



Little River Band of Ottawa Indians

PO Box 314

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TRIBAL COUNCIL MEETING MINUTES OCTOBER 13TH, 1996

Roll Call: Margaret Chandler, Bill Memberto, Kathy Berentsen, Bob Guenthardt, Jerry Koon.

Absent: Steve Parsons

Adoption of agenda.

Addition to agenda under Old Business by Kathy.

Appoint person to Council. Motion to adopt agenda with the addition of A. part 1.

Moved by Jerry Koon and supported by Bill Memberto. Motion carried.

Adoption of Minutes from September 29, 1996. Moved by Bill Memberto and supported by Kathy. Motion carried.

Financial Report

Update by Chris. Information from Chris' report is all posted in the River Street office. Big report, too much copying. Discussed a program that has ended (ANA). \$1,000.00 left that will carry over to the next year. (250) Then discussed program 251. There was a lot left. We can use it until it's gone. He explained what the money was used for in the past. It was used for the CHR and part of Chris and Bill Memberto's wages for Contract Health. Will continue to use for wages. 252 will be funding the ghost suppers. We have already funded two of them at a cost of \$4,600.00 There is still \$13,000 left to spend with two more meals left to fund. There will be no problem funding these. If there is money left then we use the remaining for a meal close to Christmas time. Kathy wondered about something that was in a flyer pertaining to what was going to be covered at the Manistee Ghost supper. There was a difference between what would be covered at that meal as compared to the meal at Muskegon. Diane said a lack of communication. Bill said that Kim would be here and we could then talk with her about it. Kathy said that some of the membership was asking why it seemed that the Muskegon Ghost supper was getting more than the Manistee Ghost supper. The folks down in Muskegon had donated a lot more. So this point was settled. Back to Chris. Program 253 thru 259 are the BIA Programs that ended Sept. 30 and everything that isn't spent, which is quite a bit, will be carried over to the corresponding programs to the next year. One thing is that we were real careful spending this money because we were not sure on the funding from the BIA next year. We have the unofficial word that the BIA funding for the next 12 months, will be double of the previous six months. Maybe larger. Not official notification. Everything that we didn't spend will roll over to the next fiscal year. 260 is Contract Health which we are starting to spend more money because more people are getting

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enrolled and using the services. Our health board meets regularly to make sure that things are going properly. Bill said that we have 116 folks signed up for contract health and that is up from 80 two months ago. People really need to sign up for this. Even if you have insurance. Because it pays for co-pays also. Bill M. said that it is very important that we get people signed up because this regulates our future funding. Chris said that for the first three years we get a little slack, but then after that they go by the actual numbers. So it is really important. Everyone should use it. The money left in Program 260 will be rolled over into the next year. The end of the year for Contract Health is Dec. 31. The unofficial word from Washington is that that program will be about \$600,000. A very decent size Contract Health Program. Almost fair compared to the other tribes. 261 is the Tribal Management. We are in the process of determining how that money will be spent for the next year. Tough to do because we don't have the word yet on how much it will be given. Trying to prioritize all the programs that we have to see how we will spend the money. Chris will be looking into it and then present it to the board. Moved by Jerry and supported by Bill to accept the Financial Report. Motion Carried.

Staff Reports

All of the monthly staff reports were in the packet. Moved by Bill and Supported by Kathy to accept the Staff reports. Motion Carried.

Introduction of Guests: none

Introduction of all people that were present.

Old Business

Appointment of a Council member.

Taking nominations. Bill Memberto nominated Janine Szpliet for the vacant seat on the council. Kathy nominated Chuck Fisher. Motion to closed nominations. Moved by Margaret and supported by Bill. Motion carried.

Hand vote done for council seat. Janine-two and Chuck-three. Chuck Fisher is now the newest Council Member. Bob thanked the rest of the applicants for applying.

A. Elders Hunting Regulations

John Koon discussed the Ceremonial Hunting. There will be two hunts. One for the Muskegon Ghost Supper and there will be two deer hunters. Each one will have a permit for a two day hunt. There will be three turkey hunters which will be a four day hunt. Allowing more time for turkeys than for deer because turkey's are harder to get than deer. The second hunt will be for the Manistee Ghost Supper. And it will be set up the exact same way. The first season of elders that filled their tags will not participate in the second hunt. To allow for other people to hunt. Even if they are not successful they will still not be eligible. There will be five different hunters. After the council meeting they will be issuing the licenses to the elders. Also the regulation and permits. They will not do a drawing because there were only five that were interested. They also have to know of the specific area that they will be hunting because with the limited amount of enforcement they need to let the officers know. Only in Manistee County. But list a

certain mile section. They will then put the area on the permit. The Natural Resources Commission also need to review the area listed for safety purposes. You can hunt on your own property, but to please let the Commission know for your own protection. Bill Brooks discussed the legal ramifications of these hunts. Also the workshop that was held with the Natural Resources Commission and the Tribal council. Bill Brooks also discussed the Treaties rights that the problem with the state government and the DNR. The members had some questions about this and there was a discussion. The Natural Resources Commission wants to speak with the Elders that will be participating in the hunts. Kathy had a question out of the Handbook. The Commission wants to propose to the Elders that they keep this hush-hush. Keep it on a small scale. If someone gets a deer or turkey then they should call someone on the Commission. We don't want to show it off to everyone. The tribe gets all of the kill. Whoever gets the deer, then that person is really responsible for processing the meat. But if someone can't, then someone will. They want to know what the meat will be processed into. They need to make a decision on what they need for the dinners so it will already be planned out. Bill hoped that some people would be compensated for processing if needed. The hunt will be on Monday. Motion for the Resolution #96-101-3-01. Tom Guenthardt is mentioned in the resolution to be our Conservation Officer. Moved by Bill and supported by Kathy. Motion carried.

B. Surveying Update

Tom Guenthardt was gathering some bids from area surveying companies on the property that we got back from Consumers Power. Abonmarche: \$1,000.00 to \$1,100.00 for Indian Village. And \$1,100.00 to \$1,300.00 for Orchard Landing. That's the only one that they have gotten back. The Forest Services said that they would also help. Waiting to hear back from Gary Cole. That would really cut back on the cost. Brief discussion on the property that is adjacent to our property. Let Tom collect the bids and take the lowest one or the Forest Service. Whatever is the least expensive. Get a resolution drawn up and then do a phone vote. So this way things and proceed rather quickly. Bill will do a resolution.

C. NAGPRA Grant

Need a Resolution to approve the grant application. The first one was turned down. We didn't get the funding and now we are applying for fiscal '97 and it is worth \$75,000.00. We are applying for the max. The board is reviewing the resolution. We got the report back stating the reasons for our denial. Bill wanted to know who was working with us on the grant. He questioned who helped write the grant. It was Mark that helped. Same resolution as the one before. Bill moved that we pass the resolution #96-10-13-02. Supported by Jerry. Motion carried.

New Business

A. New Hiring and Firing Policy Changes per Council Request.

Replacements for existing chapters in Personnel Policy. Chris will go over the new changes. We have a personnel policy workgroup that has been in place for two or three months. Every couple of weeks they go over sections of the personnel policy to see if it

needs any changes. To make sure that it falls along the lines of the modern Management Techniques. At the last council meeting, the workgroup was asked to pay attention to the hiring and firing process and to bring the revisions to the council to this meeting. They met on this issue a number of times and presented it to the employees and got their input on it and then brought it here to the council. Chapter two is called "Recruitment, took Section 2.5 and the changes that we proposed are as follows. Nepotism-previously said that no employee could participate in the screening, interviewing or actual selection of any family member. We amended that to state no employee, Council member, or Committee member may participate in the screening, interviewing or actual selection of an immediate family member or member of the same household. That is 2.4. Making sure that everything is proper in the selection procedure. 2.5 is the recruitment and hiring process spelled out. We decided that the process should begin with the job description. It should be looked at once a year to make sure that it is current. All jobs will be posted in-house for all existing employees. To hire within. It will be posted in the main offices and the tribal manager will decide. If not then we will advertise for approximately 10 days to include a Sunday. Four major papers. Copies of the jobs description will be sent to other tribes by mail or fax and it will be in the tribal newsletter. In the event that putting it in the newsletter is not possible because of times, a notice will be sent to every tribal household. Kathy brought up the fact that not all members receive a newsletter. And this is because of the post office. We also talked about the problems with the post office. Chris stated that the post office is looking into a solution for us. Chris stated that the Natural Resources Commission did a mailing to all elders in the state of Michigan and the response was only eight people. So that shows just how bad things are getting with the post office and our mailings. Bob said that the more we talk about it, the more it sounds like we are just going to have to bite the bullet and go with first class. Once the job is advertised the we start accepting application. The will be about a two week time period to submit resumes. Then we will create a selection committee that will contain not less than three people which includes the Tribal Manager, the immediate supervisor in the department that pertains to the job and an employee at random. The Tribal Manager will have the option to have other people at the interviews if they are important to the job being interviewed for. The selection committee decides who will get the interview. Only the committee will decide who gets the interview and no one else. Members of the committee conduct the interviews and rate the top three candidates. The Tribal Manager has to offer the job to candidate number one. If #1 can't take it, then the Manager offers it to #2 and then # 3. If none of the candidates are right. Then the process starts over again. Someone asked if we should tell #'s 2 & 3 why they didn't get the job. But Chris said that that might not be a very good idea. Lengthy discussion on this topic. Discussed of the idea of having an elder on the committee. Because it was mentioned at the last meeting. Because the elders wanted to be in on the interviewing process. But Lavern said that they would really like to do office troubleshooting. Bill Memberto let everyone know what was going on. And that most of the problem was with family fights. We need to let things get handled by the administration, that is what they are there for. Bob said that we need to start mending some of these fences. If the person in the #1 position doesn't stay at the job for some reason or another and leaves, then

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without starting the whole process over again, we can then offer the job to #2 or #3. It saves time and money.

We required a resume and a application. The application will ask if they are a tribal member and their number. And a release for us to do a criminal background check. Chapter two also included types of appointments. Which previously listed full time regular, part time regular, temporary, student or trainee and we added salaried employee. Most of the employees understand that they are salaried employees but we also need to know exactly what that means. We are still working this out. All level three, four and five employees are salaried. We do not pay overtime. Bill Brooks would suggest changing a certain part. It should say that salaried employees are not eligible to overtime payment. Comp time rather than money. Chapter 7 talks about firing or separation of employment. We changed parts one thru five because those are the ones that have to do with the firing. 7.1 was about layoffs. It previously said that if there was a layoff then that person would fill another position that they were qualified for if it is available. It didn't say that a job could be taken away from another person. No bumping. That way the person who just started is not in jeopardy of losing their job. I will be extremely rare, because we don't hire people unless we know that we have the funding. The person getting laid off will get a two weeks notice. The following six positions are the ones that will get laid off first. Temporary, probationary part time, probationary full time, regular part time, regular full time and then salaried. If there is more than one employees in a category then we would lay one off. The deciding factor will be the work performance evaluations. We hope that this will never happen. 7.2 Resignation. Resignations are accepted. The supervisor accepts the resignation. If it happens and the employee gives their two weeks and then something happens out of their control, they will probably have their job back. If it happens out of anger, then it will be accepted and not taken back. Basis for re-hire, people need to have left on good standing and good performance evaluations. Terminations. If a person is terminated, they will receive all of their annual time. The Tribal Manager reserves the right to terminate an employee at anytime. But the employee still has the right to the grievance procedure. Discussion from the membership about this. They don't appear to like it. The grievance procedure has a time limit on it. Causes for termination. Failure of employees to carry out their duties, intentional violation of tribal work rules, unsatisfactory job appraisal, and gross insubordination. Did not touch the rest of chapter 7. The plan is to replace the current procedures with the new ones. Moved by Kathy and supported by Chuck. Motion carried. Denise Piczynski, Bill Willis, Bill Memberto and Chris Holz. And the rest of the employees.

B. Purchasing Policies and Procedures Proposed

Changed three different size purchases. Small, medium and large. Spell out that the employee is not a contractor. No opened ended contracts. Chris has seen them before and they are very bad. A fixed contract. We come to council if the purchase is over \$2,500.00. Those are the only changes. And we haven't had any problems with this system. Motion by Bill and supported by Jerry. Motion carried.

C. Check Signer

Need a resolution to add on another check signer. Recommended that Bill Memberto be another check signer. Kathy discussed that there still might be a problem with not having enough people to sign. Mentioned that Tammy might sign the checks. But she should not be able to sign any purchases. We only have Kathy, Bob, Diane, and still Bonnie. There are two signers on every check. Bill made a motion that Tammy is a check signer and supported by Jerry. Motion carried.

Bonnie no longer signs checks since 7/1

D. Surplus Computer Equipment to be Donated

Manistee Universal Freenet. Run as a non-profit. Let them serve as an internet provider. Offer a free internet service. Unlimited service. The computers that we will donate were donated to us. It will ultimately provide us with free internet. Otherwise we will have to pay 30.00 per month per computer. Chris is trying to set us up with the internet. And that included employee e-mail. It opens up a whole new world for us. Kathy wanted to know how long we would receive free internet. Chris said that it would be a long time. Motion by Kathy supported by Jerry. Motion carried.

E. FEDA Trust Resolutions

We need a resolution passed for all of the properties that we own. Indian Village, Orchard Landing and the land for the Casino. Bill Brooks suggested that we table this for now until more information comes available. The issue is with the gaming parcel. We need to have all the environmental work done and the property cannot be placed into trust until everything is approved. And that is the Dept. of the Interior or the National Indian Gaming Commission were signed off on the Management agreement and the environmental work. We thought that we could do other things while they are doing that, that we could go ahead and complete some other things. But we can't until the land is in trust. The tribe needs to get some kind of written approval from the Secretary of the Interior that we can get the land into trust before his approval. Concern that we could get stuck with the land being the only land we can put into trust. We need to know what we are doing before we get into deep. Bill wanted to know how long we had to wait. Bill said that we would be talking with Jenny Boyland. And that should not take more than a few months. Motion to table this issue. Much discussion about the land to be in trust for the casino gaming project. Motion by Jerry and supported by Margaret. Motion carried.

F. Special Events Coordinator

Bill Willis said that in the past months we have been getting a lot of request from the public that we have people come and speak at the schools. Plus, things like the Port City Festival and other events that the tribe has been or will be involved in. We have a need for someone or a group of people just to handle these things. Sometimes things fall between the cracks. The Cultural Preservation Committee feels that we should have a person to coordinate these events. The committee gets swamped with these kind of things. Maybe one of the committee members could volunteer to handle all of these things. Bob asked if this person would then report back to the C.P. Committee. Bill said they would gather all of the info and then give that info to the necessary committee. Bill M. said that there is such a wide variety of events. The C.P. Committee would make the

decision on what would be done, but they just need a person to be a liason between the public and the committee. Bob wanted to know if we could just have the two secretaries take all the calls and then give them to the committees. Bill said that everything just ends up on his or Bill's desk and what if he is gone. Bill M. said that he thinks that this is an internal lack in communication that needs to be discussed by the management team. He also believes that people don't know where to direct these calls and that some calls are being lost. He said that that problem needs to be solved first. Bob suggested that we should once again look into the voice mail system. Are phones already have that feature and we need to explore the cost and maybe do it. Bill M. said that this seems to be pretty open ended and that the committee needs to do a little more with it. Motion that we table this and put it on the agenda for the management team to look at. And also have Bill Willis sit in on that part of the discussion. Motion by Bill and supported by Jerry.
Motion Carried

G. The Administration Team

Needs council to pass a motion to approve the draft to implement this team. Bill said that they have been talking about the office infrastructure. And basically the work that it needs. They now have two teams: the administrative team and the management team. Mark, Chris, Bill M., Tammy, and Bill Brooks are the Administrative team. They meet every two weeks. They discuss how to develop the tribal infrastructure to help make things work better. Not to say that this team has the authority to implement most things. The Council decides on our suggestions. He mentioned the Health and Human Services have started have these meetings also every two weeks. Kathy asked if the Health Board should be in on that too. Bill said that he doesn't think that the Health Board needs to be involved at this point. There is a lot of pieces missing in this puzzle. We need to develop the infrastructure with all of the committees and the employees to the Board. Kathy said that the committees are supposed to meet with the Board, but they never do. Bill said that that was part of the problem. Kathy wanted to know if a member of the Health Board wanted to just come in and sit in on the Health and Human Services Meetings, could they. That is not anything that was discussed. The meetings are not closed. Bill Brooks said that these teams are really just for office procedure. They take care of problems and implementation process. The meetings can be open. But we really talk about what is going on in the office and how we as an office team can improve things. Bob said that we have just started on these different things. The people that are on the teams are mainly employees. Motion made by Kathy and supported by Margaret.
Motion carried.

H. Judgement Fund Update

The judgement fund issue has been hanging around for about 50 years has suddenly come back to life. Because the Bay Mills Band went to court to get the funds distributed very quickly. They have one of the original members who was around when all of this started that is still living. And one of the Council members made a promise that they will get the funds distributed in the next few years. So they have been putting on the pressure. As a result of the law suit, the Dept. of the Interior has to prepare a plan to distribute the funds. Has to be submitted by Dec. 15, 1996 and then submit by March 15, 1997. The

Interior wants to know how the tribes want to split up the money. They are trying to decide how to do this. Bay Mills and the Sault Tribe wants to do it their way. Several different ways to divide up the money. The groups don't agree and they most likely never will. Since the Bay Mills and Sault Tribe have pumped so much money into election campaigns that this will help them and move things along faster. All of this came up very suddenly. Bill suggests that we do not submit a proposal at this time. We should tell the BIA that the Council wants to distribute the money per ¼ blood. We want to be fair. It is going to take a long time to sort everything out. But the plan has to be done fairly. We objected because the Sault and the Bay Mills tribe want to take most of it which is not fair. However the split is made, it has to be fair. Bob said that no matter how this thing plays out, someone is not going to be happy. If there is a compromise that the BIA proposes that the tribes are happy with, then the money could be allocated within a year or two. If that is going to happen, then the members of the Little River Band need to start talking about the way that our tribe wants the money to be given out. Bob said that if we decide to do it per cap, then it will be tied up for a long time. 20% of that needs to be set aside for some common purpose of the tribe. The remaining 80% can be used to give to the tribe. Or to invest in our future. Bill Brooks has prepared a memo for all tribal households that will be sent out soon. No matter how it is done, it has to be fair, whether it is based on hard numbers or ¼ blood. They have given us no time, but something is going to be done. We cannot ask for more time because the case has been decided by the federal court. And the Little River Band was not privy to the information to the court case. Tribes have been changing their minds once they find out that they might not be getting as much money as they thought. In general the tribes are ready to cut a deal. Because everyone will never agree. The goal is to get the money out. Bill said that we need to get the word out about the Membership meeting, so everyone can get their opinions in and we can decide as a tribe. The meeting on the 10th of November is the only time that we will be able to discuss this issue before it goes to Congress. Diane Lonn will be working on our ¼ blood roll. Most of our membership will be already, but some will not. Bob suggests that everyone should start thinking about this issue and then if people have any ideas, they should call them in. Bay Mills is more willing to work, but the Sault Tribe will be harder.

L. Resolution to Authorize Bob to Execute the Development and Construction Agreement with North American Gaming

Bill Brooks said that the contract is in pretty good shape. Under the agreement, most of the work is going to be done by a construction management team. Which will consist of four people. Two reps from the tribe and two reps from North American Gaming. Most of the day to day decisions will be made by those people. It is set up so that at least one tribal rep and one North American Gaming rep have to agree on a decision. And that way neither the tribe or the rep can assert too much influence. The tribal rep can make sure that the tribes policies as far as development can happen and the N.A.G. is hired for their expertise. So there is some balance. The tribe will have 90 days to choose the two reps. The Economic Committee think that we should hire two people with gaming and construction backgrounds to serve as the reps. That way they know what they are doing. Bill M. wanted to know if they would be paid. Bill Brooks said that there is money set

aside for that. Bill M. said that the board has not yet received a report from the economic development committee. And he is concerned about that. There is certain info that is needed by the board. The committee needs to make sure that the process needs to be followed as far as info being submitted to the board. Bill Willis discussed some of the info with Bill M. Chris said that North American Gaming will be giving us a lot more info soon. Chris also discussed some of the plans that they had in mind. This all has to do with the Marketing report. Concern from the membership about some of the ideas as far as the casino floor plan and appendages. Bob said that there are a lot of things that play a part in the casino issue

Bill Brooks began to discuss more of the resolution issue. Gave info concerning the property. And the property being placed into trust. Next is the design phase with the construction management team interviewing architects. Then to hire one and the Council will execute the agreement. The Construction management team will prepare the budgets for the construction costs. Budgets for how much money it will cost to open the doors of the casino. The larger policy decisions will be done by the Council. If North American Gaming terminates the agreement, then they have to reimburse for the costs thus far. Section that explains the default on the tribe. Bill presented a major discussion on the default rules and many other aspects. He went into detail about the contract that he presented. Then the membership at the meeting had several questions that Bill answered. The main questions had to do with the people that would be hired to represent the tribe and the people that we would hire to work with the Construction Management Team. There are a few things that Bill is trying to sort out with North American Gamings attorney. There are some revisions that Bill M. brought up and Bob said that they just got them on Friday. Motion made by Bill and supported by Jerry. Motion carried.

Concluding Business

Worksession with the Housing Ordinance

Diane Lonn said that the Cultural Preservation committee wanted to be in charge of the Christmas party. Motion made by Bill and supported by Chuck. Motion carried. This is to form a sub-committee of the Cultural Preservation Committee.

Next Council meeting will be on November 10th, 1996. Start the meeting at 10:00am at Stronach Hall. And then work on the agenda for the Membership meeting at the Housing Work Session.

The Tribunal was discussed for the Natural Resources Commission. Bill Memberto, Jonnie Sam, and Bill Willis will be the original members. And then Jerry Guenthardt and Don Koon will be the alternates. Kathy asked why there were no women on the tribunal. There wasn't a real reason for the decision. Kathy thought that maybe Lavern should be on it.

Motion to adjourn the open session. Then begin the closed session.

Kathy wondered why it started at noon