



Approved 10/19/04

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, OCTOBER 30, 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 30, 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 was called to order at 10:43 a.m.

B. Roll Call

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

Quorum established.

Others Present: Jo Anne House, Kathleen Block, John Bussey, Robert McCaslin, Bill Willis, Leatrice Castonia, Michael Sprague, John Shepard, Pat Morris, Richard Sprague, Bob Hardenburgh

C. Approval of Agenda

It was recommended that Old Business A be removed from the agenda by Bill Willis.

**MOTION TO APPROVE AGENDA AS AMENDED BY
REMOVING OLD BUSINESS A; by Porter; supported by
Ruiter.**

Roll Call #1

C. Bennett – Absent	C. Fisher – Yes	T. Kleeman – Absent
L. McCatty – Absent	P. Medahko – Yes	S. Parsons – Yes

E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes
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Motion carried (6-0-0-3)

D. Tribal Council Minutes

Parsons stated there are several sets of minutes that are almost ready to be approved.

E. Public Comment Period

Michael Sprague stated he is an employee of the Little River Maintenance and Construction Company. Sprague stated he was laid off from his position, due to lack of work. Sprague stated he was part of the deck job that John Shepard and Kevin Pete completed at Newland Academy. Sprague stated there is a lot of work out there. Sprague stated he has been at the shop everyday and no one is out drumming up work. Sprague spoke of an inventory sheet, which LRMCC asked him to work on. Sprague stated there are items missing from the inventory list. Sprague is asking for an audit of the holdings of the company as there are items missing. Sprague spoke of a drywall drill. Sprague stated there is an empty drill box without a drill inside.

Parsons stated there is a Council member with a concern of videotape being done of the Open Session today. Medahko raised her concern but there was no other concern raised by the other Councilors.

Sprague asked to pull all expenditures, matching all tools and expenditures regarding those tools.

Medahko left the meeting stating that she will not stand for videotaping of the meeting.

Meeting was recessed due to no quorum. 10:50 a.m.

Pamela Medahko, Carol Bennett and Lisa McCatty arrived at 11:08 a.m.

Meeting is back in session at 11:08 am.

Parsons asked for a roll call.

Roll Call #2

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

Quorum established.

Sprague gave a brief synopsis of his prior public comment. Sprague was promised there would be action taken and the only action that was taken was he and John Shepard were laid off. Sprague has a concern with the competency of the Board of the Little River Maintenance and Construction Company. Sprague stated he has bills that need to be paid and has a child to support.

Sprague has a concern with missing tools and is requesting an audit of the LRMCC. Sprague stated he has come before Tribal Council in Closed Session and now is coming public in open session.

Medahko asked Sprague to state how much the drill was. Sprague stated the drill was \$250 to \$300. Medahko commended Sprague for coming before the Council. Medahko is glad that Sprague is bringing this public and believes that the LRMCC should be restructured. Medahko stated there is something majorly wrong with the structure at the LRMCC. Sprague stated employees are not being properly utilized. Medahko stated she is one of nine people and she will keep pushing for restructuring of the company. Porter stated need to have a serious work session with the Little River Maintenance Construction Company. Sam stated she is also in support of restructuring the company. Sam believes the restructuring should go beyond the LRMCC. Sam stated the Tribal Council is not the body that oversees this and it is the Ogema's responsibility. Sam suggested a show-cause hearing of why administration is not complying with the laws. Sam is in favor of the Tribal Council documenting for non-compliance and put in an arena for forceful accountability.

Sprague spoke of the Membership Assistance Department and how a prioritization list is prepared. Sprague stated he has seen the bid that Bob Knapp has put together and the bid from the construction company does not even focus on the repair prioritized by the Inspector. Sprague asked what his recourse is. Sprague stated if the company were restructured he would consider coming back. Porter agrees with everything that Sam and Medahko have stated. Medahko asked Sprague if there is anything in place for tracking inventory. Sprague answered tracking is done by matching receipts with inventory. Sprague stated that there are two members of the Construction Board present who have not spoken to this issue. Willis stated that Sprague's comments are unfounded as are some of the comments from the Council. Willis is in favor of the Board meeting with Council. Willis stated the Board represents the Company. Parsons asked that Kathleen Block set up a meeting with the LRMCC Board, the Council and the Ogema. Sprague asked that he be invited to this meeting. Parsons stated the public is invited to all Council work sessions. Richard Sprague asked why Tribal members who complain get laid off and non-Tribal members are filling those positions.

Richard Sprague expressed his concern with the fishery. R. Sprague stated there are three nets in the water at his time. R. Sprague stated there are not enough nets in the water and hopes the program turns around.

Richard Sprague spoke of public safety in allegations made against him. R. Sprague would like to be treated with more respect and dignity by Joe LaPorte.

Bob Hardenburgh arrived at 11:29 a.m.

Mark Dougher arrived at 11:31 a.m.

Robert McCaslin spoke of the Manistee Gaming Issue that is on the Closed Session agenda. McCaslin stated he hopes Council keeps the membership at heart.

Richard Sprague spoke of a Tribal member who is still in jail. R. Sprague stated this person should not be denied care from our own services.

Michael Sprague thanked the Council and the ladies for listening. M. Sprague stated he was given an insubordination and suspension for three days because he questioned Bob Knapp. M. Sprague stated he wants those three days back as he did not get paid. M. Sprague spoke of a job he applied for as maintenance supervisor but didn't get the job.

Richard Sprague stated it is sad that there are Tribal people who for what ever reason have vendettas or personal grudges. Parsons stated if there are specific allegations against employees, those need to be followed up with the Tribal Ogema.

III. Continuing Business

A. Grants & Contracts

No business to come before the Council.

B. CMT Business

1. Approval of Change Order for installing artwork in the hotel for an amount not to exceed \$4,750

Fisher apologized that the title on this resolution wasn't changed. Fisher stated the title should read "Authorizing Payment to Monroe Fine Arts for Installation of Hotel Artwork for an amount not to exceed \$4,750.00".

Richard Sprague and Robert McCaslin left at 11:41 a.m.

Medahko asked if this is for the hardware for the artwork. Fisher stated the privations installed the majority of the hardware.

Michael Sprague and John Shepard left at 11:42 a.m.

Medahko stated it appears this is something the CMT could have done. Fisher stated the CMT also believed that at first, however looking at the matter more closely the agreement with Monroe Fine Arts does not include installation services and that is why this agenda item is here before the Council.

Sam stated she has received several comments regarding one picture in the hallway and asked if that could be moved somewhere else. Fisher stated the CMT would look into this.

**MOTION TO APPROVE RESOLUTION # 02-1030-01
APPROVING PAYMENT TO MONROE FINE ARTS FOR
HOTEL ARTWORK INSTALLATION SERVICES AT AN
AMOUNT NOT TO EXCEED \$4,750; by Porter; supported by
Fisher.**

Roll Call #3

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

Motion carried (5-3-0-1)

2. Approval of Change Order for Great Lakes West in the amount of \$5,703

Fisher stated the quality of work that was anticipated for this project was not adequate. There were seams that did not come together along with other numerous problems. Fisher stated a subcontractor of Cunningham-Limp conducted the initial work.

John Bussey left at 11:49 a.m.

**MOTION TO APPROVE RESOLUTION # 02-1030-02,
AUTHORIZING THE CONSTRUCTION
MANAGEMENT TEAM TO EXECUTE A CHANGE
ORDER THAT INCREASES THE CONTRACT
AMOUNT WITH GREAT LAKES WEST BY
\$5,703.00 TO COVER THE COSTS RELATED TO
“ADDITIONAL” WORK (LABOR) RELATED TO**

**THE INSTALLATION OF BEER AND LIQUOR
LINES THAT WERE RUN THROUGHOUT
VARIOUS LOCATIONS IN THE CASINO;** by Porter;
supported by Ruiter.

Roll Call #4

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

Motion carried (6-2-0-1)

IV. Old Business

A. Acceptance of Grant Funds from Department of Health and Human Services (HHS) and approving a modification to the Operating Budget for Fiscal Year 2002 in the amount of \$150,000

Removed from the agenda.

B. Acceptance of Financial Statement

Parsons stated this item was postponed from the Saturday meeting.
McCatty stated we are awaiting information from the Ogema's office.

**MOTION TO TABLE THIS ITEM UNTIL OUR NEXT
MEETING;** by Porter; supported by Ruiter.

Roll Call #5

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

Motion carried (8-0-0-1)

V. New Business

A. Supplemental Appropriation from the U.S. v Michigan Great Lakes Fishing Trust Account to purchase trap net vessel being leased from Charles Matson

Hardenburgh had a concern that the money is coming from U.S. v Michigan Great Lakes Fishing Trust Account. Hardenburgh stated these are two separate accounts. Hardenburgh believes the money needs to be appropriated from the Great Lakes Fishing Trust Account. McCatty stated it would be coming from the Fisheries Account. Hardenburgh stated U.S. v. Michigan is for inland issues and Great Lakes Fishing Trust Account is for the Great Lakes.

MOTION TO APPROVE RESOLUTION # 02-1030-03, APPROVING BUDGET MODIFICATION TO THE FISCAL YEAR 2002 OPERATION BUDGET TO INCLUDE A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$140,133.00 FROM “COMMERCIAL FISHERIES TRUST FUND” TO PURCHASE THE TRAP NET VESSEL “CIERRA” FOR USE BY TRIBALLY-LICENSED FISHERS, AS AMENDED STRIKING ANY REFERENCE TO U.S;
 by Porter; supported by McCatty.

Roll Call #6

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

Motion carried (8-0-0-1)

Sam stated the resolution did not designated where this money would go in order to make this purchase. Willis stated he was not involved in this particular item. Hardenburgh stated this should go to the Commercial Fishing budget.

B. Authorizing Release of Judgment Fund Monies Held in Trust for Certain Minors Reaching the Age of Majority in March 2002

MOTION TO APPROVE RESOLUTION # 02-1030-04, AUTHORIZING RELEASE OF JUDGEMENT FUND MONIES HELD IN TRUST FOR CERTAIN MINORS REACHING THE AGE OF MAJORITY IN MARCH 2002; by Porter; supported by Medahko.

Roll Call #7

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

Motion carried (8-0-0-1)

C. Acceptance of Grant Funds from U.S. Environmental Protection Agency (USEPA) – Section 106 Clean Water Act and amending FY2002 Operating Budget to include Funds in the amount of \$127,545

Richard Sprague arrived at 12:10 p.m.

**MOTION TO APPROVE RESOLUTION # 02-1030-05,
 ACCEPTANCE OF GRANT FUNDS FROM UNITED
 STATES ENVIRONMENTAL PROTECTION
 AGENCY (USEPA) AND APPROVING A
 MODIFICATION TO THE OPERATING BUDGET
 FOR FISCAL YEAR 2002 IN THE AMOUNT OF
 \$127,545; by Porter; supported by McCatty.**

Roll Call #8

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

Motion carried (8-0-0-1)

- D. Acceptance of Grant Funds from United States Department of Justice (DOJ) – Office of Justice Programs and amending FY2002 Operating Budget to include funds in the amount of \$50,000**

Sam had a question regarding the special conditions of the grant, #3. Dougher answered that the grant states, “agrees to comply” which means from this point forward.

**MOTION TO APPROVE RESOLUTION # 02-1030-06,
 ACCEPTANCE OF GRANT FUNDS FROM UNITED
 STATES DEPARTMENT OF JUSTICE (DOJ) –
 OFFICE OF JUSTICE PROGRAMS AND
 APPROVING A MODIFICATION TO THE
 OPERATING BUDGET FOR FISCAL YEAR 2002 IN
 THE AMOUNT OF \$50,000; by Medahko; supported by
 McCatty.**

Roll Call #9

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

Motion carried (8-0-0-1)

- E. Acceptance of Contract Modification from Indian Health Service (IHS) and amending FY2002 Operating Budget to include funds in the amount of \$2,165**

**MOTION TO APPROVE RESOLUTION # 02-1030-07,
 ACCEPTANCE OF CONTRACT MODIFICATION**

FROM INDIAN HEALTH SERVICE (IHS) AND APPROVING A MODIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2002 IN THE AMOUNT OF \$2,165; by Porter; supported by Ruiter.

Roll Call #10

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

Motion carried (8-0-0-1)

F. Acceptance of Contract Funds from Bureau of Indian Affairs (BIA) – Roads and Infrastructure and amending FY2002 Operating Budget to include funds in the amount of \$500,000

Parsons asked who would be responsible for the roads for Aki Maadiziwin. Dougher believes Dan Shepard has worked on this. Dougher believes this is the responsibility of the Housing Commission. House believes this agenda item would be through the Planning Department as Shepard was not on the Housing Commission at the time of the original grant was submitted. Sam stated all of the items listed have already been done and the grant asks to submit the subcontractor bids and have a pre-construction meeting and has a concern that this money could not be accepted as the work has already been completed. Parsons asked whose responsibility it is to get this information before Council for approval. Dougher believes Shepard should have brought this forward through the Planning Department and does not know why it has taken so long to get this before the Council.

Medahko stated she would not like to address this issue today and not approve this until the persons representing this item are in attendance at the meeting. Sam suggested a meeting with the Housing Commission, Dan Shepard and Council. Parsons stated would also need a person from the fiscal area. Dougher stated the Tribe has received money prior to this and this may be an extension to that contract but is unsure. Dougher stated there should be some delegation of authority in regards to the terms. Porter stated she couldn't act on this item, as there are too many questions. House suggested that this item be postponed and ask Dan Shepard present a report to the Tribal Council if these funds can be used if the roads are already out there. McCatty asked that this item be tabled in the hopes that this be addressed later today. Dougher stated Shepard is out of town this week and next.

MOTION TO POSTPONE PENDING RECEIPT OF INFORMATION FROM PLANNING AND THROUGH THE OGEMA'S OFFICE UNTIL NEXT MEETING; by Sam; supported by Porter.

Sam suggested looking at legislation regarding requiring compliance so there is clear definition. Dougher stated when the Council accepts a grant there are certain responsibilities for compliance.

Roll Call #11

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

Motion carried (7-1-0-1)

G. Acceptance of Grant Funds from Department of Health and Human Services – Indian Health Service (IHS) – Self-Governance Program Planning Grant and amending FY2002 Operating Budget to include funds in the amount of \$50,000

Matthew Stratton arrived at 12:40 p.m.

Dougher stated Jessica Burger is overseeing this grant. McCatty asked if the Tribe is in a position to accept this grant now or at a future time. Dougher stated this does not commit the Tribe to self-governance.

Bob Hardenburgh left at 12:43 p.m.

Sam stated when the Council accepts these funds the Council becomes obligated also. Sam stated there are certain people on the staff that are more capable than other people. Sam stated she has been through the CFR regulations and it is the Council that is responsible even if the Ogema's name is listed. Sam stated she would like to see better communication. Medahko stated need to be consistent and put this back where it should be and come back to the Council the way it should be brought forward. McCatty stated we could only get this planning grant once ever. McCatty stated there are a lot of policies and procedures that need to be in place first. McCatty asked why we would want to go through this planning process now and believes should wait until we are ready further down the road. Sam agrees with Medahko that we could postpone this item for a week. Sam stated we authorized this grant

and if sent back, may never get this award again. Sam stated if we are going to deny this it needs to be for good sound reasons. Sam stated the planning grant has been awarded and does not want to send back.

Porter and Dougher discussed the issue and processes regarding planning for application for a self-governance status. Parsons stated that there was a work session and the consensus was to move forward with this, even though we knew we were not quite ready. Further, that we were one of five tribes receiving this award, and that we received the highest award. There is a risk if we turn it down, we won't receive it again, and should utilize these funds to determine what we need to do in next steps.

MOTION TO POSTPONE THIS UNTIL WE GET FURTHER INFORMATION REGARDING HOW THIS GRANT IS TO BE IMPLEMENTED; by Ruiter; supported by McCatty.

Roll Call #12

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

Motion carried (6-2-0-1)

H. Approval of Supplemental Appropriation, and Creation of Program Budget, for Internal Audit Department for Fiscal Year 2002

Sam stated the funds should come out of the restricted gaming proceeds account. McCatty asked if it is the intent to have this department being created this year. Sam suggested a work session regarding this item.

MOTION TO POSTPONE UNTIL A WORK SESSION IS SCHEDULED; by Porter; supported by McCatty.

Roll Call #13

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

Motion carried (8-0-0-1)

I. Declaration of Second Legislative Recess for 2002

**MOTION TO APPROVE RESOLUTION # 02-1030-08,
DECLARATION OF SECOND LEGISLATIVE
RECESS FOR 2002; by Porter; supported by Ruiter.**

Roll Call #14

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

Motion carried (7-1-0-1)

VI. Concluding Business

- A. Next Meeting Date(s) – November 6, 2002**
- B. Public Comment Period**

Porter asked why McCatty voted no against the legislative recess. McCatty stated there are two holidays in that time period. Parsons explained that was incorporated.

Speaker Parsons informed that the membership the Council would be going into Closed Session and 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 Ruiter; supported by Medahko.

Roll Call #15

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

Motion carried (8-0-0-1)

This portion of Open Session was adjourned at 1:05 p.m.

The Council reconvened in Open Session at unknown time.

MOTION TO GO INTO OPEN SESSION; by Medahko; supported by Fisher.

Roll Call #16

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

Motion carried (6-0-0-3)

There were no items to be moved from Closed to Open Session.

MOTION TO ADJOURN; by Porter; supported by Porter.


Roll Call #17


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


Motion carried (6-0-0-3)

The meeting was adjourned at unknown time.

Respectfully Submitted,


Mary Bower
Transcribing Assistant


Kathleen Block
Transcribing Assistant


Janine M. Sam
Tribal Council Recorder