



Little River Band of Ottawa Indians

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12-13-98

LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL MEETING
SUNDAY, OCTOBER 11, 1998
12:00 NOON

DRAFT

PRAYER. The prayer was given by Carol Bennett.

II. GENERAL BUSINESS

A. CALL TO ORDER. The meeting was called to order by Chairperson Robert Guenthardt at approximately 12:15 p.m. at the Tribal Community Center.

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

C. ADOPTION OF AGENDA. Chuck said that there are two additions to the agenda. One involves the re-writing of an ANA grant and submission. There is an October 23rd deadline. Chuck said that we can meet the deadline and we are probably talking about \$100,000 and it will be basically to fund a strategic planning process for the Tribe. The other addition is a request to authorize Bob Guenthardt to re-negotiate the compact. This mainly involves the addition of language to state that we would not be involved with the Detroit area gaming operations. The re-negotiation of the compact was added as J. under New Business, and The ANA grant item was added as K. under New Business. Moved by Don, to adopt the agenda with the additions, seconded by Bill M., all in favor (6), C. Fisher, B. Guenthardt, K. Kequom, D. Koon, B. Memberto, S. Parsons, Opposed (1) K. Berentsen. Motion carried.

D. ADOPTION OF MINUTES. The minutes from the September 13, 1998 Tribal Council meeting have not been transcribed yet because they recorded poorly and are very difficult to transcribe. Moved by Chuck, to table the September 13, 1998 minutes until the November council meeting, seconded by Kim, all in favor (7), C. Fisher, B. Guenthardt, K. Kequom, D. Koon, B. Memberto, S. Parsons, K. Berentsen, Opposed (0). Motion carried.

E. FINANCIAL REPORT. Chris went over and discussed the financial report. He said that the revisions to the financial report don't generally amount to much. The

biggest revision was that we got some money in for one of the programs and he did not know it until he got the bank statement. Some of the funding agencies just put the money in the bank and the first he knows about it is when he sees a bank statement. Discussion followed. Chris said that if any Council member or any one else that wants to know what's up with a particular line in any program let him know and he can tell them. Chris also passed out bids on a new copy machine. Chris said that this will replace the copier that is in the back of the office building. He said that we have had this for a couple of years but it has probably double the normal usage that it should have. Chris recommended that we go with a Sharp machine. This is the same brand as the one we already have. Tech office has been fairly good on maintenance, and they already service our other machine. Discussion followed. Moved by Don, to purchase the copier that was recommended by Chris, seconded by Bill M., all in favor (7), K. Kequom, D. Koon, B. Memberto, S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, Opposed (0). Motion carried. Moved by Kathy, to accept the financial report as presented by Chris, seconded by Steve, all in favor (7), D. Koon, B. Memberto, S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, Opposed (0). Motion carried.

F. STAFF REPORTS. Kathy had a question in regards to some staff evaluations that are due and asked if they are done? Bob said yes. Some discussion took place on the Tribal Assistant Manager attending closed sessions of the Tribal Council when it involved a personnel issue. Discussion followed. Don. said that he thought that the Assistant Manager should be included in Tribal Council closed sessions involving personnel issues, so that if the Manager happens to be gone, and someone wants to know something about this, the Assistant Manager will know what is going on. Discussion followed. Moved by Don, to have the Assistant Manager attend the Tribal Council closed session meetings, seconded by Kathy, all in favor (4), D. Koon, K. Berentsen, C. Fisher, B. Guenthardt, Opposed (3), B. Memberto, S. Parsons, K. Kequom. Motion carried. Moved by Steve, to accept the staff reports, seconded by Kathy, all in favor (7), D. Koon, B. Memberto, S. Parsons, K. Berentsen, C. Fisher, K. Kequom, B. Guenthardt, Opposed (0). Motion carried.

G. TRIBAL MANAGER REPORT. Kathy asked Bob for an update on the Grand Traverse Band and the joint venture with the Modular Home business. Bob said that Jim can give a better update on this and this may also be in his report. Jim gave a brief update on what has been happening. Moved by Don, to accept the Tribal Manager report, seconded by Chuck, all in favor (6), B. Memberto, S. Parsons, K. Berentsen, C. Fisher, K. Kequom, D. Koon, Opposed (0), Abstaining (1), B. Guenthardt. Motion carried.

H. ATTORNEY REPORT. Bill B. said that the Council has a copy of the Finding Of No Significant Impact (FONSI) from the National Indian Gaming Commission. Bill B. said that he had a couple of conference calls while he was on vacation with the Attorneys involved with the U.S. v. Michigan treaty rights litigation. Bill B. discussed and gave an update on several other issues that he is working on. Moved by Kathy, to accept the Attorney Report, seconded by Don, all in favor (7),

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

* Kathy asked if committee meeting minutes could be formally added to the agenda, so that if council has any questions they would know where to direct any questions. Kathy said that she missed seeing four committee meeting minutes and she is wondering if they did or did not meet. Bob said that this should be added to the agenda. Moved by Kathy, to add the committee meeting reports on the agenda, seconded by Kim, all in favor (7), S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon, B. Memberto, Opposed (0). Motion carried

I. INTRODUCTION OF GUESTS. Guests present: June Sam, Jonnie Sam, Al Medacco, Jacob Wabindato, John Koon, Katie Glocheski, Anna Lempke, Joan Spalding, Elaine Porter, Phil Memberto, Jonnie Sam III, Janine Szpliet, Carol Bennett, Dan Shepard, Tony Skocelas, Jerry Guenthardt, Percy Compeau, Constance Terrell, Leatrice Castonia, Joe Koon, Pat Ruitter, Melissa Waitner, Millicent Biers, and Connie Waitner. Staff present: Bill Brooks, Jim Wabindato, Chris Holz, Jay Sam, Tom Guenthardt, Diane Lonn, Valerie Chandler, Mary Oleniczak, Bill Willis, and Steve Bronson.

III OLD BUSINESS

A. PRESENTATION OF INSURANCE PROPOSAL FROM MADIGAN INSURANCE. Madigan Insurance provides insurance designed for Tribal governments. Steve Madigan provided a proposal based on current Tribal programs. The proposal included insurance coverage the Tribe presently does not have but may want to have. This was tabled from the September 13, 1998 Council meeting. Bill B. said that this should be included in the budget planning for 1999. Discussion followed. This was for information only and no action was required at this time.

- Bill Memberto left meeting at approximately 2:00 p.m. (sick)

B. RELEASE DUTIES FROM CULTURAL PRESERVATION COMMITTEE OF THE POW WOW AND HAVE AN ACTUAL POW WOW COMMITTEE. This was on the agenda as a carry over from the August, 1998 Tribal Council meeting and since that time, there has been a meeting held with the Cultural Preservation Committee to discuss some of the issues surrounding this. It was decided that this will be put on the November 8, 1998 agenda for action.

C. MOTION TO PURSUE CONSULTANT AGREEMENT WITH ROBERT HORNKAHL TO ASSIST IN IDENTIFYING STEPS/ISSUES FOR DEVELOPMENT OF TRIBAL PUBLIC SAFETY PROGRAMS. INITIAL FOCUS WOULD BE IDENTIFYING ALTERNATIVES – PROPOSALS FOR STRUCTURE OF PUBLIC SAFETY PROGRAM AND COOPERATIVE AGREEMENTS WITH LOCAL POLICE/FIRE/EMS PROVIDERS TO SERVE TRIBAL GAMING PROPERTY. Bill B. said that the amount for this will be somewhere around

\$6500.00 and the course of funding for this would be under the pre-development agreement with North American Gaming. Discussion followed. Moved by Kathy, to pursue consultant agreement with Robert Hornkahl not to exceed \$6500, seconded by Don, all in favor (6), B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon, B. Memberto, S. Parsons, Opposed (0), Absent (1), B. Memberto. Motion carried.

D. MEMBERSHIP IN THE NATIVE AMERICAN FISH & WILDLIFE SOCIETY.

This was tabled from the September 13, 1998 Tribal Council meeting. Moved by Don, to table this until the next Tribal Council meeting because this agenda item was submitted by Bill Parsons and Archie Martell and neither were in attendance, seconded by Steve, all in favor (6), K. Berentsen, C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt, Opposed (0), Absent (1), B. Memberto. Motion carried.

E. APPROVAL OF ORDINANCE NO. 98-200-04 ESTABLISHING PROCEDURES FOR IMPLEMENTATION OF JUDGMENT FUND. Bill B. said that there was a draft handed out at the September Tribal Council meeting and he did receive comments back. This spells out some of the details for implementation of the payments. The main purpose is to clarify some of the issues for the administration of the trust accounts for minors, incompetent, and incarcerated members. Discussion followed. This will be discussed further at the 1998 membership meeting and will be tabled until the November, 98 Tribal Council meeting. Moved by Kathy to table this until the Tribal Council has time to look over and discuss this, seconded by Don, all in favor, (6), C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt, K. Berentsen, Opposed (0), Absent (1), B. Memberto. Motion carried.

F. SACRED FIRE BUDGET. Kathy said that after this years Sacred Fire, she is requesting that when the budget is done for 1999, that we include \$500 for the sacred fire budget. It cost approximately \$500 to do the sacred fire for this year. Moved by Chuck, to budget \$500 for the Sacred Fire for 1999, seconded by Don, all in favor (5), K. Kequom, D. Koon, S. Parsons, B. Guenthardt, C. Fisher, Opposed (0), Abstaining (1), K. Berentsen, Absent (1), B. Memberto. Motion carried.

IV. NEW BUSINESS

A. REVIEW OF PROPOSED AMENDMENTS TO HOUSING COMMISSION ORDINANCE. Bill B. said that this can be tabled. Moved by Chuck to table this item, 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.

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B. BJA GRANT. This was for information only. It was a copy of the draft report with comments written on it that was sent to BJA from Carl Pope as the evaluator.

C. EMERGENCY FUND RECOMMENDATIONS. This needs to be tabled as Ronda was unable to be here. Moved by Steve to table this, 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.

D. REVIEW OF GAMING COMMISSION BUDGET. Jim Compeau said that the Gaming Commission needs to have a budget to work with and after a work session with Chris Holz, a budget has been prepared. Moved by Don, to approve the budget as written, seconded by Kim, all in favor (6), K. Berentsen, C. Fisher, K. Kequom, D. Koon, B. Memberto, S. Parsons, B. Guenthardt, Opposed (0), Absent (1), B. Memberto. Motion carried.

E. EQUIPMENT/SUPPLIES AT THE COMMUNITY CENTER. Kathy said that the equipment/supplies at the Community Center need to be checked in and out if they are needed for any functions outside of the Community Center kitchen. Kathy suggested that Katie Glocheski be in charge of keeping track of the equipment/supplies. Moved by Chuck to approve this, seconded by Kim, all in favor (5), C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt, Opposed (0), Abstaining (1), K. Berentsen, Absent (1), B. Memberto. Motion carried.

F. LITTLE RIVER MAINTENANCE & CONSTRUCTION COMPANY – ADOPTION OF NEW MEMBERS. The Planning Department and the Little River Maintenance & construction Company recommend Mickey Wahr for the final full board position. They further recommend Jerry Guenthardt, Robert Hardenburgh, and Christopher Olsen for the three Ex-Officio board positions. These candidates if adopted, will give the company a full board. Don asked who the other members were. Jim said that the current board members are Don Koon, Phil Memberto, Dave Schultz, and Bob Compeau. Moved by Don, to adopt the new members, seconded by Steve, all in favor (5), D. Koon, S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, Opposed (0), Abstaining (1), K. Kequom, Absent (1), B. Memberto. Motion carried.

G. ALTERATION TO THE DENTAL PRIORITIES, MOVEMENT OF DENTURE PURCHASE TO A PRIORITY 2 LEVEL. Incidents have arisen where persons, specifically elders, are not able to utilize the CHS program to acquire dentures due to the \$1,000 limitation on services below the level 2 priority. Complete sets cost between \$1,000 and \$1,500 and the recommendation is that coverage for complete plates, versus partials, be included in the level 2 services until such time that other arrangements are made for either more economical purchase or direct provision. Steve said that because of the cost of dentures, there is a need to move this to the priority 2 level. Moved by Chuck, to alter the dental priorities movement of a denture purchase package to a priority level 2, 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.

H. APPROVAL OF RESOLUTION REQUESTING DISBURSEMENT OF TRIBE'S SHARE OF THE JUDGMENT FUNDS. Bill B. said that Council

needs to pass resolution requesting that judgment funds be drawn from trust account and disbursed to the Tribe. Discussion followed. Moved by Chuck to support Resolution # 98-1011-01 (Resolution requesting disbursement of Tribe's share of the Judgment Funds), seconded by Steve, all in favor (6), S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon, Opposed (0), Absent (1), B. Memberto. Motion carried.

- I. RESOLUTION DESIGNATING ACCOUNT AT HUNTINGTON NATIONAL BANK (MANISTEE) FOR RECEIPT OF THE TRIBE'S SHARE OF THE JUDGMENT FUNDS, FOR ADMINISTRATION OF THE PER CAPITA PAYMENT PORTION OF THE 80/20 PLAN, AND DESIGNATING 5 INDIVIDUALS AUTHORIZED TO SIGN PER CAPITA CHECKS. Bill said that we need to establish an account to have the judgment funds transferred to by the Office of Trust Funds Management. The per capita checks to be distributed to "qualified members" will be written from this account. Need to provide bank with Resolution designating the authorized check signers. Purpose using the same 5 persons currently authorized to sign checks from other Tribal accounts: Robert Guenthardt, Tammy Carter, Diane Lonn, Kathy Berentsen, and Donald Koon Sr. Moved by Don to adopt Resolution #98-1011-02 (Resolution designating account at Huntington National Bank for receipt of the Tribe's share of the Judgment Funds for the Administration of the per capita payment portion of the 80/20 plan, and designating 5 individuals authorized to sign per capita checks), seconded by Steve, all in favor (6) S. Parsons, B. Guenthardt, K. Berentsen, C. Fisher, K. Kequom, D. Koon, Opposed (0), Absent (1), B. Memberto. Motion carried.
- J. RESOLUTION TO NEGOTIATE AND EXECUTE A CLASS III GAMING COMPACT WITH THE STATE AGAIN. Bill B. said that there may be a possibility of getting some movement on the gaming compact. The only change that is being requested to the current form of the compact is to add language that would provide that the Tribe and the State cannot amend the definition of eligible Indian Land under the compact to include lands which are located outside the counties named. Discussion followed. Moved by Kim, to approve Resolution # 98-1011-03 (Resolution to negotiate and execute a Class III Gaming Compact with the State again), seconded by Don, all in favor (5), C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt, Opposed (1), K. Berentsen, Absent (1). B. Memberto. Motion carried.
- K. ANA GRANT. Moved by Don, to support Resolution # 98-1011-04 (Resolution to support ANA grant), seconded by Steve, all in favor (5), C. Fisher, K. Kequom, D. Koon, S. Parsons, B. Guenthardt, Opposed (1), K. Berentsen, Absent (1), B. Memberto. Motion carried.
- V. CONCLUDING BUSINESS
- A. PUBLIC COMMENT. The rest of the meeting was not recorded therefore no public comment can be transcribed.

B. CLOSED SESSION. There was no closed session.

- Kim left the meeting at approximately 3:00 p.m.

C. NEXT MEETING DATE. There will be a special meeting of the Tribal Council on October 25, 1998 at 10:30 a.m. at the Tribal Community Center.

The next regular Tribal Council meeting will be held on November 8, 1998. This meeting will take place in Muskegon, MI and will begin at 12:00 p.m.

D. ADJOURNMENT. Moved by Steve, to adjourn the meeting at approximately 3:00 p.m., seconded by Don, all in favor (5), B. Guenthardt, K. Berentsen, C. Fisher, D. Koon, S. Parsons, Opposed (0), Absent (2), B. Memberto, K. Kequom. Motion carried.

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