

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
EMERGENCY MEETING
MONDAY, AUGUST 29, 2016
LITTLE RIVER BAND
GOVERNMENT CENTER**

**EMERGENCY OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians held an emergency meeting at the Little River Band Government Center on August 29, 2016. Following are the minutes of that meeting.

I. Call to Order

II. Roll Call

J. Riley - Present	J. Burger- Present	F. Medacco- Absent
S. Crampton - Present	G. DiPiazza- Present	M. Wabindato - Absent
R. Wittenberg- Present	V. Johnson - Present	S. Lewis - Present

Quorum established.

III. Open Session

A. Emergency Amendment to the Gaming Enterprise (s) Oversight Act of 2010

An emergency Amendment is necessary to allow current and future negotiations with labor organizations to operate as they have in the past. This is necessary to ensure the business and financial interest of the Resort and the Tribe are protected by creating a cooperative environment that allows labor negotiations to commence in compliance with Tribal Law.

Shayne Machen, Unified Legal Department Attorney, represented this agenda item. Machen said she thinks that is a good idea that way if there is a lawsuit they have something in the minutes to substantiate the decision. Machen said she is just going to go through just a little bit. Machen said first thing is the reason this is being handled as an emergency amendment is Tribal Council is obviously authorized through Article V of the Administrative Procedures Act to handle something as an emergency. Machen said this would be deemed imminent heart.....excuse her.....imminent harm to business and financial interest because Union Negotiations are this Thursday and Friday. Machen said there is no regularly scheduled meeting of Tribal Council before then and in order to be able to negotiate these agreements effectively they want Tribal Council to be basically the Stop of Last Resort before court and the only way they can do that is if Tribal Council doesn't have the authority to oversee the agreement as well. Machen said

that is why this is deemed an emergency action. Machen said what this is doing is transferring the responsibility of approving the Collective Bargaining Agreements from Tribal Council to the Ogema and allowing the Ogema to assign a proxy should he choose. Machen said this allows the Ogema to sign off on the agreements that the Resort negotiates and then Tribal Council can still serve as an impartial Arbiter over the agreements at a later date if they feel that is necessary. Machen said the only other thing she wanted to convey is she was finally able to get a hold of the Ogema and he did want her to share that he isn't comfortable with receiving this assignment not because of the assignment itself but because he is uncomfortable with his responsibilities over the Gaming Enterprise in general so she told him she would convey that to them without any additional commentary on her part but just convey to them exactly what he said so she feels like she did that.

Speaker Johnson asked if there were any questions, discussions or a motion on this item.

Councilor Crampton said this is just speaking to Collective Bargaining Agreements, right.

Shayne Machen replied yes.

Councilor Crampton said it is not inclusive of all the agreements.

Shayne Machen said no it is specifically for Collective Bargaining Agreements between the Resort and Unions.

Speaker Johnson thanked Shayne Machen and asked if there were any more discussion on this item and/or a motion.

Councilor Burger said just so she understands Tribal Council is willingly subjugating its authority to approve negotiate.....to approve negotiated agreements that impact their government to the Enterprise as an asset of the government to the Ogema in the Collective Bargaining process. Burger said she just wanted to make sure she understands that.

Speaker Johnson said yes. Johnson asked Recorder Riley if he had the resolution number for this.

Recorder Riley said it should be on the agenda.

Councilor Di Piazza said he doesn't have one of those in front of him.

Recorder Riley said 250.

Tribal Council agreed it was 250.

Councilor Di Piazza repeated 250.

**MOTION TO APPROVE RESOLUTION #16-0829-250;
EMERGENCY ADOPTION OF AMENDMENTS TO THE
GAMING ENTERPRISE BOARD OF DIRECTORS ACT OF 2010,
ORDINANCE #10-800-03; by Di Piazza; supported by Burger.**

Speaker Johnson asked if anybody was going to abstain and that it was open for discussion.

Councilor Burger said she is just very disappointed to hear that the Ogema is making a statement regarding living up to his Constitutional Authority under Article V of Section 8, his delegated authority yet again.

Speaker Johnson said okay it is so noted.

Shayne Machen asked if she can just add one more thing.

Speaker Johnson apologized and said to Shayne Machen to go ahead.

Shayne Machen said she just wanted to add something not because of anything anyone said but just that she remembered she gave them one more rationale this morning and she just wanted to note for the record. Machen said the old Gaming Enterprise Board of Directors Act assigned exclusive authority to approve Collective Bargaining Agreements to the Board and the Fair Employment Practices Code gives Tribal Council quite a bit of power once the Collective Bargaining Agreement has been entered into to help dissolve res.....disputes should they arise between the Resort and the Union so part of the rationale for why Council is choosing this action is because of a law that is currently established in the Fair Employment Practices Code and they can continue to utilize that law which the Resort.....excuse her.....which the Union has agreed to surprisingly to abide by laws that the Federal Government says that they don't have to abide by so.

Speaker Johnson said it was brought to his attention by Councilor Di Piazza there is different wording between the actual ordinance and the act. Johnson reiterated that was brought to this attention because they had the Board of Directors Act of 2010 and what they are saying here is the Gaming Enterprise Oversight Act of 2010.

Shayne Machen asked where they are referring to that at.

Councilor Crampton said they just.....when they made the amendments they just amended the title and it is still the same act.

Shayne Machen thanked them.

Speaker Johnson asked if there was any more discussion on this item.

Roll Call #1

J. Riley - Yes	J. Burger- No	F. Medacco- Absent
S. Crampton - Yes	G. DiPiazza- Yes	M. Wabindato - Absent
R. Wittenberg-Yes	V. Johnson - Yes	S. Lewis - Yes

Motion carried (6-1-0-2)

Recorder Riley confirmed Resolution #16-0829-250 passes.

IV. Adjourn

MOVE TO ADJOURN THE MEETING AT 3:08; by Burger;
supported by Di Piazza.

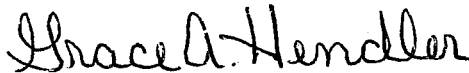
Roll Call #2

J. Riley - Yes	J. Burger- Yes	F. Medacco- Absent
S. Crampton - Yes	G. DiPiazza- No	M. Wabindato - Absent
R. Wittenberg-Yes	V. Johnson - Yes	S. Lewis - Yes

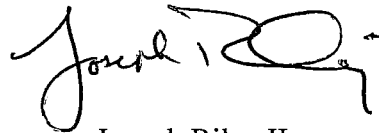
Motion carried (6-1-0-2)

The meeting was adjourned at 3:08 p.m.

Respectfully Submitted,



Grace A. Hendler
Transcribing Assistant



Joseph Riley II,
Tribal Council Recorder