include a copyright and a cymbal year of Little River Band of Ottawa Indians.

McCatty stated that copyrights doesn't prohibit anyone from getting a copy of the document it just puts a restriction there that you must have permission from the author.

House made some statements that were not clear on the tape recording.

Then went on to state that the copyright will not do what they intend for it to do. Kleeman asked isn't every document pertaining to the construction of tonight's document. How is a copyright going to be put on every one of those documents? McCatty stated that this was not the first time that a document of the Tribe's has been copied and given out and that there should be a disclaimer put on every document to put people on notice that it is the Tribe property, that it's not up for reproduction with out permission. McCatty stated that she has information of other documents that has been released without consent.

**MOTION TO APPROVE RESOLUTION # 02-0916-03, LRBOI
 COPYRIGHT NOTICE; by McCatty; supported by Bennett**

Roll Call

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

Motion failed (2-6-0-1)

Parsons wants to raise a point of order and asked if there were any Closed Session items, as there aren't any listed. Sam stated that if a Council member wanted to include something in the Closed Session meeting that it should be stated for a later date. McCatty stated that Tribal Council adopted and specifically said that personnel files and all contents of, including salaries, are confidential to that employee. Ruiter reiterated that this is not the first time that confidential stuff has gotten out, it has happened since the first Council. Porter stated that her understanding for this meeting was to put an end to this item and that phones are going to be ringing tonight or tomorrow for resolution to this problem. Sam feels that there has been sufficient discussion by the Tribal Council on this subject, if someone wants to put this on new agenda for a different Closed Session; she thinks that it would be appropriate but at this point this discussion tonight could ensue in a Closed Session under the restraints of the Constitution. Sam stated that the Ogema is addressing the matter with his staff person this was brought out earlier. Sam went on to say that if the Ogema brought this to the Council as an agenda item then it could be pursued as such but that the Council would be violating responsibilities under the Constitution.

**MOTION TO ADJOURN OPEN SESSION; by Kleeman; supported by
 Ruiter.**

Roll Call

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

Motion carried (6-3-0-0)

8:44 p.m.

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

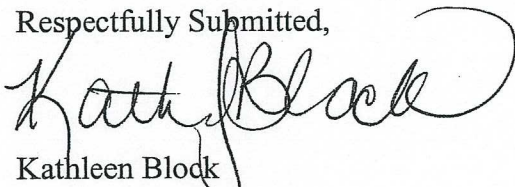
Roll Call

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

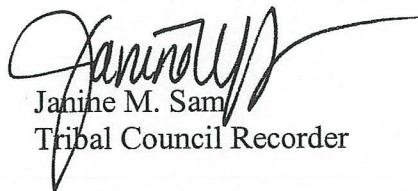
Motion carried (6-3-0-0)

This meeting was adjourned at 8:48 p.m.

Respectfully Submitted,



Kathleen Block
Transcribing Assistant



Janine M. Sam
Tribal Council Recorder