

**LITTLE RIVER BAND OF OTTAWA INDIANS  
TRIBAL COUNCIL  
REGULAR MEETING  
SATURDAY, NOVEMBER 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 November 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 Saturday, November 16, 2002, was called to order at 10:08 a.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. Ruitter – Present	J. Sam – Absent

Quorum established.

Others Present: Jo Anne House, Tina Vaquera, Kimberly Alexander, Pat Morris, Leatrice Castonia, Cornelius Deverney, Brian Medacco, Kathleen Block, Norbert Kelsey, Jay Sam, Rick Sprague, Lee Sprague, Towana Sprague.

Lisa McCatty is acting recorder.

**C. Approval of Agenda**

**MOTION TO APPROVE THE AGENDA OF NOVEMBER 16, 2002 AS SUBMITTED;** by Medahko; supported by Kleeman.

**Roll Call #1**

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 – Absent

Motion carried (8-0-0-1)

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

**D. Public Comment Period**

Cornelius Deverney stated he would like voting done at Saturday meetings as regular business is done during the week when no one can attend.

Cornelius Deverney discussed why there was a vote from Council not to go to Wisconsin for a hearing. Porter stated it was voted on by Council and was decided that due to the weekend commitment that it did not pass. Sam stated that the reason was also because of the time element and how much time it was going to add to the process. Deverney stated he now understands the reasoning behind the choosing of the two places and the time element involved.

**III. DEPARTMENT REPORTS**

**A. Human Resources**

Vaquera stated her report is from September when she was originally scheduled to present but due to the Re-Affirmation Day Dinner the regular Saturday meeting was not scheduled. Vaquera stated the goal is to hire Indian Preference according to the personnel manual. Vaquera stated as of September the government had 193 employees and now is up to 199 employees.

Deverney asked why there are so many programs and so many people employed. Deverney asked that we downsize as the government used to be ran on 20 or 30 people. Porter asked Vaquera to answer how many different departments there are and how many people are employed in those departments. Vaquera stated she does not have that information. Deverney responded that it's cheaper to hire someone that is an apprentice then to hire someone who is a journeyman.

Yvonne Parsons and Norbet Kelsey arrived at 10:24 a.m.

Parsons stated there is information in the Director of Operations that may be helpful and once it is accepted could provide that information to Deverney.

Bennett asked what the four postings are that are currently up. Vaquera stated there is an opening in surveillance, two in family services and a secretarial position.

Jay Sam arrived at 10:26 a.m.



Castonia asked for the break down of what positions are funded by grants and what is funded by the Casino. Jay Sam stated wage information is protected information.

Norbert Kelsey asked what law there is that states we can't give out Tribal salaries. House stated it is not a federal or state law it is a Tribal law. Parsons stated this has been discussed but we would need to pass an ordinance or some other type of legislation to make it public.

Parsons stated the Council in conjunction with the Ogema are working on a wage study and are currently being looked into but do not have any final outcome of that.

Sam spoke that there are employees right now that the Tribal Council found, that like positions in other Tribes, were underpaid. Sam stated she would like to go back to the 2000 wage scale, add the COLA increases and reset the wages as there are wages that are outside the wage scale. Bennett stated she wants to see her Tribe grow and prosper and have the membership get some money. Bennett wished the wages were lower and she feels that they are way out of bounds.

Cornelius Deverney has been trying to get a look at the contract with Cunningham-Limp and wants to know why he can't get permission from the Council to view this contract. Parsons believes this was done in Closed Session and is proprietary information. Parsons asked Fisher if once the contract is completed the document could be viewed. Fisher does believe that is true. Fisher stated we still need to finish the financial review.

Norbert Kelsey asked if there is a committee of who determines the rate of employees. Parsons stated this is one of the issues we are trying to get at with the wage study. Parsons stated Council is looking at establishing a wage and study grid. The Ogema stated he spoke with Vaquera and has been assured the report would be on the Council agenda next week.

Bob Davis arrived at 11:07 a.m.

**MOTION TO ACCEPT THE HUMAN RESOURCES REPORT;** by Sam; supported by Kleeman.

**Roll Call #2**

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. Education**

Yvonne Parsons distributed her report for all of the programs within the Education Department. Y. Parsons gave a brief overview of statistics.

Richard Sprague, Towana Sprague and Lee Sprague arrived at 11:16 a.m.

Medahko stated she is pleased with the accuracy and preciseness that Y. Parsons report is given with. Medahko spoke of the need for support staff in the Education Department and believes Education is very important. Medahko stated she would support adding a staff person in that area and believes good ideas have come from the Education Department. Medahko stated Education is a top priority for the Tribe.

Deverney asked if there are any restrictions of receiving a computer, like they have to finish high school. Y. Parsons stated there is no restriction. Deverney asked if there is any way to follow-up to see that they do finish school. Y. Parsons stated there is a belief that people abuse the system but she does not find that as being true in her department. Sam supports getting additional staff in this department. Sam stated there is a lot of outreach done through the department to have people who graduate from high school to go on to college.

Kelsey spoke of the unmet need of the students and would like to think of upping this amount. Kelsey asked about spreading the program to Muskegon and possible tutoring there. Kelsey stated if there is a need in Muskegon for tutoring he would like to offer his services for that in math.

McCatty asked if the Education staff still goes into schools. Y. Parsons stated this was done by Bridgett Cole through the Title IX, which we do not have anymore. Medahko stated our Indian children do not want to admit they may have learning problems.

Brian Medacco asked how the unmet need is figured out. Y. Parsons responded that each college figures out how much the educational budget is each year for a student. Y. Parsons stated once a school knows the scholarship amount they will automatically fill that out as part of the family contribution.

**MOTION TO ACCEPT THE EDUCATION DEPARTMENT REPORT AS PRESENTED; by Sam; supported by Kleeman.**

**Roll Call #3**

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)



### C. Enrollment

Kimberly Alexander distributed the Enrollment Department report to the Council. Alexander gave a brief report of statistics within the Enrollment Department.

Medahko stated Enrollment is also understaffed and is in support of additional staff for that department. Medahko asked if there was a plan to move to a bigger space. Alexander responded that Enrollment will be moving into the court space when the court moves to Newland in a few weeks.

Bennett asked for a work session with Enrollment in regards to blood quantum, what it takes to figure blood quantum, why this goes beyond Durant Roll. Bennett stated she does not believe that there should be an audit on the work that has been conducted. Bennett ensued in a discussion of her opinion on how enrollment files are processed.

Davis stated the Enrollment Department makes no decisions and those decisions are made by the Enrollment Commission. Davis stated Enrollment has taken direction from the legal staff.

Norbert Kelsey asked if there is an appeal process and how many commissioners there are? B. Medacco responded there are currently 6 members on the commission. Kelsey asked that the commission be enlarged to at least 9 or 11.

Cornelius Deverney asked why we would go any further than the Durant roll. Deverney stated Alexander is being directed by the legal staff and that she is not a legal counselor. Sam stated the audit was the result of the changes in the Enrollment Ordinance. Sam stated there were Council members in this room that raised the question of blood quantum and the intent was to audit every single file so that way all of the members at that time, the files had integrity and the practices were appropriate. Sam stated the legal staff is not directing the audit.

Lisa McCatty asked about the current enrollment numbers. Alexander stated the amount is 2,800 as of today. McCatty asked of the pending applications and if any are over 1 year old. Alexander stated they are not.

McCatty spoke of flowers being sent for members who have passed away and why this is not being done. McCatty would like the Ogema to commit to sending flowers for people who have passed away. The Ogema stated he would gladly commit to every family on behalf of the Tribe and have Council review the card being sent.

Deverney asked if there is such a thing as Tribe jumping because money is being sent out for per cap and if there is something in place to stop this. Parsons is not aware of a specific policy in place. Alexander stated it is up to six years that they can't reapply. The Ogema stated Tribe jumping happens all the time but you can only belong to one Tribe

Bob Davis agrees that we should acknowledge the members who have gone through the western door. Davis stated in the past when flowers were sent there was inconsistency and there were questions why money was spent to send flowers. Bob Davis stated there should be a formal motion in a Tribal Council meeting that we have heard members at a meeting and Council is in agreement to send flowers, who should do it, whose budget is it coming from and all. Davis stated it is important to have this documented in a governmental record.

**MOTION TO ACCEPT THE ENROLLMENT  
DEPARTMENT REPORT AS SUBMITTED; by Kleeman;  
supported by Medahko.**

**Roll Call #4**

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)

Council recessed at 12:53 a.m.

Council returned from recess at 1:02 p.m.

**IV. ACCEPTANCE OF REPORTS**

**A. Report of the Tribal Ogema**

**1. Financial Report**

McCatty spoke of the financial report received for April, in June for April, in July for May, in August we did not receive a report, in September we received June, in October we received July, we are in November and we have no report since July. McCatty stated we have not received a financial report for the last three months and if we do not receive one soon it will be four months.

The Ogema stated there is a report in accounting waiting to be signed that needs the Ogema's signature, which he stated is his fault. The Ogema stated there were emergency issues that came up that prohibited him from reviewing the financial statement.



Bill Brooks arrived at 1:20 p.m.

Bob Davis stated if Council received a statement today it would be for the end of September 30, 2002, as there is not enough time to prepare the statement for the Council as we need to wait for invoices to be reconciled. Davis stated it is not possible to submit a report 15 days following the end of the month. McCatty stated the Council has received statements within that 15 days and asked if Davis is suggesting those reports may not be accurate. Davis stated that is correct.

Sam believes Bob Davis is here making excuses for someone else that is not here. Sam stated there are longstanding issues and there has not been one financial statement that meets GAP. Sam stated the director of this department has an obscene amount of salary and we are paying this for incompetence. Sam stated we have never had a year-end statement for the Tribe for 1999, 2000 or 2001. Sam stated the Constitution states the Ogema is responsible and the Ogema has staff people that he depends on. Sam asked how long we are going to accept this level of incompetence and heavy salaries are being paid for it. Sam stated she has not gotten an accurate financial statement for the two years she has been on the Council. Sam stated the Ogema should address it, get rid of them and hire someone new. Davis cannot particularly address why the financial report is backlogged.

Bob Davis stated the financial statements accepted by the Tribal Council and the audits are available to the membership during normal business hours and members are free to look at those whenever they would like. Davis stated he is looking forward to the closeout for the 2001 audit so the un-based allegations of impropriety can be put to rest.

Pamela Medahko left at 2:14 p.m.

It was noted for the record that there was no financial report.

The Ogema stated when the Lewis audits were being discussed, it was decided that it was improper and that is why there is a new auditor. The Ogema stated he has learned when you take an action it needs to be fully defendable. The Ogema stated he is responsible to all 2,800 members and the 9 Council members. The Ogema prefers to wait for the audit responses first before he takes any action. The Ogema is not a supporter of at will employment. The Ogema believes one of the problems is the internal communication within the accounting department. The Ogema

believes his actions should be defensible by his own court and states that will be the case.

## **B. Director of Operations Report**

Bob Davis stated are making good progress on several key issues. Davis stated the personnel handbook has been given to the management team with the help of Jo Anne House, Steve Parsons and John Bussey with feedback to be concluded by Thanksgiving.

Bob Davis spoke of the 2003 proposed budget. Davis stated by December 1, 2002 there will be a budget with budget narratives submitted to the Council.

Janine Sam asked who would be the party to approve Dale Magoon's vacation time. Bob Davis stated Dan Broton would approve the vacation. Sam stated the CMT is in the process of closing the financials for the Casino project and how are the needs of the Tribe balanced against the flexibilities of the employee's schedules. Fisher responded to the absence of Magoon affecting the project and responded that it did affect the project somewhat. Fisher stated Cunningham-Limp has placed a fair amount of pressure on the Tribe to go forward. Fisher stated Magoon's presence may have facilitated some of the findings to better address Cunningham-Limp's issues.

Janine Sam spoke of Walking Shield and how the commission feels it should be discontinued and Fisher and Dan Shepard were going to provide an update to Council on this. Sam asked that a cost analysis be done for this item. Fisher stated he will be speaking with Shepard this week and this certainly warrants discussion.

Richard Sprague spoke of a conflict of interest with our chief law enforcement officer being on the Construction Company Board. Sprague stated his strong opinion that our chief law enforcement officer or anyone who is in that kind of position should not be on any Commission or Board whatsoever.

McCatty asked if the new financial statement was going to affect the August report that Council hasn't received as of yet. The Ogema stated that it should not have any affect.

McCatty asked about the accounting staff proofreading and editing the newsletter and why is someone in accounting doing this. Davis stated that this person doesn't edit the newsletter; she just reviews it because she is very detail oriented. McCatty expressed concern that things aren't being handled in a timely fashion but accounting personnel is proofing reading the newsletter.



Cornelius Deverney, Leatrice Castonia, Pat Morris, Richard Sprague, Towana Sprague and Lee Sprague left at 2:58 p.m.

Elaine Porter stepped out at 2:58 p.m.

**MOTION TO ACCEPT FOR FILING THE DIRECTOR OF OPERATIONS REPORT;** by Kleeman; supported by Ruiter.

**Roll Call #5**

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

Motion carried (7-0-0-2)

Elaine Porter returned at 2:59 p.m.

**C. Attorney Report**

Parsons stated Bill Brooks was here earlier today but had a family emergency and had to leave. Block distributed the written report to the Council.

**MOTION TO ACCEPT FOR FILING THE TRIBAL ATTORNEY LEGAL DEPARTMENT REPORT FOR OCTOBER 2002 DATED NOVEMBER 14, 2002;** by Sam; supported by Kleeman.

**Roll Call #6**

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

Motion carried (7-1-0-1)

**V. ACCEPTANCE OF COMMISSION REPORTS**

**A. Binojeeuk Commission**

Porter stated she was asked by Medahko to express that she will submit two months worth of reports next month. Porter stated Medahko had an appointment she had to attend.

**B. Enrollment Commission – October 2002**

Parsons stated there was no Enrollment Commission report submitted for October 2002.

**C. Gaming Commission**

House reported that she attended a Gaming Commission meeting by request in regards to chapter 10 Compliance Regulations. House stated that she went over the regulations with their Council and that they spent a lot of time going over the accountability of the employee and what they are held accountable to follow.

Parsons brought up the issue of the Gaming Commission requesting stipends for six meetings per month. House stated this would need to be done by resolution. Parsons asked if it is the intent of this being included in the report that this is a formal request. Parsons asked Porter if extra meetings are needed and should bring that forward for vote to Council.

**MOTION TO ACCEPT FOR FILING THE GAMING COMMISSION REPORT;** by Kleeman; supported by Ruiter.

**Roll Call #7**

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

Motion carried (7-1-0-1)

**D. Housing Commission**

**MOTION TO POSTPONE UNTIL WEDNESDAY;** by Kleeman; supported by Sam.

**Roll Call #8**

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

Motion carried (8-0-0-1)

**E. Natural Resources Commission**

Parsons stated we have a report for August 2002

**MOTION TO ACCEPT FOR FILING THE AUGUST 2002 NATURAL RESOURCES REPORT;** by Kleeman; supported by Ruiter.

**Roll Call #9**

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

Motion carried (8-0-0-1)



**VI. ACCEPTANCE OF COMMITTEE MINUTES**

**A. Elders Minutes - 11/2/02**

**MOTION TO ACCEPT FOR FILING;** by Kleeman; supported by Ruiter.

**Roll Call #10**

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

Motion carried (8-0-0-1)

**VII. ACCEPTANCE OF MINUTES & REPORTS FROM OTHER ENTITIES**

**A. Health Board**

The Health Board has not met.

**B. Education Committee**

Parsons stated that the Education Committee did meet and discussion there was enough applicants for the Education Committee and consider being an Ad-Hoc Group.

**C. Little River Maintenance and Construction Company Board**

Fisher stated there was no written report and does not have that responsibility personally. Fisher stated there is a meeting with Council on November 21 and there will be a lot of questions and answers during that time.

Porter would like to propose cut off all Tribal funding for this entity. Fisher stated this is a possibility.

Sam would like to see a profit and loss statement for the company. Sam would like to know if the Construction Company is getting enough jobs to substantiate the wages that are being paid. Fisher stated there was some information that was discriminated that he wishes to be copied for the Council. Porter stated the Board has refused to come forward and answer the questions that have been asked in public forum.

**VIII. LEGISLATIVE UPDATE**

**A. November Report**

There was no formal report done.

House stated she would be out of the office on December 5 and 6 and December 13, 2002. House stated she is recommending that all directors attend audit training along with a Council member.

House stated she would get the Council an updated report next month.

**IX. CONCLUDING BUSINESS**

**A. Next Regular Tribal Council Meeting: November 20, 2002**

**B. Public Comment**

No public comment.

**C. ADJOURN**

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


**Roll Call #11**

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

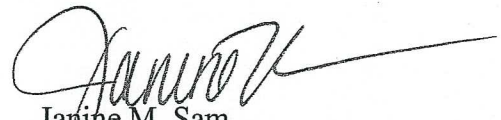
Motion carried (8-0-0-1)

The meeting was adjourned at 3:55 p.m.

Respectfully submitted,

  
Mary Bower  
Transcribing Assistant

  
Kathleen Block  
Transcribing Assistant

  
Janine M. Sam  
Tribal Council  
Recorder