

# LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL COUNCIL REGULAR MEETING WEDNESDAY, AUGUST 16, 2017 LITTLE RIVER BAND GOVERNMENT CENTER

#### OPEN SESSION MINUTES

The Little River Band of Ottawa Indians held a meeting at the Little River Band Government Center on August 16, 2017. Following are the minutes of that meeting.

The first part of the meeting was not recorded and the minutes reflect what were in the notes, memory and the roll call record.

#### I. Opening Prayer

Terri Tyler offered the Opening Prayer in Anishinaabemowin.

#### II. General Business

#### A. Call to Order

The regularly scheduled Tribal Council meeting was called to order at 10:02 a.m.

#### B. Roll Call

J. Riley - Present	J. Friedel -	Present	F. Medacco -	Present
S. Crampton - Present	G. DiPiazza -	Present	R. Pete -	Present
R. Wittenberg-Present	D. Lonn -	Present	S. Lewis -	Present

Quorum established.

Others Present: Yvonne Theodore, Frank Beaver, Robert Medacco, Sara Sikorski, Terri Tyler, Jennifer Crampton, Frank Figgels, Dale Magoon, Kelly Maser, Steve Wheeler, Bill Willis.

Others Present That Did Not Sign In: Grace Hendler, George Le Vasseur, Mary Thomas, Ogema Romanelli, Paul Mooney, Rebecca Liebing, Shayne Machen, David Hawley, Rebecca Groh.

#### C. Approval of Agenda

# MOTION TO APPROVE THE AGENDA FOR WEDENSDAY, AUGUST 16, 2017 WITH THE FOLLOWING CHANGES; by Lewis; supported by Di Piazza.

Speaker Riley asked if anybody was going to abstain and is there further discussion on this item. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #1

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis noted the agenda has been approved for August 16, 2017.

D. Tribal Council Minutes  $\square$  8/2/17  $\square$  8/7/17

# MOTION TO ACCEPT TRIBAL COUNCIL MINUTES FOR 8/2/17 AND 8/7/17; by Di Piazza; supported by Wittenberg.

Speaker Riley asked if anybody was going to abstain and any discussion on this item. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #2

J. Riley - Yes	J. Friedel -	Yes	F. Medacco -	Yes
S. Crampton - Yes	G. DiPiazza - N	Yes	R. Pete -	Yes
R. Wittenberg-Yes	D. Lonn -	Yes	S. Lewis -	Yes

Motion carried (9-0-0-0)

Recorder Lewis noted the minutes for 8/2/17 & 8/7/17 have been approved.

#### III. Continuing Business

#### A. Grants & Contracts

1. Approval of a grant application (Renewal) to the U.S.
Department of Agriculture (USDA) under the Food
Distribution Program on Indian Reservations (FDPIR) for FY
2017-2018

This funding will continue the Food Commodity Program through September 30, 2018. There is a Tribal Match for this program. Both the match and the Budget are essentially the same as last year's (2017) approved submission.

Yvonne Theodore, from the Commodities Department, represented this agenda item. Theodore said yes the Budget for the fiscal year 2018 has been submitted to

the USDA in July. Theodore said they did a review and they will be getting back with her this Friday the 18<sup>th</sup> for the Budget of 2018. Theodore said the Budget ends September 30<sup>th</sup> and the new Budget starts October the 1<sup>st</sup>. Theodore said the total of the Budget is \$139,827 for the fiscal year of 2018 to run the Food Distribution Program.

Speaker Riley asked are there any questions for Yvonne Theodore. Riley asked are there any questions from the floor. Riley said he will entertain a motion on this item. Riley recognized Councilor Pete.

Councilor Pete said he will make a motion.

MOTION TO APPROVE RESOLUTION #17-0816-270; APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR CONTINUATION FUNDING FOR THE LITTLE RIVER BAND OF OTTAWA INDIANS UNDER THE FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (FDPIR) TO THE U.S. DEPARTMENT OF AGRICULTURE (USDA) FOR FY 2017-2018 IN AN AMOUNT OF \$92,092.00; by Pete; supported by Lewis.

Speaker Riley asked if anybody was going to abstain and is there any further discussion. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #3

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis confirmed Resolution #17-0816-270 has been approved.

Speaker Riley thanked Recorder Lewis and Yvonne Theodore.

#### B. Budget Modifications

1. Acceptance of contract funds from the U.S. Environmental Protection Agency-Air Quality Program and approving a modification to the Operating Budget MB-2017-\_\_ in the amount of \$35,245

The Tribe has received a modification from EPA.

Speaker Riley said Bill Willis is representing this item and that he had the floor.

Bill Willis, Budget Coordinator, and Frank Beaver, Director of Natural Resource Department, represented this agenda item. Willis said these are additional funds they have received for 2017 for the Air Quality Program which is a program run by Tom Shepard. Willis said basically straight forward the money is being split between Salaries, Fringes, Supplies and Travel so. Willis said he thinks this is the bulk of the money for 2017. Willis said they just need to accept it and amend the Operating Budget.

Speaker Riley asked is there any.....recognized Councilor Di Piazza.

Councilor Di Piazza said if there are no questions he was going to say that he will make the motion.

MOTION TO APPROVE RESOLUTION #17-0816-271; ACCEPTANCE OF CONTRACT FUNDS FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY-AIR QUALITY PROGRAM AND APPROVING A MODIFICATION TO THE OPERATING BUDGET MB-2017-51 IN THE AMOUNT OF \$35,245; by Di Piazza; supported by Lonn.

Speaker Riley asked if anybody was going to abstain and is there any further discussion on this item. Riley recognized Councilor Pete.

Councilor Pete apologized and that he always asks Bill Willis this. Pete asked is that going to be.....he might have missed it......is that going to be their total funds then from this.

Bill Willis responded that he believed so.

Councilor Pete went on to say for this year and his second then follow-up would be are they going to be getting about what they got last year or does he know.

Bill Willis said he cannot answer that question but it is probably somewhere in the ballpark and Frank Beaver may be able to answer that.

Frank Beaver said good morning and yes funding for EPA for Air Quality Programs has been consistent for quite a little while. Beaver said they did receive a decrease and he wanted to say about three years ago. Beaver said they are running this Budget and they tend to supplement this with other EPA Funds because they have some flexibility in the IGAP, the Indian General Assistance Program so that lets them move a little bit of money around. Beaver said this is part of what they call the PPG, the Performance Partnership Grant where they put several different grants together and that allows them the flexibility to move money a little bit between programs particularly in terms of how people spend their time. Beaver said to Councilor Pete that yes the funding has gone down slightly from EPA on this but they are still at a point where they can fully support the program with EPA Funds.

Councilor Pete said okay that sounds great and just a quick follow-up. Pete said the reason he asks that is because he is trying to follow these grants this closely with the Trump Administration about where they are going to be at least with the tracking this year. Pete said there is no guarantee next year is what he is trying in his mind to see where these are going. Pete said that is why he asked that question. Pete thanked Frank Beaver.

Speaker Riley said okay any further questions. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #4

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis confirmed Resolution #17-0816-271 has been approved.

Speaker Riley thanked Recorder Lewis. Riley said it isn't because her breath stinks or anything but he was just offering her one to be polite.

# 2. Approval of Supplemental Appropriation 2017-\_\_-3<sup>rd</sup> QTR to fund One-Time Payout to Government Employees in the amount of \$340,356.06

Tribal Council has received a Certification of Availability of Funds #2017-016 from the Accounting Department signed by the Chief Financial Officer.

Steve Wheeler, Tribal CFO, represented this agenda item. Wheeler thanked Speaker Riley and said good morning. Wheeler said they are asking for a supplemental appropriation for \$340,356.06 to fund this one-time payout that they had been asked to put together. Wheeler said the amounts break down the actual amount for wages and salaries is around this \$307,597, Social Security and Medicare \$23,531 and the 3% for 401k Contribution rounded at \$9,228 for that total of \$340,356.06.

Speaker Riley said he will have to step out for a minute and Recorder Lewis is going to take over.

Acting Speaker Lewis asked are there any questions on this item. Lewis recognized Councilor Crampton.

Councilor Crampton asked if this was a flat rate across the board or is it percentages.

Steve Wheeler replied it is the same percentage applied to.....based on when they were hired. Wheeler said they can get more into that in the next discussion but percentage put together is the same for all people it just depends on when their start date was basically and multiplied by their salary or rate.

Councilor Crampton said so it is not going to be an even distribution people.....some will get more than others.

Steve Wheeler said that is correct. Wheeler said based on start dates and the rate of pay.....the rate of pay.

Speaker Riley asked Recorder Lewis if they had a queue or anything.

Recorder Lewis um-hum they are in a queue right now. Lewis asked if there are any more questions.

Councilor Pete said to Speaker Riley if there are no further discussion he will make the motion.

Speaker Riley said okay and that he had the floor.

MOTION TO APPROVE RESOLUTION #17-0816-272; APPROVAL OF SUPPLEMENTAL APPROPRIATION 2017-16-3<sup>rd</sup> QTR TO FUND ONE TIME PAYOUT TO GOVERNMENT EMPLOYEES IN THE AMOUNT OF \$340,356.06; by Pete; supported by Lonn.

Councilor Di Piazza said the number is 16.

Speaker Riley asked Councilor Di Piazza 62.

Councilor Di Piazza said no.

Speaker Riley asked what was it.

Councilor Di Piazza said 2017-16-3<sup>rd</sup> QTR.

Speaker Riley said oh, the 2017-16-3<sup>rd</sup> QTR.

Councilor Pete apologized. Pete asked do they want him to amend.....do it all over again or is it okay.

Speaker Riley said no it is fine just as long as he......

Councilor Pete said he understands and thanked them.

Speaker Riley finished......as long as he is correcting it. Riley asked Ogema Romanelli if he had his hand up.

Ogema Romanelli responded yes. Romanelli said he thinks Council is aware of this too. Romanelli said they received one comment on this from an employee and it was asked to be read. Romanelli said he doesn't know if this is the time or later or whatever they do it. Romanelli said it is just an FYI. Romanelli thanked them.

Speaker Riley asked Councilor Friedel if he was going to read it or......

Councilor Friedel said he doesn't have it up.

Speaker Riley said the comment was just that the employee believed, if he is remembering correctly, that everybody should get the same amount. Riley asked was that it basically.

Tribal Council agreed that was it.

Speaker Riley said okay.

Councilor Pete said to Speaker Riley that he is just confirming what he said. Pete said that is basically what it was. Pete said it doesn't matter if they had one year of service or 20 years of service they should all get the same amount. Pete said that was the comment.

Speaker Riley recognized Councilor Crampton.

Councilor Crampton said he knows and that is something......in the past it has been a concern too because they see people come in here that they just need to give the employees a 2% raise. Crampton said that person that came in here and said that was making \$60,000-70,000. Crampton said if they get a 2% raise that is a lot more than someone who is making a minimal amount. Crampton said so yeah it is nice to give the employees that but what they are looking at is the guys who are already getting the bigger pay are getting the more boost; the bigger boost.

Speaker Riley said he actually has a couple of questions. Riley said the way they calculated it also have they explained yet how it was calculated just......

Steve Wheeler said he didn't as this is the supplemental appropriation but he can.....

Speaker Riley said oh, they will wait for that.

Steve Wheeler said okay.

Speaker Riley asked if there are any further questions or discussion. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #5

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - No	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (8-1-0-0)

Recorder Lewis confirmed Resolution #17-0816-272 has been approved.

Speaker Riley thanked Recorder Lewis.

Bill Willis said to Speaker Riley that he missed one.

Speaker Riley said oh, he skipped one. Riley said he didn't like that one anyway.

3. Approval of Budget Modification MB-2017-\_\_; Authorizing the modification of the Restricted Timber Sale Budget in the amount of \$3,957

Tribal Council must approve the re-allocation of funds within a Program Budget that exceeds 10% of the total original Program Budget.

Speaker Riley said Bill Willis is representing this item and that he had the floor.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said there has been a request from Natural Resource Department to modify this Budget which is this Budget tends to carry over from year to year. Willis said when they need more funds the Tribal Council approves the appropriation. Willis said they are simply asking to reallocate unspent Salaries and Fringes into Professional Fees to meet the program objectives.

Speaker Riley asked any questions or a motion on this item. Riley recognized Councilor Di Piazza.

Councilor Di Piazza said if there are no questions he will make that motion.

MOTION TO APPROVE RESOLUTION #17-0816-273; APPROVAL OF BUDGET MODIFICATION MB-2017-52, AUTHORIZING THE MODIFICATION OF THE RESTRICTED TIMBER SALE BUDGET IN THE AMOUNT OF \$3,957; by Di Piazza; supported by Lonn.

Speaker Riley asked if anybody was going to abstain and is there any further discussion on this item. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #6

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis confirmed Resolution #17-0816-273 has been approved.

4. Acceptance of grant funds from the Inter-Tribal Council of Michigan-Tribal Behavioral Health Implementation Program and approving a modification to the Operating Budget MB-2017-\_\_ in the amount of \$42,450 Acceptance of funds; modify Budget.

Speaker Riley said now they are on Item 4 and this is the one he wanted.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said these are new grant funds from the Inter-Tribal Council of Michigan for......to support Behavioral Health Program activities basically. Willis said the bulk of the money is going to Professional Fees to help support stuff like Tele-Psychiatric Services, Clinical Project, Traditional Healer and other cultural type activities for clients. Willis said they just need to accept the money and amend the Operating Budget.

Speaker Riley asked any questions or a motion on this item. Riley recognized Councilor Pete.

MOTION TO APPROVE RESOLUTION #17-0816-274; ACCEPTANCE OF GRANT FUNDS FROM THE INTER-TRIBAL COUNCIL OF MICHIGAN-TRIBAL BEHAVIORAL HEALTH IMPLEMENTATION PROGRAM AND APPROVING A MODIFICATION TO THE OPERATING BUDGET MB-2017-53 IN THE AMOUNT OF \$42,450; by Pete; supported by Wittenberg.

Recorder Lewis said he didn't say the modification number.

Councilor Pete asked if he did it wrong again.

Speaker Riley said the budget modification number.

Councilor Di Piazza said 53.

Councilor Pete said okay, alright.

Councilor Lonn said they are learning.

Recorder Lewis said that is right.

Speaker Riley asked Councilor Pete if he wanted to amend his motion.

Councilor Pete said he will amend that motion to 53.

Speaker Riley asked Councilor Wittenberg if he still supported that.

Councilor Wittenberg said support.

Speaker Riley said okay. Riley asked are there any questions on this item. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #7

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis confirmed Resolution #17-0816-274 has been approved.

5. Acceptance of contract funds from the U.S. Department of Interior-Government to Government (G2G) IRR Program and approving a modification to the Operating Budget MB-2017-\_\_\_ in the amount of \$206,733.28

The Tribe has received a modification from the Department of Interior.

Speaker Riley said to Bill Willis that he had the floor.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said yes, these additional funds that they received from the Bureau of Indian Affairs under the Government to Government IRR Road Program. Willis said Steve Parsons is requesting that these funds be split between construction and planning. Willis said that is identified in the resolution. Willis said he did go back and this is actually the second round of funds that they have received this year for the Roads Program. Willis said it looks like the total year to date is \$465,403.19. Willis said once again they just need to accept the funds and amend the Operating Budget.

Speaker Riley asked are there any questions or a motion on this item. Riley recognized Councilor Di Piazza.

Councilor Di Piazza said if there are no questions he will make that motion.

MOTION TO APPROVE RESOLUTION #17-0816-275; ACCEPTANCE OF CONTRACT FUNDS FROM THE U.S. DEPARTMENT OF INTERIOR-GOVERNMENT TO GOVERNMENT (G2G) IRR PROGRAM AND APPROVING A MODIFICATION TO THE OPERATING BUDGET MB-2017-54 IN THE AMOUNT OF \$206,733.28; by Di Piazza; supported by Lonn.

Speaker Riley asked if anybody was going to abstain and is there any further discussion on this item. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #8

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis confirmed Resolution #17-0816-275 has been approved.

#### C. Approval of Budgeted Expenditure

1. Authorizing Membership 2017 Renewal to the National Congress of American Indians

Tribal Funds in the amount of \$20,000 based on the Tribal Membership Dues Schedule in the NCAI By-Laws requires Tribal Council resolution to be paid.

Speaker Riley asked if that was right are they paying for it for this year or is it next year that they are paying for.

Ogema Romanelli said it is supposed to be 2018.

Speaker Riley said okay and thanked Ogema Romanelli. Riley said so it is for 2018 for dues. Riley asked are there any questions or a motion on this item. Riley recognized Councilor Di Piazza.

Councilor Di Piazza said he will make the motion if there are no questions.

MOTION TO APPROVE RESOLUTION #17-0816-276; AUTHORIZING MEMBERSHIP RENEWAL TO THE NATIONAL CONGRESS OF AMERICAN INDIANS FOR 2018 IN THE AMOUNT OF \$20,000; by Di Piazza; supported by Lewis.

Speaker Riley asked if anybody was going to abstain and is there any discussion on this item. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #9

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

	MOU	ni caii.	ied (9-0-0-0)		
	Recorder Lewis confirmed Resolution #17-0816-276 has been approved.				
	Speak	cer Rile	ey thanked Recorder Lewis.		
IV.	Acce A.	_	e of Reports ort of the Tribal Ogema Operations Report Financial Report	□ None Sub □ None Sub	
	Speak	cer Rile	ey said they have no submissio	ns from the Trib	oal Ogema at this time.
<b>V.</b>	Acceptance of Commission Reports  A. Binojeeuk Commission				No Meeting mitted mitted mitted ing in July so they Gaming
VI.	Acce A. B.	Littl	e of Committee Minutes and G e River Casino Resort Prefer SOI Tribal Government Prefe	ence Report	□ July 2017 □ None Submitted
	Speaker Riley said they have received and accepted the Preference Report from the Resort for July 2017. Riley said nothing under				
VII.	Old Business				
	Repo	rts tha	t are due:		Reports received:
	<b>A.</b>		rations Report e 2017		□ None Submitted

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В.	Financial Report	
	June 2017	☐ None Submitted
C.	Housing Commission	1. □ May 2017
	-	2.   □ June 2017
D.	Natural Resource Commission	
	May & June 2017	☐ None Submitted
E.	<b>Commerce Commission</b>	
	June 2017	☐ None Submitted
F.	<b>Elders Committee Minutes</b>	<b>□</b> June 2017
G.	LRBOI Tribal Government Preference Repo	rt
	April-June 2017	
	May-December 2016	☐ None Submitted

Speaker Riley said they have the Housing Commission from May and June; those have been received and accepted for the record. Riley said he sees Natural Resource Commission is.....they are waiting on May and June.

Councilor Di Piazza said they will be meeting next week.

Speaker Riley said okay and thanked Councilor Di Piazza. Riley said Commerce Commission nothing for June of 2017. Riley said they have received the Elders Committee Minutes for June 2017 and they are waiting on the Preference Reports from the Government still.

#### VIII. New Business

A. Authorizing Permanent Adoption of Amendments to the Elected Officials Ethics Ordinance, Ordinance #14-100-10

Tribal Council has reviewed this ordinance and had a final Work Session on July 31, 2017. No comments were submitted but comments taken into consideration from the Work Sessions held on April 24, 2017 and May 16, 2017.

Speaker Riley said what this amendment was they actually convened their first Ethics Board and through feedback from the Board it was decided that they would extend the timeframe for them to determine whether a complaint had merit or not. Riley said they have Commissioners that are scattered all over Michigan and five days is very short notice for them to meet and determine the merits of a complaint or not. Riley asked if there was any further discussion or a motion on this item. Riley recognized Councilor Di Piazza.

Councilor Di Piazza said if there are no further questions he will make that motion.

MOTION TO APPROVE RESOLUTION #17-0816-277; AUTHORIZING PERMANENT ADOPTION OF AMENDMENTS

### TO THE ELECTED OFFICIALS ETHICS ORDINANCE, ORDINANCE #14-100-10; by Di Piazza; supported by Lewis.

Speaker Riley asked if anybody was going to abstain and are there any further questions on this item. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #10

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis confirmed Resolution #17-0816-277 has been approved.

B. Approving Amendments to Housing Regulations Chapter 3-Occupancy Procedures for Low Income and Tribally Owned Homes The Housing Commission has requested certain amendments to Chapter 3 of the Housing Regulations.

Speaker Riley asked are there any questions or a motion on this item. Riley asked if somebody could please just read into the record what the changes were. Riley asked Shayne Machen if she would please if she knows them.

Shayne Machen, Unified Legal Department Attorney, said she won't read all of the changes because they are not all subsentives some of them are just formatting and clerical; things that they corrected. Machen said on page one they did clarify that the regulations only apply to Tribally Owned Rental Units that are managed by the Housing Department so there are different rules that apply or may apply to the Commerce Department properties that they manage. Machen said they also took out the requirement that move-out and moving-in inspections be done with a video tape because to her knowledge that's not how they are doing it anyway. Machen said they are just taking a series of photos and that is what they have been using to make their determination. Machen said they also changed on the last page it just said 14 days to correct deficiencies they corrected that to say 14 calendar days so that it was clear that it wasn't business days and it was a very finite timeline and she believed the other corrections were minor.

Speaker Riley said okay and thanked Shayne Machen. Riley asked are there any questions or a motion on this item. Riley recognized Councilor Pete.

MOTION TO APPROVE RESOLUTION #17-0816-278; APPROVING AMENDMENTS TO HOUSING REGULATIONS CHAPTER 3-OCCUPANCY PROCEDURES FOR LOW INCOME AND TRIBALLY OWNED HOMES; by Pete; supported by Di Piazza. Speaker Riley asked if anybody was going to abstain and any further discussion on this item. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #11

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis confirmed Resolution #17-0816-278 has been approved.

Speaker Riley thanked Shayne Machen and Recorder Lewis.

### C. Approval of Donation to the 3<sup>rd</sup> Annual Pipe Out Paddle Protest in Mackinaw City on September 2, 2017

The Little River Band of Ottawa Indians would like to make a Donation of \$1,000 to All Hands On Deck to show their support to Shut Down Line 5 Coalition and protect all the Great Lakes that provides 20% of the World's Fresh Water.

Speaker Riley asked are there any questions or a motion on this item. Riley recognized Recorder Lewis.

Recorder Lewis said she just wanted to state that the location is in Mackinaw City and that is Saturday, September 2<sup>nd</sup> and this is the 3<sup>rd</sup> Annual that they have going on. Lewis said the Ogema donated \$500 and Tribal Council donated \$500 to the pipeline efforts.

Speaker Riley thanked Recorder Lewis. Riley recognized Councilor Di Piazza.

Councilor Di Piazza said he guessed if there is no discussion he will make that motion.

MOTION TO APPROVE RESOLUTION #17-0816-279; APPROVAL OF DONATION FOR THE 3<sup>rd</sup> ANNUAL PIPE OUT PADDLE PROTEST IN MACKINAW CITY ON SEPTEMBER 2, 2017 WHERE \$500 IS COMING FROM THE EXECUTIVE SIDE AND \$500 FROM THE LEGISLATIVE SIDE; by Di Piazza; supported by Wittenberg.

Speaker Riley asked if anybody was going to abstain and any questions on this item. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #12

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis confirmed Resolution #17-0816-279 has been approved.

#### D. Approving 2017 One-Time Payout to Employees

Tribal Council and Tribal Ogema recognize that the employees working for the Tribal Government are one of the Tribe's greatest assets and have determined that it is appropriate to make one time payments to employees under the Tribe's rescinded COLA Policy a way of boosting employee morale as the Compensation Policies are being developed.

Steve Wheeler, Tribal CFO, and Dale Magoon, Staff Accountant, represented this agenda item. Wheeler said they were asked by the Ogema to gather this information and they did cover it with Tribal Council in a work session that took place. Wheeler said basically what they are trying to do is create a one-time payout for employees based on, general terms, it based on the Consumer Price Index. Wheeler said the last time they did any kind of a computation or payout based on that so they had looked back or referred back to July 1st of 2011 and followed that forward to 2017. Wheeler said they came up with a percent of what the Consumers Price Index says changed during that time and basically applied that across to all employees with the exception of Contract Employees and Elected Officials he believed. Wheeler said they basically applied that increase percentage to their salary or wage to come up with the payout amount. Wheeler said if they want to get into more details he can give them more of the actual nuts and bolts details if they need to go into that.

Speaker Riley said yeah he just has two questions here. Riley asked could they just explain in a little bit more plain language how this was calculated so people can understand it.

Dale Magoon replied sure. Magoon explained the Consumer Price Index they used the CPI Index for the urban area for the mid-west region which they fall under. Magoon said the look back period or application dates that they referred to started in March of 2012 and there is a five digit code that was representative of that index for that period which was 216.099 so they take that percentage for that 2012 and use the current index price to get to the number that was 229.788 and that difference or increase during that time frame is 13.681 then they take that number and divide that by the starting number and then they get to a percentage which is the 6.33. Magoon said they used that format throughout that.....for all the employees.

Speaker Riley said okay and thanked Dale Magoon. Riley said also just one more quick question. Riley said based on looking at this depending on when somebody started or anything like that it is not possible for somebody to get a negative adjustment for a certain year, right, because he sees one year it was -2.4.

Councilor Di Piazza said for two or three years.

Dale Magoon answered right no, not one individual had a negative point based on when their start date was so it worked out. Magoon said there were three.....if they look on that in 2000....he thinks it is 2013, 2014 and 2015 where there are negative years in March on that calculation so.

Speaker Riley said okay.

Steve Wheeler said he just wanted to add too that it is actually on their screen right now the breakdown by year and some of those years they can see there were back negative because the Consumer Price Index fell so they captured that along with the increases over that time period and summarized it into the 6.33% that Dale Magoon mentioned.

Speaker Riley recognized Councilor Pete.

Councilor Pete said okay his question.....he just answered his question. Pete said so there was a flow and could have been up and down a little bit. Pete said overall it is positive but there could have been a flow. Pete said if they used the actual because of this Price Index through the whole spread.

Steve Wheeler said yes.

Councilor Pete said okay and thanked Steve Wheeler.

Speaker Riley said okay he is still in need of a motion. Riley recognized Councilor Di Piazza.

Councilor Di Piazza asked Councilor Pete if he wanted to do it.

Speaker Riley recognized Councilor Pete.

Councilor Pete said it is up to him.....okay.....he would like to make a motion.

MOTION TO APPROVE RESOLUTION #17-0816-280; APPROVING 2017 ONE-TIME PAYOUT TO EMPLOYEES; by Pete; supported by Lonn.

Speaker Riley asked if anybody was going to abstain and are there any further questions or discussion on this item. Riley recognized Councilor Crampton.

Councilor Crampton said yeah he just wanted to be clear on this. Crampton said what he is looking at is re.....schedule that would usually go into a salary adjustment not a one-time payout. Crampton said if it was actually going to help the employees who are in......supposedly suppose to be helping it would be an equal amount but this is a disparity in the percentages that he is looking at that this is just.....he can't go with this though.

Speaker Riley recognized Councilor Pete.

Councilor Pete said to Speaker Riley yeah, no he believes that to do a same payout to every employee that means the person who has worked one year here is going to get the same thing that someone who has worked here 20 years here. Pete said it doesn't matter what their.....to him it doesn't matter as much as what their title is because they may have started here and now through their processes and everything at work and now may be a Manager or a Director he means that is on them that was available to everybody to work through it so he would respectfully like it the way that it is. Pete said that he believes a percentage is based upon.....and that way they are covered the longevity he understands but he doesn't know but he understands there are people who have been here 20 years. Pete said so if they have somebody here for 20 years at/or even in that.....he doesn't care what the longevity is if they have been here a long time verses someone that has started a year ago he means to him that would also be a disparity in the payout so at any rate that is his feeling. Pete thanked them.

Speaker Riley recognized Councilor Crampton.

Councilor Crampton said normally he would take his point because he sees what he is saying but that is not the way it happened around here the people who were here 10, 15, or 20 years ago were also subject to COLA's and Merits within the same year that were outrageously wrong. Crampton said they raised their salaries up and they were outrageously high and they kept going, kept going and they enjoyed a lot of things that the people who now have correct wage salaries don't enjoy so they got ahead a long time ago now they are getting ahead again he just doesn't follow it.

Speaker Riley said okay he thinks they are going to end it there because he doesn't want this to turn into a debate back and forth from ends. Rile asked so does anybody have any further discussion on this. Riley asked Recorder Lewis to do a roll call.

#### Roll Call #13

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - No	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-No	D. Lonn - Yes	S. Lewis - Yes

Motion carried (7-2-0-0)

Recorder Lewis confirmed Resolution #17-0816-280 has been approved.

Speaker Riley thanked Recorder Lewis. Riley asked Recorder Lewis if it was in her motion to add this.

### E. Resolution Recognizing the Authority of the Tribal Ogema to Ban Individuals from Tribal Property

Individuals that pose a threat to the safety or well-being of Tribal Members and Employees and this resolution recognizes that authority.

Speaker Riley said he is looking for any discussion or a motion on this item. Riley recognized Councilor Pete.

Councilor Pete said he will make a motion.

MOTION TO APPROVE RESOLUTION #17-0816-281; RESOLUTION RECOGNIZING THE AUTHORITY OF THE TRIBAL OGEMA TO BAN INDIVIDUALS FROM TRIBAL PROPERTY; by Pete; supported by Lonn.

Speaker Riley asked if anybody was going to abstain and is there any further discussion on this item. Riley recognized Councilor Medacco.

Councilor Medacco said he just has a question. Medacco said if this either passes or fails if the Ogema is going to go......if he is going to move forward with the banning somebody is he going to come in front of Council and are they going to be informed of what is going on with the situation. Medacco said or is he just going.....is this going to be a blanket covering where anytime he wants to ban somebody that's......according to this resolution that Council is going to be in support of it.

Ogema Romanelli apologized and asked Councilor Medacco if he could repeat the first part of his question.

Councilor Medacco repeated if this passes will the Ogema if he decides to move forward to banning people is he going to come in front of Council with

the.....before he does it to let Council know what is going on or is he just going to use his Constitutional Authority and just ban.

Ogema Romanelli said it depends on the situation. Romanelli said sometimes there are more emergent needs for bans and other times it isn't as likely to be an emergency but he would like to keep the Council, as he usually does, informed when a someone.....when a ban happens. Romanelli said if not almost immediately after it happens, when it happens, and when he has time sometimes before if that makes any sense. Romanelli said he will always give notice to the Council.

Councilor Medacco thanked the Ogema.

Speaker Riley recognized Councilor Crampton.

Councilor Crampton asked what exactly is the purpose of this resolution since Constitutionally it grants the power to the Ogema.

Ogema Romanelli responded sometimes there is a question as to a ban. Romanelli said they have a ban that people are employees, they have bans from people on the outside and they have people that are Tribal members. Romanelli said Non-Tribal and Tribal members. Romanelli said in every case there may be a need to ban someone as they know he had to exercise this option as an Executive Order or a Banishment on several occasions. Romanelli said whenever he feels that the Tribe is in jeopardy, threatened, or just basic anything that is an offense against the Tribe is what he looks at. Romanelli said in the past he has asked for Council to give support in certain times because he thinks it may be important or have more affect if all their Tribal Leaders are on the same page. Romanelli said he has the right to do so with or without the Council's approval but as a show of unity in some ways at certain times he thinks it is important. Romanelli said if they look at the Constitution the Ogema has the right to ban but if they look at, they know and again, he takes Section 7 Powers of the Tribal Council, if they would look at VII (a) 1. Tribal Council has the powers to govern the conduct of members of the Little River Band and other persons within its jurisdiction; 2. to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members; 3. to provide by ordinance for the jurisdiction of the Tribe over Indian Child Welfare matters, and all other domestic relations matters. Romanelli said in that he believes it says that they both have some responsibilities and abilities to govern. Romanelli said while he holds the ability to ban they both have the oversight of conduct of members and other individuals within their jurisdiction and he guessed that what this is so he will still do what he needs to do with or without this. Romanelli said he thinks in one way it just reaffirms both the commitment and responsibilities of both Branches to govern conduct within their jurisdiction.

Speaker Riley said to Councilor Crampton to go ahead.

Councilor Crampton said when he was just reading that there the way he interpreted that when he read it was the Checks and Balance almost mechanism to where if they were to do this today they are removing one of those Checks and Balances.

Ogema Romanelli said yeah.

Councilor Crampton said they got Legislative Responsibilities and the Executive Responsibility where they could go together at certain times but they could also oppose one another at certain times.

Ogema Romanelli said exactly.

Councilor Crampton said well if they were to do this now they are removing one of those Checks and Balances.

Ogema Romanelli said he doesn't believe so. Romanelli said all they are doing is saying that they recognize his ability to ban and it doesn't say they are agreeing with his ban and they have done that. Romanelli said what he is thinking as well is there are times where they as the nine Council people may believe that somebody should be banned that he is not in support of either. Romanelli said it gives them that ability to say they will put a resolution forward that or some kind of communication to the Ogema saying they believe this person should be banned. Romanelli said he may not be aware of it and he may not agree with it but it is their option and their ability to express their viewpoints.

Councilor Crampton said so there is really no need for the resolution.

Ogema Romanelli said if they don't want to do it he means that's fine. Romanelli said he has done it before. Romanelli said he just thinks there are times where it doesn't.....it's frustrating to be a little more blunt.....it's frustrating when he makes a decision and there is no communication from the Legislative side that says they supported or deny or they go along and then it gets out in the general community that he is doing something wrong or whatever. Romanelli said it just does.....he doesn't think it is right. Romanelli said he thinks this is to show that okay he has the right to do so and they understand it and they understand that they have a certain responsibility and ability if they don't want to show that he is good with it so. Romanelli said there are times where....and again, they talk about like they say an employment issue well that is the Ogema and that is not true, that is not completely true and they know that because Council passes resolutions that have to do with certain employment issues. Romanelli said they have the right to work on the Budget and give their and to support things that have to do with employment in that area. Romanelli said as far as employment.....employees due to certain things yes that is mostly the Executive Branch but they have to understand they both have commitments just like they did with this raise for the

employees so to say all employee issues fall under the Tribal Ogema is not exactly correct and in this case the suggestion or ability to remove somebody or ask somebody to leave is the responsibility of both he believed. Romanelli said it doesn't mean that they are in complete unison there are times where they may think and he think oppositely so.

Councilor Crampton said so again, his point there is really no need for the resolution he already has it in the Constitution.

Ogema Romanelli said if he chooses not to and he thinks there is no need for it then just vote it down. Romanelli thanked them.

Speaker Riley thanked the Ogema. Riley recognized Councilor Pete.

Councilor Pete said he also agrees. Pete said he means he heard it already before when he wasn't on Tribal Council. Pete said well it was the Ogema that did it and it was the Ogema that did it and all this other stuff. Pete said nobody wants to stand up and take responsibility or no one wants to stand up and say they agree. Pete said all they are doing here as he reads this is just recognizing the Ogema's right to do this it doesn't say he has to do it and doesn't say anything but he has the Constitutional ability to do it. Pete said he doesn't think they are compromising one thing by saying yes. Pete said if a Tribal member asked him on the street does the Ogema have the right to ban somebody from property to protect their employees or protect the welfare of them he would say yes. Pete said all he is going to do here when he votes is say yes he has the right to do it and once again he is not going to speak anymore on it because he knows the Speaker doesn't want this back and forth thing going on so that will be the end of it for him, he promises him.

Speaker Riley said okay any further discussion here.

Councilor Crampton said he thinks the discussion is totally healthy because the membership didn't get to hear about this until a couple of days ago and it is pretty substantial so he thinks there should be lots of discussion......

Councilor Lonn said it is substantial.

Councilor Crampton went on to say they always get blamed of doing things behind everybody's back and doing it is one of the reasons he going to vote no for it today.

Speaker Riley said he thinks there is a couple of things to consider here and he.....he is going to refrain from getting into that because it involves..... Riley recognized Ogema Romanelli.

Ogema Romanelli said just one more question. Romanelli said referring to the 7.1 the Tribal Council's ability and powers to govern the conduct of members of the Little River Band and other persons, how does the Tribal Council do that.

Speaker Riley replied through their laws.

Ogema Romanelli said pardon him.

Speaker Riley repeated through their laws and resolutions.

Ogema Romanelli said right; okay.

Speaker Riley said okay and anything further.

Councilor Lonn asked have they ever done it.

Speaker Riley said resolution and motion, yeah. Riley asked Recorder Lewis to do a roll call. Riley said he is going to have to abstain because he has a question that he needs answered before he can.

#### Roll Call #14

J. Riley -	Abstain	J. Friedel -	No	F. Medacco -	Yes
S. Crampton	- No	G. DiPiazza	- Yes	R. Pete -	Yes
R. Wittenberg	g-No	D. Lonn -	Yes	S. Lewis -	No

Motion failed (4-4-1-0)

Councilor Crampton said motion fails.

Speaker Riley agreed motion fails.

Recorder Lewis said Resolution #17-0816-281 has failed.

#### IX. Concluding Business

- A. Next Meeting Date(s) Wednesday, August 23, 2017
- B. Ogema Weekly Status and Business Update

Speaker Riley said to Ogema Romanelli that he has the floor.

Ogema Romanelli said he just wants to say that they did as required submit the Budget to the membership and held a meeting out at the Community Center. Romanelli said the attendance from the community was small but in some ways he thinks that is probably a good sign because he doesn't think they have a lot of questions. Romanelli said they had a few people there that were asking questions and he thinks they were all good. Romanelli said he appreciates the Tribal Councilors that were there so that they know what the community is looking

forward to. Romanelli said he did a request from the Tribal Council to get some kind of thoughts on the e-mail from Frank Ettawageshik regarding the Senate Bill 487 sponsored by Wayne Schmidt against the "R" word. Romanelli said he doesn't know if they are in support of sending notice to them that they are in support of that as a Tribe and if they get an answer. Romanelli said he knows there is a short window of opportunity there. Romanelli said there is a Sturgeon Release that he spoke to Council about as well. Romanelli said it is happening he thinks around Newaygo and it is a fundraiser for the Watershed Project and again he is just passing that information on. Romanelli said if they need more information he is happy to supply it. Romanelli said what else do they have. Romanelli said he has a letter here and he doesn't understand it completely so if their attorneys want to look at it. Romanelli said it is about a confirmation pledged to vote for Ten Million Christian Americans and he doesn't know if it is legit or not but he is going to pass it down. Romanelli said if they want to go over it before they do anything; feel free. Romanelli said what else do they have and he thinks that's it. Romanelli said he wanted to thank Council for the payout to the employees because he thinks the employees are deserving of this and appreciates their vote there. Romanelli said the last thing he wants to do is they have a temporary employee who is about to complete their internship; Mr. Paul Mooney. Romanelli thanked Paul Mooney for his work. Romanelli said he hasn't had a lot of time to talk to him even though they pass in the halls and stuff where he asks how he was doing. Romanelli said he always seemed to be doing okay and they didn't beat up on him too much so. Romanelli said from what he understands he accomplished a lot in his short time here and wished him good luck with where he is going after this. Romanelli asked Paul Mooney when his last day is.

Paul Mooney replied Friday.

Ogema Romanelli repeated Friday and said wow time just flies. Romanelli said it seems like just last week he was here. Romanelli thanked Paul Mooney again and that he appreciated it.

Speaker Riley said if he could get Paul Mooney to come up for a moment; Council has a gift that they would like to give him.

Tribal Council thanked Paul Mooney for all his work.

Ogema Romanelli said unless there are other questions that completes his report.

#### C. Legislative Affairs Update

Speaker Riley asked does anybody have anything for Legislative Affairs. Riley recognized Councilor Crampton.

Councilor Crampton said as far as Indian Country or if anybody else has anything he has just been horrified about what is going on in Washington but other than that. Crampton said so if anybody else has anything.

Speaker Riley said there was a couple of articles published recently just saying that the Trump Administration is now fulfilling their obligations to Indian Country.

Councilor Crampton said no they are not.

Speaker Riley said they have seen no indication so far. Riley said hopefully it's just because there is......it is just taking time to get appointments in for people to get settled in. Riley said he is hoping that changes. Riley asked anybody else.

#### D. Public Comment Period

Speaker Riley asked does anybody have any public comments.

No Public Comments were offered.

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.

Speaker Riley said at this point he will entertain a motion to end first open at 10:58.

MOTION TO END FIRST OPEN AT 10:58; by Lewis; supported by Wittenberg.

Speaker Riley asked Recorder Lewis to do a roll call.

#### Roll Call #15

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

The meeting was adjourned at 10:58 a.m.

#### XI. Open Session

Speaker Riley said he will entertain a motion to go into second open at 11:27.

The Council reconvened in Open Session at 11:27 a.m.

## MOTION TO GO INTO SECOND OPEN AT 11:27; by Wittenberg; supported by Lonn.

Speaker Riley asked Recorder Lewis to do a roll call.

#### Roll Call #16

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis said they are in second open.

#### A. Items moved from Closed to Open Session

Speaker Riley asked if there was anything to move from closed to open.

Recorder Lewis said yes.

# MOTION TO MOVE RESOLUTION #17-0816-282; THE RESOLUTION, MOTION AND ROLL CALL VOTE TO OPEN; by Lewis; supported by Friedel.

Speaker Riley asked if anybody was going to abstain. Riley asked Recorder Lewis to do a roll call.

Councilor Pete said he had his hand up because he doesn't know what they just did. Pete asked what resolution.

Speaker Riley said they are moving the resolution and the motion and everything for C.2.

Recorder Lewis said that was the Child Development and Adult Food Program.

Councilor Pete said okay he just wanted to make sure he knew what he was voting on. Pete thanked them. Pete said he got lost for a minute. Pete said okay they can call.....he is all set.

#### Roll Call #17

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - Yes	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (9-0-0-0)

Recorder Lewis said Resolution #17-0816-282 has been approved.

The following resolution, motion and roll call vote was moved from Closed to Open Session.

MOTION TO APPROVE RESOLUTION # 17-0816-282, RATIFICATION OF PERMANENT AGREEMENT WITH THE ASSOCIATION FOR CHILD DEVELOPMENT FOR THE CHILD AND ADULT CARE FOOD PROGRAM; by DiPiazza; supported by Lonn.

Speaker Riley asked if anyone was going to abstain from the vote.

#### Roll Call #C-3

R. Wittenberg - Yes		S. Crampton - Yes G. DiPi		G. DiPiazza	azza – Yes	
D. Lonn -	Yes	F. Medacco	- Yes	J. Riley –	Yes	
J. Friedel -	Yes	R. Pete -	Yes	S. Lewis -	Yes	

Motion carried (9-0-0-0)

This concludes the items moved from Closed to Open Session.

#### XII. Adjourn

Speaker Riley said he will entertain a motion to end the meeting at 11:29.

MOTION TO END THE MEETING AT 11:29; by Lewis; supported by Friedel.

#### Roll Call #18

J. Riley - Yes	J. Friedel - Yes	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - No	R. Pete - Yes
R. Wittenberg-Yes	D. Lonn - Yes	S. Lewis - Yes

Motion carried (8-1-0-0)

The meeting was adjourned at 11:29 a.m.

Respectfully Submitted,

race A. Hendler Sa

Grace A. Hendler Transcribing Assistant Sandra Lewis, Tribal Council Recorder