

**TRIBAL COUNCIL MEETING**  
**December 13, 1998**  
**MINUTES**

**GENERAL BUSINESS**

- A. **CALL TO ORDER:** R. GUENTHARDT, TIME: 10:22 a.m.
- B. **ROLL CALL (by C. FISHER):** All Tribal Council members were present for this meeting with the exception of Kim Kequom. Quorum was present.
- C. **ADOPTION OF AGENDA** – The agenda was adopted with the following changes: items A, B, C and D (in the New Business portion of overall agenda) were removed from the agenda as a time savings measure. All of these items were associated with CHS policy changes and all of these items were tabled. The exact nature of these agenda items is available to the reader in the “New Business” section of the minutes, where there will be found the actual agenda item (with a separate note that the item was tabled).
- D. **ADOPTION OF MINUTES** – Adopted as part of “Consent Agenda”. (See below).
- E. **FINANCIAL REPORT** - Adopted as part of “Consent Agenda”. (See below).
- F. **COMMITTEE MEETING MINUTES** - Adopted as part of “Consent Agenda”. (See below).
- G. **STAFF REPORTS** - Adopted as part of “Consent Agenda”. (See below).
- H. **TRIBAL MANAGER’S REPORT** - Adopted as part of “Consent Agenda”. (See below).
- I. **ATTORNEY’S REPORT** - Adopted as part of “Consent Agenda”. (See below).  
Minutes, financial report, committee meeting minutes, staff reports, tribal manager’s report and the Tribal Attorney’s report were all accepted with one vote following a motion by S. Parsons which was supported by C. Fisher. Vote results: 6 in favor, 0 opposed, 1 absent, 0 abstentions.
- J. **INTRODUCTION OF GUESTS** – No guests introduced themselves in this portion of the meeting.

**OLD BUSINESS**

- A. **ADOPTION: INTERIM GRAVES PROTECTION AND REPATRIATION POLICY.**  
**TRIBAL COUNCIL ACTION REQUESTED** - The Policy developed and presented is part of the final report to the National Park Service.  
**RESULTS:** Motion to adopt policy was made by B. Memberto, seconded by D. Koon and approved by a vote of 6 in favor, 0 opposed, 1 absent, 0 abstentions.
- B. **APPROVAL OF LITIGATION SUPPORT REQUEST FOR FY 1999 FUNDS BY THE CHIPPEWA-OTTAWA TREATY FISHERY MANAGEMENT AUTHORITY FOR FUNDS TO SUPPORT GREAT LAKES FISHING NEGOTIATION/LITIGATION ACTIVITIES.** **TRIBAL COUNCIL ACTION REQUESTED** - This is an application for funding for the above stated reason.  
**RESULTS:** Proposal for Resolution to support request for FY99 funds through Chippewa-Ottawa treaty fishery management authority for funds to support Great Lakes fishing negotiation-litigation activities was made by B. Memberto, seconded by D. Koon and approved by a vote of 6 in favor, 0 opposed, 1 absent, 0 abstentions. Resolution # 98-1213-01.

**NEW BUSINESS**

- A. **CHS CHANGE TO LIMIT PURCHASE OF SCHEDULED MEDICATIONS BY PURCHASE ORDER ONLY.** **COUNCIL ACTION REQUESTED** - Change will reduce potential for drug abuse by giving program better ability to identify problems.  
**RESULTS:** This agenda item was tabled after discussion in the Adoption of the Agenda portion of the Tribal Council meeting.

- B. CHS CHANGE: 48 HOUR PRIOR NOTICE REQUIRED FOR CHS PRE-APPROVAL. COUNCIL ACTION REQUESTED** - Request for Tribal Council approval of policy change as above.  
**RESULTS:** This agenda item was tabled after discussion in the Adoption of the Agenda portion of the Tribal Council meeting.
- C. CHS PRIORITY CHANGES REGARDING 1) DENTAL AND 2) OUTPATIENT SERVICES WITH 3) EXCESS OR DEFICIT FOR EACH QUARTER BEING APPLIED TO THE NEXT QUARTER'S BUDGET. COUNCIL ACTION REQUESTED** - With current trend, CHS will grossly exceed budget in the coming year. Until this can be evaluated, request limiting expenditures as outlined in materials supporting request.  
**RESULTS:** This agenda item was tabled after discussion in the Adoption of the Agenda portion of the Tribal Council meeting.
- D. CHS POLICY CHANGE REQUEST: SUSPENSION OF WARNING LETTER CURRENTLY USED IN RELATION TO CONTRACT HEALTH SERVICES. COUNCIL ACTION REQUESTED** - Current CHS policy provides for a warning letter upon the first occurrence of a bill being received without pre-approval for that service. Eliminating requirement will prevent large quantities of bills being turned in for payment after enrollee has saved bills.  
**RESULTS:** This agenda item was tabled after discussion in the Adoption of the Agenda portion of the Tribal Council meeting.
- E. CHS POLICY CHANGE TO ALLOW ADJUSTMENTS TO CHS PRIORITIES WITH THE CONCURRENCE OF THE HEALTH AND HUMAN SERVICES BOARD. COUNCIL ACTION REQUESTED** - Approval of allowing HHS Board and Health Director to make changes in CHS priorities. This would make CHS system more responsive to budgetary requirements/adjustments that may be required.  
**RESULTS:** Motion to adopt policy was made by B. Memberto, supported by C. Fisher and approved by a vote of 6 in favor, 0 opposed, 1 absent, 0 abstentions.
- F. AUTHORIZE ACQUISITION OF PURCHASE OF MANISTEE FORGE PROPERTY AND USE OF UP TO \$240,000.00 OF JUDGMENT FUND LAND ACQUISITION MONIES. COUNCIL ACTION REQUESTED** - Pre-acquisition review of Manistee Forge property was previously approved. Related option on property has been extended x2. Need to close by the end of the month if we are going to proceed. 80/20 plan authorizes use of \$1,500,000 for initial land acquisition and requires Council to give priority for the purpose of economic development. Approximately \$563,000 was used to repay gaming property loan. Approximately \$680,000 will be retained to purchase Consumer's properties.  
**RESULTS:** On initial voting, the requested authorization was stymied in a tie, i.e., x3 votes for and x3 votes against proceeding with this purchase. At this time, the votes in favor were those of B. Guenthardt, C. Fisher and S. Parsons. Those opposed were K. Berentsen, D. Koon and B. Memberto. K. Kequom was absent. Due to this, B. Guenthardt called for another by a vote and made a motion that Council members reconsider their respective positions. Voting results related to this motion are as follows: K.B. opposed, B.M., C.F., S.P., D.K. and B.G. in favor, with K.K. absent. After further discussion, another roll call vote was taken related to the purchase of the East Lake property with the following results: K.B. opposed, B.M., C.F., S.P., D.K. and B.G. were in favor, again, with K.K. absent - there were no abstentions. Purchase was approved by Tribal Council Resolution with final result of 5 in favor, 1 opposed, 1 absent, 0 abstentions. Resolution #98-1213-02.

- G. **AUTHORIZE DISBURSEMENT OF PER CAPITA FUNDS TO MINORS REACHING THE AGE OF 18 DURING THE MONTH OF NOVEMBER. COUNCIL ACTION REQUESTED** – 80/20 Plan and Ordinance requires Council approval to disburse funds held in trust for minors.  
**RESULTS:** Motion to disburse funds to minors reaching the age of 18 in the month of November, 1998 was made by B. Memberto, supported by K. Berentsen and approved by a vote of 6 in favor, 0 opposed, 1 absent, 0 abstentions.
- H. **RESOLUTION TO EXTEND FY 1998 “638 CONTRACT” FOR INDIAN HEALTH SERVICES UNTIL 6/30/99 OR UNTIL NEW FY 1999 CONTRACT IS EXECUTED. COUNCIL ACTION REQUESTED** – Current Indian Health Services Contract expires 12/31/98. New funding year begins 1/1/99. New Tribal Council will be involved in new budgeting process. Resolution will continue existing programs until this is accomplished.  
**RESULTS:** Required resolution to extend FY 1998 638 Contract until 6/30/99 or until new FY 1999 contract is executed was made by B. Memberto, supported by S. Parsons and approved by a vote of 6 in favor, 0 opposed, 1 absent, 0 abstentions. Resolution #98-1213-03.
- I. **RESOLUTION TO EXTEND FY 1998 “638 CONTRACT” FOR INDIAN HEALTH SERVICES UNTIL 6/30/99 OR UNTIL NEW FY 1999 CONTRACT IS EXECUTED. COUNCIL ACTION REQUESTED** – Current Contract with Indian Health Services expires 12/31/98. New funding year begins 1/1/99. Resolution will continue current funding levels for existing programs and impose moratorium on new equipment purchases, hiring and contracts for all BIA programs. New Tribal Council will be involved in budgeting for fiscal year 1999. BIA  
**RESULTS:** Required resolution to extend FY 1998 BIA Contract until 6/30/99 or until new FY 1999 contract is executed was made by B. Memberto, supported by S. Parsons and approved by a vote of 6 in favor, 0 opposed, 1 absent, 0 abstentions. Resolution #98-1213-04.
- J. **AUTHORIZE TRIBAL CHAIRPERSON/SPEAKER TO EXECUTE MORTGAGE AGREEMENT WITH HUNTINGTON BANK FOR \$700,000 LOAN TO ACQUIRE MANISTEE FORGE PROPERTY, AGREEING TO WAIVE SOVEREIGN IMMUNITY FOR LIMITED PURPOSE OF INTERPRETING AND ENFORCING LOAN DOCUMENTS. COUNCIL ACTION REQUESTED** – Mortgage would be comparable to loan for the Health Clinic and Administration buildings. Interest only payments would be required in the first year and would be made from rents from leased property. Loan is expected to be refinanced in early or mid-1999, which would free up the security.  
**RESULTS:** Required resolution to authorize Tribal Chair/Speaker to execute mortgage agreement as above with Huntington Bank was proposed by B. Memberto, supported by D. Koon and approved by a vote of 5 in favor, 1 opposed, 1 absent and 0 abstentions. Resolution #98-1213-06.
- K. **CHANGE QUORUM FOR NATURAL RESOURCES COMMISSION. COUNCIL ACTION REQUESTED** – Request to change composition of Commission to one Commissioner and two Associate Commissioners.  
**RESULTS:** Resolution to approve above noted request was proposed by K. Berentsen, supported by D. Koon and approved by a vote of 6 in favor, 0 opposed, 1 absent and 0 abstentions. Resolution #98-1213-07.
- L. **AUTHORIZE TRIBAL CHAIRPERSON/SPEAKER TO EXECUTE LETTER AGREEMENT AND OTHER DOCUMENTS WITH GREAT LAKES FISHERY TRUST LAND CORPORATION – MORTGAGE TO PROCEED WITH ACQUISITION OF 1,377 ACRES OF LAND PURSUANT TO OPTION UNDER SETTLEMENT AGREEMENT. ALSO, AUTHORIZING USE OF UP TO \$680,000 OF JUDGMENT FUNDS FOR THE ACQUISITION OF SUCH PROPERTIES. COUNCIL ACTION REQUESTED** – Properties will be available for purchase in January 1999. 80/20 Plan requires Council to proceed with purchase. Purchase price to be \$656,067.50 plus closing costs. Tribe will need to determine land acquisition/use priorities to exempt lands to be exchanged with the Forest Service. Forest Service

has indicated it will take 12+ months to make any exchange. **TRIBAL COUNCIL ACTION REQUESTED** – Resolution to authorize Tribal Chair/Speaker to execute above noted agreements in order to acquire Consumer's properties, which total 1,377 acres of land.

**RESULTS:** Resolution to have Chair execute letter agreement and other documents related to acquisition of Consumer's properties. B. Memberto, supported by D. Koon proposed the associated resolution and approved by a vote of 6 in favor, 0 opposed 1 absent and 0 abstentions. Resolution #98-1213-08.

- M. REVIEW OF DRAFT CHARTER FOR INTER-TRIBAL ORGANIZATION TO COORDINATE REGULATION AND MANAGEMENT OF OFF-RESERVATION TREATY RIGHTS. TRIBAL COUNCIL ACTION REQUESTED** – This agenda item was presented for informational purposes only, i.e., for review and comment. Charter would establish a successor organization to the Chippewa-Ottawa Treaty Fishery Management Authority, which the Little River Band of Ottawa Indians already belongs to.
- RESULTS:** Although no action was required of the Tribal Council, it was noted that this agenda item would be submitted for Tribal Council approval at the regular Tribal Council meeting in January.

## **CONCLUDING BUSINESS**

**PUBLIC COMMENT:** No public comment was made in this portion of the meeting.

**CLOSED SESSION:** Although a gaming-related closed session item was on the agenda, no closed session was held on this date.

**NEXT MEETING DATE:** January's meeting schedule was established prior to adjourning the meeting.

**ADJOURNMENT:** Meeting adjourned at approximately 12:20 p.m.

Minutes respectfully submitted by C. Fisher.