

APPROVED
12/12/01



LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
SATURDAY, NOVEMBER 17, 2001
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 17, 2001. Following are the minutes of that meeting.

I. Opening Prayer

The Tribal Council engaged in silent prayer.

II. General Business

A. Call to Order

The regularly scheduled Tribal Council meeting of Saturday, November 17, 2001, was called to order at 10:16 a.m.

B. Roll Call

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

Quorum established.

Sam noted that Kleeman did call and was experiencing car trouble.

Others Present: Kathleen Block, Bob Davis, Robert Torrie

C. Approval of Agenda

Fisher distributed CMT report to Council for review.

MOTION TO APPROVE AGENDA WITH CHANGE OF DELETE ALL OF SECTION IV, A THROUGH E, UNDER V, B AND C, AND UNDER SECTION 6, A AND B; by Parsons; support by Sam.

Roll Call

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

Motion carried (7-0-2-0)

D. Public Comment Period

No public comment.

III. ACCEPTANCE OF REPORTS

A. Report of the Tribal Ogema

1. Financial Report

This report has been separated out into Open and Closed Session. McCatty asked to remove this item from the agenda, as the Ogema did not sign this document.

MOTION TO POSTPONE ACCEPTANCE OF THIS REPORT UNTIL THE WEDNESDAY, NOVEMBER 21, 2001 MEETING; by Sam; support by Porter.

Roll Call

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

Motion carried (7-0-2-0)

B. Director of Operations Report

Davis stated making progress on the employee handbook. He will distribute this to the directors next week and let them review and make comments on the draft. Working with HR and legal department to finalize some portions of the book regarding hiring practices, grievances and Indian preference. Directors are working on their department policies. Davis stated that his plan is to have procurement policies done by Broton by Monday. Parsons had concern regarding travel policies. Davis has made no denial of reimbursement to date. Parsons stated people feel that they can't ask for an exception and that they are stuck with the FTR rate. Davis stated we do need to smooth the travel policy. Sam stated when Council traveled recently that they were told they didn't have to pay hotel pay advance they received when there was no out of pocket expense for hotel. Ruiter stated it is easier to just use the credit cards for everything. Davis will look into a credit card for travel. McCatty stated that the current policy states that you receive 25% of the amount if there is no room rate charge. Sam stated that the Tribe receives a master bill for the credit cards. Michelle Lucas has taken some time during her maternity leave to redraft the travel policies.

Sam had question regarding the last page of the report, under Eljean Kizer's report. She was initially hired under contract to assist with the FF&E purchasing of the casino and Sam would like a report regarding how her job has changed, if that job was posted, how it was filled and if she is still under contract or not. Fisher stated that all of this has not been worked out. Davis stated she was brought on board to help out with the FF&E specifically in mind, however, she was brought on as a more generic project accountant and as the need has arisen with the housing development project getting rolling, the housing department asked for some assistance for an account to help pull together and create a budget for that project. The FF&E was not yet going along yet. Sam would like to see the original job description she was hired under and would like to see the paperwork when she was hired in and entered into the payroll system. She would like to see if there has been any changes in regards to pay rate versus what she was originally hired for and things in the like. McCatty asked about any people receiving new titles and new wages. Sam had concern about giving Tribal members a chance at a position and not move non-Tribal people's titles and pay range. Bennett stated maybe people are getting a fancier name and not necessarily a title change and wage change. Davis stated he could have Vaquera run through the list of current job titles of people who are currently employed here and what their responsibilities are. McCatty asked about the job hotline number in the HR department. Davis stated this is listed in the newsletter every month.

Parsons noted on page 12 under Extended Health Services that the printer was down and not functioning and therefore there was a hold up in processing applications and would like to know the status of that. Sam stated there is a packet of information that you receive when you sign up for CHS and she believes this is what was not received because of the printer being down.

Ruiter asked about the temporary accounting position. Davis stated this job was never posted and the person is helping out until the end of the year. Davis stated this was a decision that he made. Davis stated he knew the person needed a job and asked if he would like a temporary job. There is a job description for this position. Sam stated that we need to apply policy that this person cannot apply for a full time position. He is filling in for Michelle Lucas while she is on maternity leave. The policy has not been changed. They cannot be hired into the SAME job if hired temporary.

McCatty asked about lead IS technician position and that persons' last day, if still will be there and when are they leaving. She asked if would have to contract this position if not filled by the beginning of the year. Davis stated the person may stay in their position.

Ruiter asked about Tribal Council Assistant position. Parsons stated that interviews are scheduled for November 26th.

Sam asked for 5 year number projections for the budget for Monday from Davis.

Sam raised concerns regarding senior management being gone at the same time. Sam has concern with vacation time being allowed during a crucial time of the Tribe. Sam stated does not want an administrative assistant to make decisions that may be out of the realm of their duties and working outside the scope of their authority. Management team meeting times will be given to Council by Davis. Davis stated they can approve a check or purchase request. Porter stated Davis should be using an Administrative Assistant as a conduit as to whether Davis needed to be called or not. Program Director would be able to sign off on a check request. House suggested reviewing Executive Order regarding delegation of duties, authorities and responsibilities of Director of Operations. Davis stated he has asked the Ogema to clarify that order. Parsons stated he received an Executive Order from the Ogema regarding delegation and authority in the Ogema's absence.

Porter noted that Tammy Carter had a good, lengthy report.

McCatty asked if we had two separate Halloween parties. Davis stated we had one Tribal Halloween party.

Bennett asked about Christmas party and spending of \$8,000 and we only serviced 66 Tribal member children. Bennett states this account was never closed and wants to know where all the money went. McCatty stated we received a one-page report but the numbers did not add up to her. Bennett is asking for a whole accounting report regarding last year's Christmas party. Davis stated there are approximately a dozen people on this year's committee. Kids over 16 will receive a \$20 certificate. Porter stated this is a religious event and should be the thought of the season and not people getting greedy. Porter asked if this is something we want to continue and sponsor if it is going to continue all kinds of uproar and problems within our own community. Davis did not have any input and the Christmas party has been totally organized by work group. Davis stated that an invitation is going to be sent to every household. McCatty stated the party last year was intended to be a Tribal party not a children's party. McCatty noted that Sheri Hunt stated that no one would be excluded this year. There will be no gifts for the adults.

Sam asked about a staff Christmas party. McCatty stated it is scheduled for the 2nd Saturday of the month. Sam asked if any thought has been given to giving merit recognition. Bennett stated we need to have staff

recognition and staff parties. Porter wanted to recognize that this is an Operations function. Davis stated the date for the staff Christmas party has been set for December 8. There will be a cash bar. This is funded with Tribal funds. Bennett states that we should be included with the casino group.

Fisher stated he would like to throw a pig roast for the construction workers sometime before Christmas.

MOTION TO ACCEPT THE DIRECTOR OF OPERATIONS REPORT, AS PRESENTED; by Sam; support by Porter.

Roll Call

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

Motion carried (7-0-2-0)

C. Attorney Report

McCatty asked when Karen Lewis became a paralegal. House stated she believes that she has been a paralegal from the get go.

MOTION TO TABLE THE ATTORNEY REPORT TO THE CLOSED SESSION OF THE WEDNESDAY, NOVEMBER 21, 2001; by Sam; support by

Council recessed at 11:32 a.m.

Council reconvened at 11:43 a.m.

Ruiter has not arrived from recessed.

Roll Call

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

Motion carried (5-1-3-0)

IV. ACCEPTANCE OF COMMITTEE MINUTES

V. ACCEPTANCE OF COMMISSION MINUTES

A. Enrollment Commission

Thursday, September 6, 2001. Checking the files and met one of the other requirements. This comment concerns McCatty. McCatty stated they need to meet all of the requirements. Porter stated only have to met only one of the OTHER criteria. Sam asked if there was anything in the enrollment ordinance that would state how they need to do their minutes. House stated that there may be something in the Commissions Ordinance. Sam asked why there is no specifics in the minutes. House stated there is nothing confidential that couldn't be listed in the minutes. Sam we need to prescribe to the Enrollment.

MOTION TO HAVE THE 11 DENIAL LETTERS SENT TO COUNCIL WITH NAMES BLOCKED OUT; by McCatty; support by Bennett.

Fisher stated one letter might suffice but that it may be different reasons of why denied. Parsons asked why we would request the letters that Enrollment is sending. McCatty stated that would like to see what content is in these letters and do a spot check for reasons why they are denied. Sam asked that Council may request from time to time information pertaining to this. House stated getting examples is probably a good thing. House suggested get processes and ask if is this a form letter and want to make sure that the processes are correct. Sam wants to make sure that with an application that an enrollment ordinance is sent. Parsons stated that enrollment has requested a work session with Council and we may be able to bring these issues to them at this time.

Roll Call

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

Motion carried (5-1-3-0)

MOTION TO ACCEPT THE MEETING MINUTES OF THE ENROLLMENT COMMISSION OF AS SUBMITTED; by McCatty; support by Fisher.

Roll Call

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

Motion carried (6-0-3-0)

B. Housing Commission

10/15/01 – Fisher stated the Housing Commission were entertaining if Michelle and _____ should get retroactive pay. They were denied but Fisher did point out.

MOTION TO ACCEPT THE OCTOBER 15, 2001 HOUSING COMMISSION MINUTES; by Sam; support by Porter.

Roll Call

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

Motion carried (7-0-2-0)

Roll Call

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

Motion carried (7-0-2-0)

10/22 and 10/30/01

MOTION TO RETURN THE OCTOBER 22 AND OCTOBER 30, 2001 MINUTES OF THE HOUSING COMMISSION BE RETURNED TO THE HOUSING COMMISSION FOR CLARIFICATION; by McCatty; support by Sam.

MOTION WITHDRAWN BY MCCATTY AND SAM.

MOTION TO HAVE THE TRIBAL COUNCIL RETURN THE MINUTES OF OCTOBER 22 AND OCTOBER 30 MINUTES TO THE HOUSING COMMISSION FOR CLARIFICATION FOR BOTH SETS OF MINUTES; by Sam; support by Porter.

Roll Call

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

Motion carried (7-0-2-0)

C. Natural Resource Commission

10/17/01 – Porter stated there were several minutes approved in the minutes but doesn't recall seeing them. Joe LaPorte brought up Custer property and there are known burial grounds and need to have that area fenced. Sam is not in favor of opening that property. Sam suggests Willis and Jay Sam go out there for NAGPRA. Sam has concern of the sacredness of that property. Friendly neighbor policy – Bennett has issue with the mounds also. Bennett states that should have bones moved to one area. Bennett and Ruiter are for posting the property. To purchase land and restrict usage is a government. - - - - clarify. House suggested having a work session with Natural Resources to clarify what the plans are for the property. Porter states wants to see more of a permanent plan for the property. McCatty states a response was not given to them by Natural Resources to Public Safety. McCatty suggests requesting a copy of that letter that should have been sent.

Partons stated that the minutes stated a work session with Council, public safety and Natural Resources was to be scheduled. Porter states it was their responsibility to do this.

MOTION TO ACCEPT THE OCTOBER 17, 2001 NATURAL RESOURCES MINUTES AS PRESENTED; by Sam; support by Porter.

Roll Call

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

Motion carried (6-1-2-0)

Sam asked if there was a zoning ordinance was in progress. Sam asked for areas of cultural significance for zoning.

MOTION TO CONTACT NATURAL RESOURCES TO SUGGEST A WORK SESSION REGARDING THE MASON COUNTY PROPERTY ALONG WITH PUBLIC SAFETY; by Fisher; support by Sam.

Roll Call

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

Motion carried (7-0-2-0)

VI. ACCEPTANCE OF MINUTES & REPORTS FROM OTHER ENTITIES

A. Election Board

Roll Call

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

Motion carried (8-0-1-0)

B. Health Appeals Board

Roll Call

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

Motion carried (8-0-1-0)

C. Little River Casino Resort Business Board

All closed session items have been put in the Wednesday packet by Block.

Parsons asked if there was any information in the Business Board minutes that we couldn't put in open session? McCatty asked if they should be moved to Closed Session. Sam stated the only item that may be different is capital expenditures, which she believes is open anyway.

6/15/01 -

MOTION TO POSTPONE APPROVAL OF ALL BUSINESS BOARD MINUTES TO WEDNESDAY, NOVEMBER 21, 2001 CLOSED SESSION AGENDA; by Ruitter; support by Sam.

Roll Call

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

Motion carried (7-0-2-0)

D. Little River Maintenance and Construction Board

Fisher stated have not met since the last meeting. The roof was probably completed yesterday. The subcontractors are requesting payment. Fisher stated there was a meeting scheduled for this coming Thursday that will not be occurring. Sam stated some issues. Sam stated this is a separate entity of the Tribe. Sam stated CMT should write their own purchasing

policies and back bill for accounting services being provided. Need to have cleaner separation. Need to have someone with authority for time sheets on Construction Company's behalf. Fisher stated do have an internal system now. Fisher stated were moving in the opposite direction of what Sam stated. Fisher stated they were looking for more integration. Fisher would like to discuss the company and discuss how we envision moving forward. Sam stated construction is a highly liable field. Fisher would like to work hand and hand with the Tribe in terms of its development. The company is in its infancy and will require the support of the tribe basically to flourish. We are getting more contracts and there does seem to be cooperation on the part of the Tribe and on the part of Housing. We are still operating without a manager. Fisher asked if budget was in the Tribe's budget. Sam stated it is not and stated that this should be a separate item. Fisher will bring this to the Board's attention at their new meeting. Board has been asked to bid to rebuild a home within Manistee who is not Tribal. House stated that these do need to be separate entities. Discombutated (confusing). Ruitter asked about manager and Fisher stated are still looking for a manager. Fisher stated it has been posted and not real sure. Sam stated Ho Chunk had recruited someone for their operation. Parsons asked about De Vere Construction? Fisher stated this may be a possibility.

**MOTION TO ACCEPT THE REPORT
 OCTOBER/NOVEMBER 2001 FROM MAINTENANCE
 AND CONSTRUCTION COMPANY AS SUBMITTED; by
 Parsons; support by Bennett.**

Roll Call

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

Motion carried (6-0-2-1)

E. Construction Management Team

MOVE THIS DOWN ONE.

**MOTION TO POSTPONE THE REPORT TO NOVEMBER
 28, 2001, CLOSED SESSION SUBMITTED FROM THE
 CONSTRUCTION MANAGEMENT TEAM; by Porter; support
 by Sam.**

Roll Call

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

E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes
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Motion carried (7-0-2-0)

AMEND BY INCLUDING THE REPORT WILL BE MOVED TO CLOSED SESSION ON NOVEMBER 28, 2001; by Sam; support by Porter.

Roll Call

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

Motion carried (5-2-2-0)

Porter raised question of receiving the reports earlier instead of tabling items. Sam asked if we want to adopt a resolution specifying due dates for Saturday meetings materials. Parsons stated materials are only up to end of the previous month and they have 3 weeks to prepare information for the Saturday meeting. Sam stated she would like an ordinance completed of when material is to come to Council for meeting packets.

Sam stated do not recognize executive orders signed by the Ogema. House suggests putting this in a work session with Council for the next calendar year and this should be established in that resolution. McCatty asked about Executive Director 11-1201 signed by the Ogema.

VII. LEGISLATIVE UPDATE

House stated review of some of the existing ordinances. Election Ordinance there is a 30 day timeline for stipends. Commissions Ordinance work session has been scheduled. New stipends were not addressed and are immediate application. Budget and appropriation ordinance – revenue allocation ordinance without percentages. McCatty asked for copy of Revenue allocation plan. Block will provide copy for Council. Work session with Ogema, CFO and Director of Operations to go over process of budget and appropriation ordinance. Porter asked if this could be included in Monday’s meeting to review the Tribal budget.

Parsons stated that work session attendance is spotty. Sam stated that if a Councilor cannot attend a work session that they need to give their written feedback ahead of time. Ruiter stated that if she is not at a meeting it is her responsibility to get the information that occurred at that work session. Porter states Councilors are not coming to work sessions “just because”. Porter wanted to remind everyone that they are getting paid.

Employment laws – 3 are actively being worked on – for Tribal Administration. It is very much like the Casino Board of Review and tweaks

are being done, Indian preference, and ordinance for separating laws of employment and drafting those regulations. Continuing to work on the Committee Ordinance. Building ordinance and zoning ordinance are currently being worked on. Areas of cultural – will work in this into an ordinance. Thought had referred the larger question to Dan Shepard for Land “ “. Should adopt ordinance specifically to Aki Maadiziwin if that is what it is for. Corporation laws – laws that allow tribal Governments to create corporations at two different aspects – private – non-revenue. One would be 100 % stocks by Tribe – private by personal Tribal member.

Administrative procedures act – executive orders, etc. House is still doing re-drafting of this. This is on the back burners. Sovereign immunity is still in back burner also. Still waiting for stabilization. Looking at purchasing policies of accounting and will have affect on this. McCatty asked about stipend for committees. House stated this has not been finalized. McCatty asked about 5 months – land acquisition and health committee – no postings for these committees. House has no idea. Her understanding is that health committee does not exist because of health appeals board. Land Acquisition has died out. House recommends leaving them as they are until receive committee ordinance. Kathy Bernensten for Health – Bob Hardenburgh for Land Acquisition committee have been contacted. Sam suggested looking into creating “office of reservation” – Jim Wabinado works for his wife’s tribe and director of “land office”. This would be more efficient for the Tribe. It would be recommended to put into next year’s budget and hiring in September. House will look into how other Tribe’s have set up this type of committee.

VIII. CONCLUDING BUSINESS

- A. Next Regular Tribal Council Meeting: November 21, 2001**
- B. Public Comment**

Robert was accosted by State Police and medicine bag was taken out. Enforcement officers were contacted. He was told they will get back to him from the law enforcement officers. His medicine was disgraced and dumped out. Need to keep this community in harmony. The police did not ask for permission to open their medicine bag.

Having difficulty getting back to work for the casino. He has papers that he can go back to work but he has been released to go back to work. He has had a couple of surgeries on his hands. Not able to get into the casino in any capacity. Bennett asked if they saved his old job. Robert stated they did not. There is a policy that if you are off so much that you don’t have a job. He was supposed to go back August 6 and he was sent a letter July 27 stating he did not have a job.

Robert waives his ability to go into Closed Session.

September 21 was stopped by police. Reported to Tribal police very next day. Took affidavits and has not heard anything since September. Parsons asked to follow-up with Public Safety. He was told that this could be a federal issue. Fisher stated we are trying to establish a deputation agreement with the area police forces.

Robert provided Council with land acquisition information that may be helpful.

House recommended that Guenthardt follow-up with the issue of the police and how these items will be processed on a government arena. Believes it should be moved from public safety level and moved to government issue. Parsons will follow-up with Guenthardt.

Interim benefits ordinance and what steps would be taken. Sam drafted outline of steps that had talked about taking of how we would implement any extended benefits of the Tribe. Cultural value of the people, Kenny Pheasant, per cap is terms of federal government, "sharing our resources equally among the people" and are resources of the Tribe. Sam has an outline proposed based on that aspect of this and actually incorporating our language in this process. This will be provided for agenda review on Tuesday.

IX. ADJOURN

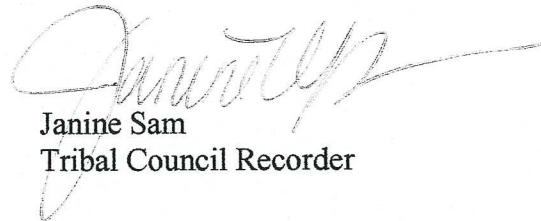
MOTION TO ADJOURN; by Ruiter; support by Bennett.

1:35 p.m.

Respectfully Submitted,



Kathleen Block
Transcribing Assistant



Janine Sam
Tribal Council Recorder

