

APPROVED
1/30/02



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, DECEMBER 5, 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 December 5, 2001. 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, December 5, 2001, was called to order at 1:06 p.m.

B. Roll Call

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

Quorum established.

Others Present: Jo Anne House, Kathleen Block, Leatrice Castonia, P. Morris, Gary Markowski, John Bussey, Melissa Kleeman, Barbara Kleeman, Medacco, Al Medacco, Bill Brooks, Tom Davis, Bob Frasier, Jim Clements, Matthew Stratton, Barb Wheeler

C. Approval of Agenda

- An amended Agenda was presented.
- a) Sam requested removal of Item E from the Agenda due to postponement of the function for veterans in Washington D.C. Sam stated this item will be appearing on an Agenda in the future depending upon when the ceremonies are rescheduled.
- b) Sam also requested striking ... and Request Executive Order from President Bush.. from Item F New Business this portion is covered in New Business Item H

- c) Fisher requested addition of III . B. 6 Art Viewing – Detroit, December 17th

MOTION TO AMEND THE AGENDA AS OUTLINED; by Parsons, support Sam

Roll Call

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

Motion carried (7-1-0-1)

D. Tribal Council Minutes

11/14/01 – Open Session

MOTION TO APPROVE THE WEDNESDAY, NOVEMBER 14, 2001 OPEN SESSION MINUTES; by Kleeman; support by Ruiter.

Roll Call

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

Motion carried (8-0-0-1)

Porter arrived.

E. Public Comment Period

Al Medacco stated that people were asking if Veterans can be present during government meetings to assist in keeping order. Stratton invited Council to attend the Veteran meetings and would be of great benefit to the group. The Veteran's meetings are held before Elders meeting at 10:00 a.m. at the Community Center.

III. Continuing Business

A. Grants & Contracts

1. Resolution of Support for Brownfield's Assessment Grant

The City of Manistee will also apply for a Brownfield's Grant. J. Bussey stated the City of Manistee will support the Tribes application and is requesting support from the Tribe. Bussey believes there is enough need to support both grants. It was noted the Tribe has received letters of support from Levin, Stabenow, Mead and Northwest Michigan Council of Governments for the Brownfields Assessment Grant. The grant would be

for \$200,000 for assessing Tribal lands, in particular, the Big Blue building area. The purpose of the grant was for testing of the land and would be a "stand alone" grant meaning no Tribal match will be required.

**MOTION TO APPROVE RESOLUTION # 01-1205-01,
BROWNFIELD'S GRANT; by Kleeman; support by Ruiter.**

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)

2. CMT Business

1. Bulletin #36

The CMT presented Bulletin #6 requesting additional cable tray. This would increase the guaranteed price by \$5,500 for surveillance, IS, and video equipment. Description of the cable tray was stated.

**MOTION TO APPROVE RESOLUTION # 01-1205-02,
AUTHORIZING THE CONSTRUCTION
MANAGEMENT TEAM TO EXECUTE BULLETIN
NO. 36 AND DEVELOP A CORRESPONDING
CHANGE ORDER TO ADD AN ADDITIONAL
CABLE TRAY IN THE BACK OF THE HOUSE
AREA THAT WAS NOT PROVIDED FOR IN THE
BASE SCOPE OF WORK AT A COST OF \$5,500.00;
by Fisher; support 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)

2. Bulletin #38

CMT presented Bulletin #38 for Interior Signage Corbin Design has been working with Cunningham-Limp to design a signage package. Decisions regarding all signage were not made when Cunningham-Limp's presented their base scope of work because it was too early in the design stage to decide which signs would be electrical. Porter reiterated there was no spare electrical power for

the casino. Frasier confirmed this. Kleeman pointed out the money amount in the resolution to be incorrect. Fisher stated the resolution amount should be \$16,720 not \$12,700. Frasier stated the dollar amount was not only for casino signage but included other interior lighting. A discussion ensued regarding if this should be considered a capital expense. Because it was during construction it was the consensus of the Tribal Council this would not be a capital expense.

MOTION TO APPROVE RESOLUTION # 01-1205-03, AUTHORIZING THE CONSTRUCTION MANAGEMENT TEAM TO EXECUTE BULLETIN NO. 38 AND DEVELOP A CORRESPONDING CHANGE ORDER TO ADD INCREASED ELECTRICAL SERVICE FOR INTERIOR SIGNAGE REQUIREMENTS PER CORBIN DESIGN IN THE AMOUNT OF \$16,720.00 THAT WAS NOT INCLUDED IN THE BASE SCOPE OF WORK WITH THE RESOLUTION FIGURE OF 12,700.00 BEING CORRECTED TO 16,720.00 THROUGHOUT THE RESOLUTION; by Fisher; support by Porter.

Roll Call

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

Motion carried (6-3-0-0)

3. Procurement Company Recommendation Resolution

Fisher informed the Council members two procurement companies had submitted proposals. View Lot and Associates in the amount of \$48,500 and Provisions in the amount of \$48,000. A meeting attended by members of Casino Operations, Management Company, Tribal Accounting Staff and CMT was held to discuss the two proposals. It was the recommendation from that meeting the proposal from Provisions be considered. Council members did not support signing a preliminary proposal. Attorney Brooks indicated the signing of the Resolution would not affect the contract but it would allow CMT to move forward to negotiate a contract.

MOTION TO REMOVE CMT BUSINESS #3 FROM THE AGENDA AND AUTHORIZE CMT TO NEGOTIATE CONTRACT WHICH WILL BE

BROUGHT BACK TO THE COUNCIL; by Fisher;
 support by Ruiter.

MOTION WITHDRAWN; by Fisher and Ruiter.

MOTION TO DENY RESOLUTION AUTHORIZING THE OGEMA TO GO FURTHER WITH THE PROPOSAL FOR THE FF&E EXPANSION NEEDS PURCHASE AGREEMENT; by McCatty; support by Bennett.

House expressed concern with “denying” the Resolution. There is no requirement to reject a resolution. Brooks stated the Ogema could sign, as this resolution is non-binding.

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 – No

Motion failed (2-7-0-0)

MOTION TO APPROVE RESOLUTION # 01-1205-04, AUTHORIZING THE OGEMA, OR IN ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO “ACCEPT AND SIGN THE (NON-BINDING) PROPOSAL” FROM “PROVISIONS” FOR PROCUREMENT AND PROJECT MANAGEMENT SERVICES RELATED TO THE FF&E EXPANSION NEEDS OF THE LITTLE RIVER CASINO/RESORT FROM WHICH A FORMAL SERVICE & PURCHASE AGREEMENT WILL BE DEVELOPED FOR THE ABOVE NAMED SERVICES AT A COST OF \$48,000. by Kleeman; support by Sam.

Fisher reminded the Council B. Brooks had stated this was an informational item to Council and CMT would have the latitude to go forward under these basic terms. Sam stated she was supporting because it accepts the cap at \$48,000, it was not committing the Tribe to a contract and authorizing CMT to negotiate.

Roll Call

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

Motion carried (5-4-0-0)

4. Water Softening – FYI

Cunningham Limp has recommended a water softening system be installed in the community water system.. John Anderson, from Indian Health Services, recommended waiting for a period of time to actually determine how the water is delivered to the Casino and the housing property. The softening system can be added,at any point in the future. Fisher recommended rejecting change order 34 in the amount of \$45,540.00.

5. Bulletin #37

The material was approved by vote on 11/27/01, however, no Resolution accompanied the material. Therefore, approval of the Resolution was sought at this time.

MOTION TO APPROVE RESOLUTION # 01-1205-05, AUTHORIZING THE CONSTRUCTION MANAGEMENT TEAM TO EXECUTE BULLETIN NO. 37 (AS APPROVED BY MOTION 11/27/01 BUT WHICH REQUIRED A RESOLUTION) AND TO ALSO DEVELOP A CORRESPONDING CHANGE ORDER TO MODIFY THE UNDERGROUND WATER MAINS AND MAKE THE EXISTING VAULT ON-SITE THE STORAGE RESERVOIR FOR THE FIRE PROTECTION SYSTEM FOR THE INTERIM CASINO AND EXPANDED CASINO INCLUDING THE CONFERENCE CENTER, POOL & ACTIVITY AREAS AND THE HOTEL THAT WAS NOT PROVIDED FOR IN THE PROJECT'S BASE SCOPE OF WORK AT A COST OF \$66,110.00; by Fisher; support by Porter.

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 – Abstain

Motion carried (6-2-1-0)

6. Art Consultant

Fisher announced the plans to meet with an art consultant on the afternoon of December 17th in Detroit have been completed.

Council recessed at 2:10 p.m.

Council reconvened from recess at 2:20 p.m.

I. Old Business

II. New Business

A. Resolution Approving Budget Modification to Include a Supplemental Appropriation in the Amount of \$70,000 from the U.S. v Michigan Fisheries Trust Fund

Under the U.S. v. Michigan – Fisheries Trust Fund – Two boats equipped for trap fishing will be made available by lease to Tribal fishers. First boat will arrive within next month and the other boat within next 2 or 3 months. The nets must be hand sewn and are relatively large nets. Request to order 12 nets and would actually like to get 24 nets to furnish both boats. Company is requiring a deposit for nets. Each net costs \$5,000 to \$6,000 depending on the size. Porter stated there are 4 boats listed. Brooks stated 2 more boats for chubs and 2 boats with lifters for trap nets.

MOTION TO APPROVE RESOLUTION # 01-1205-06, APPROVING BUDGET MODIFICATION TO INCLUDE A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$70,000 FROM THE U.S. V MICHIGAN FISHERIES TRUST FUND; by Sam; support 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)

B. Authorizing Execution of a "Set-Chip" Agreement with Hanson Distributing Company

Sam informed the Tribal Council members currently 25 slot machines are idle on gaming floor because of "set chip" issues. Resolution authorizes Gaming Commission to complete transaction to activate the machines. McCatty asked if a revised agreement was available. Brooks stated he was waiting for a new agreement from Hansen.

MOTION TO APPROVE RESOLUTION # 01-1205-07, AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO EXECUTE AN ARISTOCRAT SET-CHIP CONTROL AGREEMENT WITH HANSON DISTRIBUTING COMPANY; by Kleeman; support by Porter.

McCatty stated the last whereas should be "the individual responsible for the receipt"

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. Gwiidookadaadimi-"We are helping each other."

Sam presented a Resolution for consideration by Tribal Council to provide immediate economic relief to Tribal Members, due to recession and other related matters.

McCatty asked about trust accounts. House stated trust accounts are addressed in Section 3 and letter "c" and the time limit is 30 days. The 30-day time line is from when the checks are disbursed. House stated that Section 1 states who is eligible to receive funds. Sam asked to give Alexander 5 days to certify the list Section 1 will be December 5 and Section 2 will read December 10.

Sam stated there has been discussion if payments will be made to Tribal members. She stated this is the final intent. Parsons stated legal and accounting has checked this out. Porter stated this is for 2001 and future programs may be done under a different form.

**MOTION TO APPROVE RESOLUTION #01-1205-08,
ADOPTING GWIIDOOKADAADIMI – “WE ARE HELPING
EACH OTHER” FOR FISCAL YEAR 2001; by Sam; support
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)

Sam asked about repealing resolution from August. Parsons asked if motion could be rescinded by a motion. Porter asked to do this today because of all of the confusion that has occurred regarding the action taken in August.

**MOTION TO HAVE COUNCIL REPEAL RESOLUTION
#01-0815-03 TO BE CONFIRMED IN WRITING AT THE
NEXT MEETING BY ADOPTING A SUBSEQUENT
RESOLUTION; by Sam; support 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. Authorization of Matters Related to the Little River Station Store

Jim Clements reported the Ogema's office, through Economic Development Dept, has finalized financing proposals, and other matters related to the Store. Requesting Council approve, by resolution(s), to authorize construction of the project, to complete the Store to coincide with Casino Opening.

Clements stated the first Resolution is for approving the conceptual financing package for the development of Little River Station Store and directing the Tribal Ogema to develop a final financing package, including all documents necessary to conclude the business plans.

**MOTION TO APPROVE RESOLUTION # 01-1205-09
 APPROVING THE CONCEPTUAL FINANCING PACKAGE
 FOR THE DEVELOPMENT OF LITTLE RIVER STATION
 STORE AND DIRECTING THE TRIBAL OGEMA TO
 DEVELOP A FINAL FINANCING PACKAGE, INCLUDING
 LOAN DOCUMENTS, NECESSARY TO IMPLEMENT THE
 BUSINESS PLAN FOR LITTLE RIVER STATION STORE;**
 by Sam; support by Kleeman.

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)

Jim Clements presented the executive summary of the business plan for for the Little River Station Store. Clements stated he was not seeking approval of the entire business plan as that will be developed as the store is assembled. At this time, Clements was only seeking approval of the summary plan which will be the framework for the final business plan.

**MOTION TO APPROVE RESOLUTION # 01-1205-10,
 ACCEPTING AND APPROVING EXECUTIVE SUMMARY
 OF THE BUSINESS PLAN FOR THE LITTLE RIVER
 STATION STORE;** by Fisher; support 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)

Jim Clements requested Tribal Council's approval of the Site Plan and building plans (90% Complete). Parsons reminded the Tribal Council members these were the plans seen at a previous work session.

**MOTION TO APPROVE RESOLUTION # 01-1205-11,
 ACCEPTING AND APPROVING THE SITE PLAN AND
 BUILDING PLANS (90% COMPLETE) FOR THE LITTLE
 RIVER STATION STORE;** by Sam; support by Kleeman.

Roll Call

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

Motion carried (9-0-0-0)

E. Resolution Sponsoring Little River Band Veterans to Event at Washington D.C.

Removed from the agenda.

F. Resolution in Opposition of U.S. Department of Interior's Proposal to Create the Bureau of Trust Asset Management

Sam gave a brief description of proceedings in Washington D.C. Department of Interior. This Resolution would be forwarded to our lobbyist and others in Washington Tribal Council is objecting to current re-organization plan and creation of the Bureau of Indian Trust Assets Management without prior meaningful consultation with tribes. Further, object to the shortened and limited consultation period. Finally, ask the Secretary of Interior to withdraw the proposed plan and re-institute a meaningful consultation process to develop any further organization with cooperative effort between the government and the tribes.

MOTION TO APPROVE RESOLUTION # 01-1205-12, OPPOSING THE U.S. DEPARTMENT OF INTERIOR'S PROPOSED CREATION OF THE BUREAU OF INDIAN TRUST ASSET MANAGEMENT; by Porter; support 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 – Yes

Motion carried (9-0-0-0)

G. Resolution in Opposition of H.R. 2495

Parsons presented the contents of HR 2495 which was introduced by Representative B. Stupak. Concern was expressed regarding how this Bill would affect Little River. General consensus was an attempt was made to push this Bill through before Tribes affected by it had knowledge of its existence. Correspondence has been sent to members of US House and Senate by Little River, Grand Traverse and Little Traverse Bands opposing the Bill and stressing the concern of affected Tribes not being consulted. The Tribe has been advised a Resolution, by the Tribal Council, stating their position would be helpful to Washington lobbyist.

MOTION TO APPROVE RESOLUTION # 01-1205-13, OPPOSING THE PRESENTATION FOR ACTION OF H.R. 2495 OF THE UNITED STATES HOUSE OF REPRESENTATIVES REGARDING PROPOSED SETTLEMENT OF LAND CLAIMS AND AFFECTING LAND USES BY OTHER TRIBAL GOVERNMENTS; by Porter; support by Ruiter.

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)

H. Resolution Requesting the President of the United States to Re-Affirm the Government-to-Government Relationship and Commitment To Tribal Consultation

Sam stated while she was attending a NCAI Conference in Washington, D.C. President Bush issued a Proclamation supporting sovereignty of Tribes and endorsed government-to-government relationships. This Resolution will request President Bush put his Proclamation in the form of an Executive Order which will be more substantial than a Proclamation.

MOTION TO APPROVE RESOLUTION # 01-1205-14, REQUESTING THE PRESIDENT OF THE UNITED STATES TO RE-AFFIRM THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP AND COMMITMENT TO TRIBAL CONSULTATION; by Porter; support 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)

VI. Concluding Business

- A. Next Meeting Date(s) – December 12, 2001 and December 15, 2001**
- B. Public Comment Period**

McCatty requested Legal put something in the newsletter that the payments authorized by Resolution #01-1205-08 are taxable. House stated that this would not be necessary as it would be a broad statement that anything over \$600 is reportable.

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;

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 3:06 p.m.

Council reconvened in Open Session at 5:07 p.m.

MOTION TO MOVE THE OFFERING OF EMPLOYMENT TO SADIE RIFFLE AT A GRADE LEVEL FIVE SALARY FROM CLOSED SESSION TO OPEN SESSION; by McCatty, support by Sam.

Roll Call

C. Bennett – Absent	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 (8-0-0-1)

MOTION TO ADJOURN; by Kleeman, support by Sam

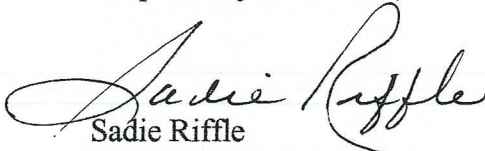
Roll Call

C. Bennett – Absent	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 (8-0-0-1)

Meeting adjourned at 5:12 p.m.

Respectfully Submitted,


Sadie Riffle
Transcribing Assistant


Janine Sam
Tribal Council Recorder