

APPROVED  
12/18/02



**LITTLE RIVER BAND OF OTTAWA INDIANS  
TRIBAL COUNCIL  
REGULAR MEETING  
WEDNESDAY, DECEMBER 11, 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 December 11, 2002. Following are the minutes of that meeting.

**I. Opening Prayer**

The Tribal Council engaged in a silent prayer.

**II. General Business**

**A. A. Call To Order:**

The regularly scheduled Tribal Council meeting of Wednesday, December 11, 2002, was called to order at 10:15 a.m.

**B. Roll Call**

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

Quorum established.

Recorder Sam stated that Councilor McCatty did call her and stated she was ill today.

Others Present: Jo Anne House, Kathleen Block, Bridgett Cole, John Bussey, Mark Knee, Joan Spalding, Candace Chapman, Brian Medacco, Leatrice Castonia, Pat Morris, Steve Sainsbury, Nate Svoboda

**C. Approval of Agenda**

**MOTION TO APPROVE AGENDA AS SUBMITTED;** by Kleeman; supported by Ruiter.

**Roll Call**

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



engagements should be at least five-year engagements. Spalding noted that the Tribe has been satisfied with the performance of Egghart & Associates. Spalding also reviewed a publication of the AICPA (American Institute of Certified Public Accountants) noting that the AICPA document supports maintaining continuity to enhance the quality of audits. Spalding noted that all firms that are members of the AICPA are required to have an independent review of their work, an audit of the auditors. Spalding provided the information to the Council that the firm auditing Egghart & Associates issued a clean report regarding the quality control of Egghart. Spalding noted that the Commission received positive recommendations in support of Egghart.

Recorder Sam stated that the information that was distributed to Council from the AICPA was copyrighted in 1992 and believes is old information. Sam stated she has reviewed more current information from the AICPA, which gives a different representation that has been presented today. Sam supports Egghart & Associates and believes they do an exemplary job but the Management Contract states that the auditing firm needs to be one of the top six firms. Sam shared her concern that the Tribe needs to be in compliance with the Management Contract.

Medahko commented on information included in the handouts from the Gaming Commission and that another firm could also be found to be qualified. Further comments were made regarding the determination to engage Egghart by the Commission. Medahko voiced her opinion that re-engaging this firm would result in a total of six years contracted with this firm, and noted that she was uncomfortable with continuing with one firm for this time period.

Porter commented that the reason her name was on the agenda for this item is due to her role as the Commission Liaison in response to comments from public. Porter further noted that this is a contract issue, which is usually discussed in Closed Session. Porter voiced her opinion that this item was placed in open session on the agenda due to political motivations. Parsons noted that his understanding was the item is on the open agenda due to the nature of the item, being an expenditure approval.

Bob Whiteloon arrived at 10:46 a.m.

Parsons noted that the Gaming Commission has provided a recommendation to the Tribal Council to engage Egghart & Associates. Parsons noted that his concern with this item is a result of the recent issues involved with the independent auditor for the Tribal Government. Parsons noted that Recorder Sam raised a separate issue with respect to the contract obligations of the Tribe under the Management Agreement. It



Council. Parsons noted that the Ordinance requires approval by Tribal Council for any increase in number of stipends for a commission.

Leatrice Castonia asked if the Commission is a full time job and voiced the opinion that only four meetings should be authorized. Porter noted that members are not coming forward to serve on commissions. Fisher noted that the Commission is understaffed as there are only two members on the Commission.

Medahko informed the Council that Al Medacco relayed to her the reason that he resigned was due to meetings being held in the evening, to accommodate another Commission member's day work schedule.

Parsons queried if the increased meeting request is due to workload, and Spalding responded yes. Spalding noted that the Commission is holding hearings regarding licensure revocation or suspension, and that is a separate meeting from the regular meetings of the Commission. Spalding indicated that in the past, there were no hearings held to evaluate licenses held by employees, and the Commission reviews vendor licensing as well. Spalding noted that it is the obligation of the Commission to evaluate a person's suitability for license if they are involved in a criminal activity, or if there are other questions of law a person may be involved in, and this function was not being carried out in the past by the prior Commission. Spalding clarified that staff persons could not make licensing decisions for the Tribe.

**MOTION TO APPROVE RESOLUTION # 02-1211-03, APPROVAL OF MEETING STIPEND FOR FIFTH MEETING IN THE MONTH OF SEPTEMBER FOR THE GAMING COMMISSION;** by Fisher; supported by Sam.

**Roll Call**

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

Motion carried (5-3-0-1)

Subsequent discussion regarding the request for six stipends per month ensued. Brian Medacco requested clarification regarding the number of meetings allowed and whether or not each individual commission would have to request additional meeting



Sam made statements regarding the evolution of the responsibilities of Commissions and the importance of the functions and the membership involvement. Sam stated the Commissions need to evolve not dissolve. Sam commented that all Commission members are Tribal members with the exception of one person on the Housing Commission, and they are all making decisions for the Tribe.

Sam commented that the Binojeeuk Commission makes decisions that determine the reunification of families, and decisions that impact Tribal children in foster care, that have been removed from parental homes. Sam noted that the Enrollment Commission makes decisions regarding who is approved to be a member of our Tribe. Sam stated that if Commissions are dissolved, these critical decisions may be made by non-members if the authority is turned over to a regulatory staff person, rather than a body that is limited to Tribal members. Sam pointed out that the Gaming Commission makes decisions to issue licenses to vendors and employees, as well as conducting hearings, and that function is a function of the Tribe to fulfill obligations under law. Sam supported evolving the Commissions if necessary to a regulatory office, as long as appointments to the office is limited to Tribal members, because if the authority is delegated to Tribal employees, non-members could be making decisions that affect the Tribal community, and these decisions should be made by Tribal members. Sam stated her opinion that the work of commissions and functions are very critical, and commissions are actually exercising authority for different areas of government on behalf of the Council, giving the example of the Natural Resources Commission passing regulations for hunting and fishing activities.

Medahko supported clear statement of evolve versus dissolve of commissions. Spalding noted that the four or six meetings are business meetings, and informed the Council of the time involved she has personally committed to the work of the Commission.

Ruiter noted that one commission is as important as another, and what is done for one commission should be done for all of the commissions. Parsons reiterated that the request being made is allowed by the ordinance.

Sam proposed someone bringing forward an agenda item with the pros and cons of Commissions versus regulatory offices, which would mean changing the ordinances and laws. Sam suggested



E. Porter – Yes	P. Ruiter – Yes	J. Sam – Yes
Motion carried (8-0-0-1)		

Mark Knee and Nate Svoboda left at 11:44 a.m.

**C. C. Establishing Utility Fees for 2003**

Tribal Council is required to adopt a fee schedule prior to its application for 2003 and this needs to be determined. Parsons informed the Council that this item results from the initial fee structure being activated only for FY 2002. Parsons noted that the Casino rates are set based on the rate set by the City of Manistee for commercial use. Steve Sainsbury informed the Council that the Management Agreement impacts the fee structure. Sainsbury received notice from the City of Manistee that the City has increased the commercial and residential rate for water and sewage, and is recommending that the Tribe increase its commercial rate. Sainsbury noted that the City increased the rate by approximately 3.2%. Sainsbury indicated that the recommendation is to leave the current residential rate at the level approved in FY 2002, as the residential users are going to come on line with as the housing project gets tenants.

**MOTION TO APPROVE RESOLUTION # 02-1211-05, ESTABLISHING UTILITY FEES FOR 2003;** by Kleeman; supported by Ruiter.

**Roll Call**

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

Motion carried (8-0-0-1)

**E. Acceptance of Letters of Resignation From the Little River Maintenance & Construction Board**

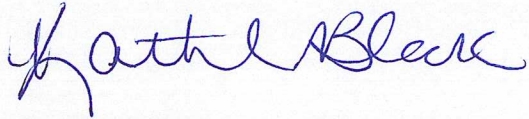
**1. 1. Joseph J. LaPorte**

**MOTION TO ACCEPT RESIGNATION OF JOSEPH J. LA PORTE FROM THE LITTLE RIVER MAINTENANCE & CONSTRUCTION BOARD;** by Kleeman; supported by Ruiter.

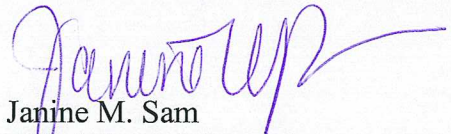
**Roll Call**

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

Motion carried (8-0-0-1)



Kathleen Block  
Transcribing Assistant



Janine M. Sam  
Tribal Council Recorder