



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, DECEMBER 19, 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 19, 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 19, 2001, was called to order at 1:04 p.m.

B. Roll Call

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

Quorum established.

Pamela Medahko called she was still ill.

Others Present: Kathleen Block, Bill Brooks, Jessica Burger, John Bussey, R. Bussey, Leatrice Castonia, Candace Chapman, Bridgett Cole, Bob Davis, Bob Fraiser, Bob Guenthardt, JoAnne House, Brenda Hyma, Gary Markowski, P. Morris, Sadie Riffle, Bill Willis, and Helen Yunis.

B. Approval of Agenda

Fisher requested removal of Item 2. under Section III B, Bulletin #35; Remove 5 – under Section III B, Bulletin #42; Strike “FYI” in Item 4 – Under Section III B.

MOTION TO APPROVE THE AGENDA AS AMENDED; by Kleeman supported by Ruiter

Roll Call

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)

D. Tribal Council Minutes

There were no Minutes presented.

E. Public Comment Period

No public comment

III. Continuing Business

A. Grants & Contracts

No business presented

B. CMT Business

1. Provisions Contract Approval

Fisher presented a draft contract with Provisions, noting it had also been reviewed by the Director of Casino Operations. The contract outlines the procurement services for furniture, fixtures and equipment for the Little River Casino Resort's Casino, Hotel, Restaurant and Conference Center. The amount of the contract not to exceed \$48,000.

MOTION AUTHORIZING THE TRIBAL OGEMA, OR IN HIS ABSENCE, THE TRIBAL COUNCIL SPEAKER, TO EXECUTE AN AGREEMENT WITH PROVISIONS FOR PROCUREMENT SERVICES FOR FURNITURE, FIXTURES AND EQUIPMENT (FF&E) FOR LITTLER RIVER CASINO RESORT'S CASINO, HOTEL, RESTAURANT AND CONFERENCE FACILITIES IN AN AMOUNT NOT TO EXCEED \$48,000 AND CONSENTING TO HAVE DISPUTES RESOLVED IN THE COMMERCIAL DIVISION OF THE TRIBAL COURT; by Fisher, supported by Kleeman

Roll Call

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 – No

Motion carried (7-1-0-1)

2. **Bulletin # 35**

Removed from agenda.

3. **Bulletin # 33**

MOTION TO TABLE ACTION ON BULLETIN #33; by Kleeman, supported by Lisa

Roll Call

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)

4. **Change Order #23**

After a lengthy discussion regarding Change Order #23 Tribal Council members concurred more documentation was needed prior to voting.

MOTION TO TABLE THE REMAINING CMT ITEMS FOR CONSIDERATION UNTIL AFTER “K” UNDER NEW BUSINESS; by Kleeman, supported by Porter

Roll Call

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

Motion carried (5-3-0-1)

5. **Bulletin # 42**

Tabled

6. **Hydropneumatic Tank**

Tabled

7. **Change Order to modify contract with Cameron Brothers in the amount of \$5,714.24**

Tabled

8. Change Order to modify contract with Corvette Construction in the amount of \$18,257.50

Tabled

IV. Old Business

No Old Business Items to discuss

V. New Business

A. Acceptance of Grant Funds From USDA/Approval of Modification To Operating Budget for Fiscal Year 2001 in the Amount of \$43,620

Bill Willis reported grant funds had been received from USDA in the amount of \$43,620 for activities associated with the administration of the Food Distribution Program. This was a supplement to the normal funding.

**MOTION TO APPROVE RESOLUTION # 01-1219-02
ACCEPTANCE OF GRANT FUNDS FROM UNITED STATES
DEPARTMENT OF AGRICULTURE (USDA) AND APPROVING A
MODIFICATION TO THE OPERATING BUDGET FOR FISCAL
YEAR 2001 IN THE AMOUNT OF \$43,620; by Kleeman, supported by
Parsons**

Roll Call

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)

B. Acceptance of Contract Modifications from Indian Health Service (IHS) and Approving a Modification to the Operating Budget for Fiscal Year 2001 in the amount of \$10,657

Bill Willis stated the modifications had been coming into the office sporadically during the year. The modifications and amounts were listed on the front page of the Resolution. Willis asked the Tribal Council formally accept the funds to allow amendments to be made to the operating budget.

MOTION TO APPROVE RESOLUTION #01-1219-03 ACCEPTANCE OF CONTRACT MODIFICATIONS FROM INDIAN HEALTH SERVICES (IHS) AND APPROVING A MOEDIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2001 IN THE AMOUNT OF \$10,657; by Porter, supported by Kleeman

Roll Call

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)

C. Acceptance of ICDBG Funds from HUD for Wastewater Infrastructure and Approving a Modification to the Operating Budget for Fiscal Year 2001 in the Amount of \$500,000 and Agreeing to a Limited Waiver of Sovereign Immunity

Bill Willis explained the funds have been awarded the Tribe either through grants or contracts, however, the Tribal Council needed to formally accept the funds and authorize the modification to the Operating Budget. Helen Ann Yunis explained the legal procedures the Tribal Council would need to follow to be eligible for the \$500,000.

MOTION TO AMEND RESOLUTION, #01-1219-04, 10TH PARAGRAPH TO READ ...TRIBAL COUNCIL AUTHORIZES THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL...; by McCatty, supported by Kleeman

Roll Call

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)

Discussion continued, Tribal Council members requested clarification of the sovereign immunity clause. Yunis responded to the Tribal Council's questions. John Bussey stated he did not agree with Yunis's interpretation of the HUD requirements. Yunis stressed the necessity of compliance on the part of the Tribal Council, Yunis gave examples of Tribes who have lost revenue for non-compliance. Brooks stated one advantage of relinquishing sovereign immunity would be the Tribe would have control over the environmental review process and not need to adhere to HUD's timeline to complete the

review process. Sam reminded the Tribal Council the cost of the project was already in the budget. Therefore, if the Tribal Council members decided against approving Resolution #01-1219-04 money would still be in the budget to complete the wastewater treatment facility infrastructure. Fisher stated, to date the exact cost has not been determined, however, with the additional grant money expenses would be covered. Sam stated again expenses would be covered by the budget and that factor should not influence the decision regarding the waiving of sovereign immunity.

MOTION TO APPROVE RESOLUTION 01-1219-04 ACCEPTANCE OF GRANT FUNDS FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT FOR WASTEWATER TREATMENT FACILITY INFRASTRUCTURE AND APPROVING A MODIFICATION TO THE OPERATING BUDGET FOR FISCAL YEAR 2001 IN THE AMOUNT OF \$500,000 AND AGREEING TO A LIMITED WAIVER OF SOVEREIGN IMMUNITY; by Fisher, supported by Kleeman

Roll Call

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

Motion carried (5-3-0-1)

D. Acceptance of ICDGB Funds From HUD For The Development of Roads And Utilities at Aki Maadiziwin and Approving a Modification to the Operating Budget for Fiscal Year 2001 in the Amount of \$500,000 and Agreeing to a Limited Waiver of Sovereign Immunity

Parsons queried if the Resolution was not passed would there be funds for roads and utilities. Yunis responded she was not familiar enough with that particular budget to respond to the question, however, offered to call someone who could respond. Ruth Bussey joined the meeting to address Tribal Council's concerns regarding budget issues.

MOTION TO AMEND RESOLUTION, #01-1219-05, 10TH PARAGRAPH TO READ ...TRIBAL COUNCIL AUTHORIZES THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL...;by McCatty, supported by Bennett

Roll Call

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 – No

Motion carried (7-1-0-1)

**MOTION TO APPROVE RESOLUTION #01-1219-05
 ACCEPTANCE OF GRANT FUNDS FROM U.S. DEPARTMENT
 OF HOUSING AND URBAN DEVELOPMENT INDIAN
 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE
 DEVELOPMENT OF ROADS AND UTILITIES AT AKI
 MAADIZIWINAND APPROVING A MODIFICATION TO THE
 OPERATING BUDGET FOR FISCAL YEAR 2001 IN THE
 AMOUNT OF \$500,000 AND AGREEING TO A LIMITED
 WAIVER OF SOVEREIGN IMMUNITY; by Kleeman, supported by
 Fisher**

Roll Call

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

Motion carried (5-3-0-1)

E. Resolution Establishing the Schedule of Regular Meetings for the Tribal Council for Calendar Year 2002

Parsons reminded Tribal Council members according to Tribal Council Meetings Ordinance at the last regular meeting of the calendar year the schedule for the following year was established. Sam noted the Tribal Council regular meetings have been scheduled to begin at 10:00 a.m. Sam also announced dates when no meeting would be held. Parsons announced Closed Session would now be held in the Tribal Council Board Room in the Downtown Building.

**MOTION TO APPROVE RESOLUTION # 01-1219-06 ESTABLISHING
 THE SCHEDULE OF REGULAR MEETINGS FOR THE TRIBAL
 COUNCIL FOR CALENDAR YEAR 2002; by McCatty, supported by
 Fisher**

Roll Call

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)

F. Approval of Resolutions Resolving Status of Judges and Elected Officials Participation in Benefits, Including the Tribe's 401(K) Program

Parsons explained there were two sections to this Resolution 1) eligibility 2) establishing an effective date. Bob Davis explained the delay in enrolling elected officials was due to waiting for a legal opinion from Mary Bauman of eligibility. The Resolution will put every paid position in the Tribe on equal eligibility. Discussion was held regarding the eligibility date. According to House an opinion was given to her from a 401 (K) representative it would be legal to enroll participants as of January 1, 2000. Brooks stated failure to treat all eligible employees the same under the plan would put the entire plan in jeopardy for IRS purposes. Sam queried if there were any other implications to the Tribe if Tribal Council were to designate and confirm the status of elected tribal officials as common law employees. Would the status of common law employees effect personnel policies, insurance coverage, etc. House responded the Resolution was drafted to be very narrowly applicable and would not change the status of Tribal Council, Tribal Ogema, or Tribal Judge relationship to the Tribe. Those relationships were established in the Constitution. The Resolution only effected the 3% contribution by the Tribe to the 401(K) plan.

MOTION TO AMEND RESOLUTION #01-1219-07 TO DELETE THE FOURTH WHEREAS IN ITS ENTIRETY, FIFTH WHEREAS NOW BECOMES THE FOURTH WHEREAS TO READ: WHEREAS, THE TRIBAL COUNCIL HAS PROVIDED APPROPRIATION OF FUNDS FOR THE SALARIOES OF GOVERNMENT OFFICIALS AS PART OF THE TRIBAL GOVERNMENT'S OPERATING BUDGET, AND; by Sam, supported by McCatty

Roll Call

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)

MOTION TO APPROVE RESOLUTION #01-1219-07 AS AMENDED ESTABLISHING PERMANENT BENEFITS FOR GOVERNMENT OFFICIALS; by Kleeman, supported by Ruiter

Roll Call

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
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Motion carried (8-0-0-1)

Discussion was held regarding the ramifications if Tribal Council decided not to retroactive the payments to January 1, 2000. Concern was expressed regarding Tribal Council members voting on issues which effect them. House responded according to the Constitution there would be no conflict of interest in this case because of how it could effect everyone in the 401 (K) plan.

MOTION TO AMEND RESOLUTION #01-1219-08 IN THE FOURTH WHEREAS, BY STRIKING “IN THE TRIBAL GOVERNMENT OPERATING BUDGET” AND IN THE FIFTH WHEREAS, STRIKING “THE TRIBAL GOVERNMENT OPERATING BUDGET AND”; by Sam, supported by Kleeman

Roll Call

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)

MOTION TO APPROVE RESOLUTION #01-1219-08 AS AMENDED ESTABLISHING EFFECTIVE DATE FOR PARTICIPATION IN RETIREMENT BENEFIT PROGRAMS FOR GOVERNMENT OFFICIALS AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$20,132.23 TO IMPLEMENT CORRECTIVE ACTION TO BRING THOSE GOVERNMENT OFFICIALS UNDER THE TRIBAL GOVERNMENT’S RETIREMENT PLANS;

Kleeman, supported by Ruiter

Roll Call

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 – No

Motion carried (6-2-0-1)

G. Resolution Authorizing Execution of Addendum to Continue Contract with Nancy Kida Through June 2002 for Legal Assistance Program

The Resolution was addressed by Bill Brooks. Mr. Brooks stated the need to continue a contract with Nancy Kida until June 2002. That would allow Ms. Kida time to develop a proposal for a legal assistance program for Tribal members. Sam requested a synopsis of the program as to services rendered. Discussion was held regarding salary and full-time versus part-time for the legal assistance program

MOTION TO APPROVE RESOLUTION #01-1219-09 AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER TO EXECUTE AN ADDENDUM TO THE CONTRACT WITH NANCY A. KIDA TO PROVIDE LEGAL SERVICES TO TRIBAL MEMBERS; by Fisher, supported by McCatty

Roll Call

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 Council took a short recess at 3:30 p.m.

The meeting reconvened at 3:48 p.m.

H. Resolutions Requesting the IHS and BIA to Enter into Public Law 93-638 Contracts with the Tribe for the Implementation of Programs/Services With Funds Provided by Those Agencies

Bill Brooks informed the Tribal Council members the Resolutions were needed to go to both the IHS and BIA to start the 90 day period for completion of contract negotiations for the 638 funds the Tribe receives from those agencies. The paperwork must be completed and submitted prior to the end of the fiscal year.

MOTION TO APPROVE RESOLUTION #01-1219-10 AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER, TO EXECUTE A FISCAL YEAR 2002 P.L. 93-638 CONTRACT WITH THE INDIAN HEALTH SERVICES; by Kleeman, supported by Ruiter

Roll Call

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)

MOTION TO APPROVE RESOLUTION #01-1219-11 AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER, TO EXECUTE A FISCAL YEAR 2002 P.L. 93-638 CONTRACT WITH BUREAU OF INDIAN AFFAIRS; by Kleeman, supported by Porter

Roll Call

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)

L. Approving the Purchase of VHS Tapes for the Surveillance Department During Fiscal Year 2001 in the Amount of \$12,000 from the Surveillance Department Budget of the General Fund

Bob Davis presented the request. Tribal Council members queried if because of the purchasing moratorium this item should be handled at the present time or wait until next fiscal year, also, was the expenditure the Tribes or the Casino's. Mr. Davis responded the expenditure was for fiscal year 2001 and was indeed a Tribe expenditure. Kleeman expressed concern regarding listing account numbers in a Resolution.

MOTION TO APPROVE RESOLUTION # 01-1219-12 APPROVING THE PURCHASE OF VHS TAPES FOR THE SURVEILLANCE DEPARTMENT DURING FISCAL YEAR 2001 IN THE AMOUNT OF \$12,000.00 FROM THE SURVELLIANCE DEPARTMENT BUDGET OF THE GENERAL FUND; by Kleeman, supported by Ruiter

Roll Call

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 – No

Motion carried (7-1-0-1)

J. Approving the Purchase of One Copy Machine for the Health Clinic Offices During Fiscal Year 2001 in the Amount of \$14,605 from the Health Clinic Space Pool Budget of the General Fund

Bob Davis presented the request for a copy machine for the Health Clinic Offices. He stated the machine has been on trial at the office for a short

period of time, however, the machine has not been ordered to date. Bennett inquired if purchase versus lease had been considered. Davis stated at an earlier date the cost of purchase versus lease had been considered and purchase appeared to be the most economical.

MOTION TO APPROVE RESOLUTION #01-1219-13 APPROVING THE PURCHASE OF ONE COPY MACHINE FOR HEALTH CLINIC OFFICES DURING FISCAL YEAR 2001 IN THE AMOUNT OF \$14,605.00 FROM ACCOUNT #1000-75-5, THE HEALTH CLINIC SPACE POOL BUDGET OF THE GENERAL FUND; by Kleeman, supported by Ruiter

Roll Call

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 – No

Motion carried (7-1-0-1)

K. Approval of Fiscal Year 2002 Tribal Government Operating Budget and Acceptance of the Budget Narratives

Bob Davis presented the 2002 Tribal Government Operating Budget. After a lengthy discussion the Budget was referred back to Operations for clarification.

MOTION THE TRIBAL COUNCIL POSTPONE ACTION, ON THE TRIBAL GOVERNMENT OPERATING BUDGET, UNTIL AN EMERGENCY MEETING TO BE HELD DECEMBER 21, 2001 AT 10:00 A.M. IN THE TRIBAL COUNCIL CONFERENCE CENTER; by Sam, supported by Kleeman

Fisher expressed concern regarding location of the meeting. Parsons stated because Open Session are customarily held in the Community Center perhaps it would be better to hold the meeting there.

Sam withdrew her motion and restated her motion, Kleeman withdrew the support.

MOTION THE TRIBAL COUNCIL POSTPONE ACTION, ON THE TRIBAL GOVERNMENT OPERATING BUDGET, UNTIL AN EMERGENCY MEETING TO BE HELD DECEMBER 21, 2001 AT 10:00 A.M. AT THE COMMUNITY CENTER; by Sam, supported by Kleeman

Roll Call

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)

Sam asked for an item to be added to the Agenda. The President of the United States has declared Monday, December 24, 2001 as a federal holiday in light of the tragedies of September 11, 2001. The Tribal Council already declared a half day holiday on December 24, 2001. Sam suggested the full day of December 24, 2001 be declared a holiday.

MOTION TO AMEND THE AGENDA FOR DECEMBER 19, 2001 TO INCLUDE UNDER NEW BUSINESS ITEM L – FULL DAY TRIBAL HOLIDAY ON DECEMBER 24, 2001; by Kleeman, supported by Sam

Roll Call

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)

L. Extend the Tribal Holiday of December 24, 2001 from one-half day to a full day of paid holiday.

MOTION THE TRIBAL COUNCIL APPROVE RESOLUTION #01-1219-14 DECLARING DECEMBER 24, 2001 AS A FULL DAY HOLIDAY FOR THE LITTLE RIVER BAND OF OTTAWA INDIANS; by Sam, supported by Kleeman

Roll Call

C. Bennett – Absent	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 (7-0-0-2)

At this point Tribal Council returned to CMT Business.

**MOTION TO REMOVE FROM TABLE III CONTINUING BUSINESS
CMT BUSINESS – ITEMS 3,4,6,7,8; by Parsons, supported by Sam**

Roll Call

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)

B. 3 BULLETIN # 33

A short discussion was held regarding the HVAC system for the new Casino structure.

MOTION TO APPROVE RESOLUTION #01-1219-15 AUTHORIZING THE CONSTRUCTION MANAGEMENT TEAM TO EXECUTE BULLETIN NO. 33 THAT AUTHORIZES THE PURCHASE OF A NEW 50 TON HVAC UNIT (INSTEAD OF RELOCATING THE EXISTING 50 TON HVAC UNIT CURRENTLY SERVING THE INTERIM CASINO) A PURCHASE THAT WAS NOT PROVIDED FOR IN THE PROJECT'S BASE SCOPE OF WORK (PLAN WAS TO RELOCATE ABOVE MENTIONED UNIT) AT A COST THAT WILL INCREASE THE GUARANTEED MAXIMUM PRICE IN AN AMOUNT NOT TO EXCEED \$41,800.00; by Porter, supported by Kleeman

Roll Call

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

Motion carried (5-2-0-2)

B. 4 – Change Order #23

Fisher presented Change Order #23 and asked for any questions.

MOTION TO APPROVE RESOLUTION # 01-1219-16 AUTHORIZING THE CONSTRUCTION MANAGEMENT TEAM TO EXECUTE A CHANGE ORDER THAT AMENDS THE ORIGINAL CONTRACT AMOUNT OF \$712,206.00 WITH NORTH AMERICAN VIDEO TO REFLECT AN INCREASE OF \$222,539.00 AS PER QUOTE DATED 12/07/01. THE WORK RELATED TO THIS CHANGE ORDER DOES

NOT INCREASE THE GUARANTEED MAXIMUM PRICE AS THE INCREASE IN THE BUDGET'S LINE ITEM FOR THIS PROJECT ELEMENT IS STILL WELL WITHIN THE ORIGINAL BUDGET PROVISIONS; by Kleeman, supported by Porter

Roll Call

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

Motion carried (5-2-0-2)

B. 6 – Hydropneumatic Tank

Fisher stated the hydropneumatic tank was the tank required to supply the entire water system at the new construction. This tank met specifications of Health Services. No Resolution was presented, however, Fisher requested approval by motion and stated a Resolution will be presented at the next meeting.

MOTION TO TABLE ITEM III – B. 6 HYDROPNEUMATIC TANK UNTIL THE EMERGENCY MEETING ON FRIDAY, DECEMBER 21, 2001; by McCatty, supported by Sam

Roll Call

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

Motion carried (6-1-0-2)

C. 7 – Change Order to Modify Contract with Cameron Brothers in the Amount of \$5,714.24

Fisher stated the Change Order did not involve Cunningham-Limp. This expense was for submersible pumps for the water system.

MOTION TO APPROVE RESOLUTION #01-1219-17 AUTHORIZING THE CONSTRUCTION MANAGEMENT TEAM TO EXECUTE A CHANGE ORDER THAT AMENDS THE CONTRACT AMOUNT WITH CAMERON BROTHERS TO REFLECT AN INCREASE OF \$5,714.24 AS PER INDIAN HEALTH SERVICE; by Kleeman, supported by Sam

Roll Call

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

Motion carried (6-1-0-2)

B. 8 Change Order to Modify Contract with Corvette Construction in the Amount of \$18,257.50

Fisher explained the additional costs was due to incorrect measurements on original specifications, therefore additional materials were required.

MOTION TO APPROVE RESOLUTION #01-1219-18 AUTHORIZING THE CONSTRUCTION MANAGEMENT TEAM TO EXECUTE A CHANGE ORDER (#1) THAT AMENDS THE CONTRACT AMOUNT WITH CORVETTE CONSTRUCTION TO REFLECT AN INCREASE OF \$18,257.50 AS PER INDIAN HEALTH SERVICES;by Kleeman, supported by Fisher

Roll Call

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

Motion carried (4-3-0-2)

Sam suggested the CMT need to designate alternate spokesperson for the CMT. Because Charles Fisher always reports for the CMT it could be misunderstood that it was a paid position. It could also be misconstrued there was a conflict of interest when a Tribal Council member reports for CMT and then votes.

VI. Concluding Business

A. Next Meeting Date(s) – December 21, 2001, January 9, 2002

B. Public Comment Period

Discussion was held regarding the funds recently released to Tribal members and the funds for children placed in a trust. Sam explained that was the most expedient process to get funds disbursed by the holidays. Prior to the next disbursement the process will be examined again.

The newsletter was discussed. Davis and Chapman asked the Tribal Council to sign off on the Council's portion of the newsletter prior to submission to the printer.

Consensus of the Tribal Council was to postpone holding Closed Session until 10:00 a.m. on Friday, December 21, 2001.

Speaker Parsons recessed the meeting at 5:23 p.m. Parsons announced the Council will reconvene on Friday, December 21, 2001 at 10:00 a.m., to conduct the Closed Session and other remaining business of the agenda.

The Tribal Council reconvened on Friday, December 21, 2001. Speaker Parsons called the meeting to order at 10:05 a.m.

Roll Call

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

Quorum established

C. Approval of Agenda

The Agenda continued from Wednesday, December 19, 2001

II. Continuing Business

A. Grants & Contracts

No business

B. CMT Business

1. Hydropneumatic Tank

Fisher explained the need for the Tank at the new construction site.

MOTION TO APPROVE RESOLUTION #01-1219-19 AUTHORIZING THE CONSTRUCTION MANAGEMENT TEAM TO INITIATE A PURCHASE ORDER WITH STEEL TANK AND FABRICATING IN THE TOTAL AMOUNT OF \$15,668.75 FOR THE HYDROPNEUMATIC (PRESSURE) TANK, A CRITICAL COMPONENT IN THE COMMUNITY WATER SYSTEM, PER THE RECOMMENDATION OF GOSLING CZUBAK AND JOHN ANDERSON, INDIAN HEALTH SERVICES;

by Fisher, supported by Kleeman

Roll Call

C. Bennett – Absent	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 (7-0-0-2)

III. Old Business

Concluded on Wednesday, December 19, 2001

IV. New Business

A. Fiscal Year 2002 Operating Budget and Narratives

Davis indicated the Budget now included the source of the mutual funds and enterprise budget. The enterprise budget included the proposed budget for Economic Development 2002 and the Little River Construction Maintenance budget.

Sam requested a change in wording in the 7th Whereas, in Resolution #01-1219-20 ... Whereas, the Fiscal Year 2002 Budget reflects a total revenues to the operating budget of Tribal Government of in the amount of \$33,251,178.00, including total distributions from gaming operations in the amount of \$13,660,000.00, and total ...

MOTION TO APPROVE RESOLUTION #01-1219-20, AS AMENDED, APPROVING THE FISCAL YEAR 2002 TRIBAL GOVERNMENT OPERATING BUDGET AND ACCEPTANCE OF THE BUDGET NARRATIVES; by Kleeman, supported by Porter

Roll Call

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

Motion carried (5-2-0-2)

MOTION TO ADJOURN OPEN SESSION; by Kleeman, supported by Porter

Roll Call

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

Motion carried (7-0-0-2)

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; by Kleeman, supported by Ruitter.

Roll Call

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

Motion carried (7-0-0-2)

This portion of Open Session was adjourned at 10:20 a.m.

MOTION TO GO INTO OPEN SESSION; by: Kleeman, supported by Ruitter

Roll Call

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

Motion carried (7-0-0-2)

Council reconvened Open Session, there were no items to be placed in Open Session from the Closed Session.

MOTION TO ADJOURN OPEN SESSION; by Kleeman, supported by Ruitter

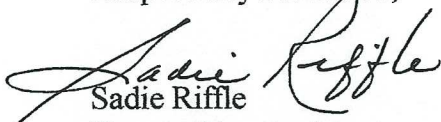
Roll Call

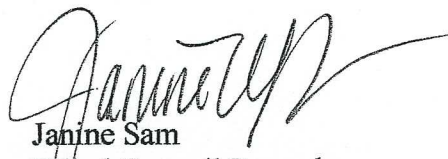
C. Bennett – Absent	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Absent	S. Parsons – Yes
E. Porter – Yes	P. Ruitter –	J. Sam – Yes

Motion carried (7-0-0-2)

Meeting adjourned.

Respectfully submitted,


Sadie Riffle
Transcribing Assistant


Janine Sam
Tribal Council Recorder

