

Approved
12-10-03



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, OCTOBER 16, 2002
LITTLE RIVER BAND COMMUNITY CENTER**

**OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians held a meeting at the Little River Band Community Center on October 16, 2002. Following are the minutes of that meeting.

I. Opening Prayer

The Tribal Council engaged in a silent prayer.

II. General Business

A. Call To Order:

The regularly scheduled Tribal Council meeting of Wednesday, October 16, 2002, was called to order at 10:10 a.m.

Chuck Fisher was acting as Recorder for this meeting, as Sam had given birth last week, and her attendance today was not confirmed prior to this meeting.

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. Ruitter – Present	J. Sam – Absent

Quorum established.

Others Present: Jo Anne House, Kathleen Block, John Bussey, Al Medacco, Kimberly Alexander, Pat Morris, Leatrice Castonia, Gary Markowski, Bill Willis, John Shepard

C. Approval of Agenda

MOTION TO APPROVE AGENDA AS SUBMITTED; by Ruitter; supported by Medahko.

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 – Absent

Motion carried (8-0-0-1)

D. Tribal Council Minutes

No minutes for review. Parsons stated temporary individuals are in place and working on the minutes at this time.

E. Public Comment Period

No public comment.

III. Continuing Business

A. Grants & Contracts

No business.

B. CMT Business

No business.

IV. Old Business

A. Execution of Bill of Sale of Property Acquired

Parsons indicated the Council was provided with the legal opinion from Pam Fahey, which was attached in today's packet. McCatty stated the legal opinion states that the Council does not have to act on this and suggests placing this with the Ogema to place a value on the trailers.

MOTION TO REMOVE OLD BUSINESS A; by Kleeman;
supported by Ruiter.

Janine M. Sam arrived at 10:16 a.m.

Porter stated at the bottom of the first page of the memo it does say the value of the two trailers—one \$17,658.33 and the other one is \$43,444.32. House stated we only need to know the value of the trailers. House stated this does not require formal action by the Council.

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)

B. Appointment of Candace Chapman to the Enrollment Commission

Parsons noted for the record, this appointment is to fill vacant position #2.
The term will expire September 20, 2003.

**MOTION TO APPROVE THE APPOINTMENT OF
CANDACE CHAPMAN TO THE ENROLLMENT
COMMISSION WITH THE TERM ENDING
SEPTEMBER 20, 2003; by Kleeman; supported by Porter.**

Roll Call

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

Motion carried (8-1-0-0)

C. Appointment of Matthew Stratton to the Enrollment Commission

Parsons noted for the record, this appointment is to fill vacant position #5.
The term will expire September 20, 2005.

**MOTION TO APPROVE THE APPOINTMENT OF
MATTHEW STRATTON TO THE ENROLLMENT
COMMISSION WITH THE TERM ENDING
SEPTEMBER 20, 2005; by Kleeman; supported by Porter.**

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)

D. Appointment of Ben Hamilton to the Enrollment Commission

Parsons noted for the record, this appointment is to fill vacant position #6. The term will expire September 20, 2003.

MOTION TO APPROVE THE APPOINTMENT OF BEN HAMILTON THE ENROLLMENT COMMISSION WITH THE TERM ENDING SEPTEMBER 20, 2003; by Kleeman; supported by Porter.

Markowski asked how the terms are selected for the individuals. Parsons stated this is done through the Ogema's office.

Roll Call

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

Motion carried (8-1-0-0)

E. Approving Compensation for Election Board Members staffing Election Board Office from January 1, 2002

Parsons stated a work session occurred on October 14, 2002 to clarify the issue of who would be receiving the compensation. Parsons noted that Sue Schultz is the member of the board scheduled to be compensated for staffing the office. Markowski asked how the \$15.00 hour rate was arrived at. Parsons stated this was discussed between the Council Recorder and the Election Board. Markowski queried if the Council members would state who voted for the original resolution setting the Election Board member salary. Parsons stated a copy of this resolution could be obtained through Block. Fisher stated it is Tribal members we are paying and he wants decent payment for Tribal members. Markowski stated there are members of his family that were turned down for positions with the Tribe.

MOTION TO APPROVE RESOLUTION # 02-1016-01, APPROVING COMPENSATION FOR ELECTION BOARD MEMBERS; by Sam; supported by Fisher.

Roll Call

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

Motion carried (5-4-0-0)

V. New Business

A. Acceptance of Contract Modifications from Indian Health Service (IHS) and Amending FY2002 Operating Budget to Include Funds In the Amount of \$10,980

Tribe has received two (2) modifications to the FY2002 P.L. 93-638 contract with Indian Health Service (IHS). Funds need formal acceptance and approval to amend FY2002 Operating Budget to include these funds.

MOTION TO APPROVE RESOLUTION # 02-1016-02, ACCEPTANCE OF CONTRACT MODIFICATIONS FROM INDIAN HEALTH SERVICE (IHS) AND APPROVING A MODIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2002 IN THE AMOUNT OF \$10,980; by Kleeman; supported by Porter.

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)

Matthew Stratton and Candace Chapman arrived at 10:25 a.m.

B. Acceptance of Grant Funds from U.S. Department of Justice (DOJ) – COPS Tribal Resources Grant Program and Amending FY2002 Operating Budget to include funds in the amount of \$88,826

The Tribe has been awarded \$88,826 from DOJ – Office of Community Oriented Policing Services (COPS), Tribal Resources Grant Program. Funds need to be formally Accepted and approval to amend FY2002 Operating Budget to include these funds.

**MOTION TO APPROVE RESOLUTION # 02-1016-03,
ACCEPTANCE OF GRANT FUNDS FROM U.S. DEPARTMENT
OF JUSTICE – OFFICE OF COMMUNITY ORIENTED
POLICING SERVICES (COPS) AND APPROVING A
MODIFICATION TO THE OPERATING BUDGET FOR FISCAL
YEAR 2002 IN THE AMOUNT OF \$88,826; by Sam; supported by
McCatty.**

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)

C. Acceptance of Grant Funds from Great Lakes Fishery Trust (GLFT) and Amending FY2002 Operating Budget to include funds In the amount of \$84,374.

The Tribe has been awarded \$84,374 from Great Lakes Fishery Trust (GLFT) for Lake Sturgeon assessment activities. Funds need to be formally accepted and approved to amend FY2002 Operating Budget to include these funds.

**MOTION TO APPROVE RESOLUTION # 02-1016-04,
ACCEPTANCE OF GRANT FUNDS FROM GREAT LAKES
FISHERY TRUST (GLFT) AND APPROVING A MODIFICATION
TO THE OPERATING BUDGET FOR FISCAL YEAR 2002 IN THE
AMOUNT OF \$84,374; by Porter; 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)

D. Cost of Living Adjustment

The Tribal Council has been requested to approve a 1.4% cost of living increase applicable on September 1, 2002. Markowski stated his opposition to this as per cap is coming for Tribal members. Sam stated this is for the non-Tribal and Tribal people who work for the government. Markowski asked who initiated this resolution. Parsons stated this is part of the personnel policy. Castonia stated there are people that are getting paid full pay and are only here part time. Castonia asked how many hours Parsons puts in at the office. Porter stated Council works more than every

Wednesday and one Saturday a month as we have work sessions and need time to review paperwork. Markowski also had a concern with the furniture that was purchased for \$26,000.

Medahko stated Parsons is always in the office and he stays beyond 5:00 p.m. and it is totally unnecessary to accuse Parsons of not being in the office. Ruitter stated when she worked in a factory that she got a COLA.

Fisher stated the Council did only receive a \$25 stipend a month. Al Medacco stated he works for Michcon and had the same problem with COLA. Medacco stated, as it is in the policies and procedures, the Tribe has to pay the COLA. Markowski asked House if this is accurate and asked if Council could refuse this increase. Parsons stated the Council could refuse this increase. House responded to the question of the furniture that was purchased for the Gaming Commission. House stated that the Gaming Commission did look at the warehouse furniture and came back to the Council for approval of the expenditure. House stated that the Council is looking into the salary structure of the government and is expecting a report regarding that. House stated the per cap and COLA are two totally different issues. Porter stated it is a matter of policy in the Tribal Handbook regarding COLA increase. Markowski stated it can be refused.

Sam stated she supports COLA adjustments but does understand the concern of the wages within the Tribe. Sam stated her preference would be those positions that have had salary increases outside of policy could be completely phased out and started over with a whole new job posting process. Sam stated 1.4% COLA increase, she is guessing, is about \$300 per year adjustment for an average salary. Sam believes this is warranted in regards to the economy. Sam noted that Council can amend budgets and decrease budgets. Sam doesn't think is fair to impact the employees while we are trying to do that. McCatty stated when the personnel policy was changed a few months ago that the COLA language was changed.

Medacco understands where Markowski is coming from regarding this agenda item. Medacco stated people who are receiving these big wages are never in their office when you need them. Medacco does not understand why we have to be the highest paid employer in this part of the country. Porter stated some of these salaries were authorized by the Ogema's office and some of the jobs need to be reposted.

Markowski stated in the U.S. Government workers are getting high pay and benefits and do not want that this to occur at Little River. Porter stated when people come in their offices may not be there because are usually in work sessions in the conference room. Markowski stated the

Council is accountable to no one. Porter stated she is accountable to the membership and to herself.

Sam stated it is not listed in the resolution for the Tribal Judges to get this increase. House stated she has been unable to locate an original resolution for the Tribal Judges compensation. Bill Willis stated he could go back and look at the approved budgets to find the compensation for the Tribal Judges. McCatty stated that Kathy Berensten sent her information to Jo Anne House regarding this. House stated she has not yet received a signed copy of this resolution.

MOTION TO AMEND THE RESOLUTION PROPOSED AND THE FURTHER RESOLVE TO ADD "AND THE TRIBAL JUDGES TO EMPLOYEES RATE OF PAY SET FORTH to include TRIBAL JUDGES SALARY.;
 by Sam; supported by Fisher

Roll Call

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

Motion carried (8-1-0-0)

MOTION TO CHANGE THE AMOUNT IN THE RESOLUTION FROM 1.4% TO .14 PER HOUR PER EMPLOYEE; by McCatty; supported by Bennett.

Medahko and Ruiter asked how McCatty came up with this amount and did she do the math. McCatty stated she did not do the math and based this amount by figuring that most employees make \$7.00 to \$10.00/hour and figuring the 1.4% increase for that rate. Medahko asked Willis if this is okay to do. Willis stated this is not according to policy. Porter stated Council should act according to the policy.

Roll Call

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

Motion failed (3-6-0-0)

APPROVE RESOLUTION # 02-1016-05, APPROVAL OF COST OF LIVING INCREASE FOR THE SEPTEMBER 1 PERIOD, AS AMENDED; by Kleeman; supported by Sam.

Roll Call

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

Motion carried (7-2-0-0)

Porter stated she voted yes on this because it was the way the policy was written and if there was a question on this it should have been sent back for a work session.

VI. Concluding Business

- A. Next Meeting Date(s) – October 19 and 23, 2002
- B. Public Comment Period

No public comment.

The purpose of closed session is to discuss business matters considered privileged or confidential, involving consideration of bids/contracts, pending legal issues, and/or personnel matters.

MOTION TO ADJOURN OPEN SESSION; by Medahko; supported by Sam.

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)

This portion of Open Session was adjourned at 11:15 p.m.

Council reconvened in Open Session, however, there was no motion of record to return to open session.

There were no items to be placed in Open Session from the Closed Session.

MOTION TO ADJOURN; by Sam, supported by Kleeman.

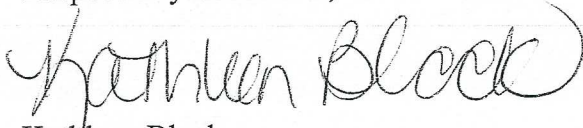
Roll Call

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)

The meeting adjourned at 2:35 p.m.

Respectfully Submitted,



Kathleen Block
Transcribing Assistant



Janine M. Sam
Tribal Council Recorder
For Chuck Fisher-
Acting Recorder