



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, DECEMBER 7, 2016
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 December 7, 2016. Speaker Johnson said this is a day that impacts Veterans because this is the day when the attack on Pearl Harbor happened and they lost many, many warriors during that event. Following are the minutes of that meeting.

I. Opening Prayer

Chuck Fisher, Tribal Elder, offered the Opening Prayer.

Thank you Creator, for this day.

Thank you for the opportunities that it brings.

Thank you for the opportunities that it has brought.

Thank you for the progress that we have made in really understanding that the world is our Mother and that if we were to imagine a name for her there could be no better name than Mother Earth.

I think a lot of people have really come to understand that.

A lot of people have stood up for her.

They stood up for Standing Rock and stood up for everything that is involved there and it was really heartwarming, uplifting, and I hope we can continue down this path.

I hope that things change for the better and help us do that.

Help us become the brothers and sisters that we really are.

Help us know and love one another as those brothers and sisters.

Thank you. Miigwech.

II. General Business

A. Call to Order

The regularly scheduled Tribal Council meeting was called to order at 10:03 a.m.

B. Roll Call

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

Quorum established.

Others Present: Boo Battice, Jennifer Crampton, Frank Figgels, Bill Willis, Kelly Maser, Jason Holguin, Melissa Jackson, Don Mac Donald.

Others Present That Did Not Sign In: Grace Hendler, Drew Jewrick, Officer Patrick Gilles, Elaine Porter, Shayne Machen.

Speaker Johnson said just for everybody to be aware of that Councilor Medacco is out in Phoenix, Arizona at a conference.

Recorder Riley said Palm Springs.

Speaker Johnson reiterated Palm Springs at a conference.

C. Approval of Agenda

MOVE FOR THE APPROVAL OF THE AGENDA FOR WEDNESDAY, DECEMBER 7, 2016 WITH NO CHANGES; by Lewis; supported by Di Piazza.

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

Roll Call #1

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

Motion carried (7-0-0-1)

1 Vacant

Recorder Riley noted the agenda is adopted.

D. Tribal Council Minutes 11/30/16

MOVE TO APPROVE THE TRIBAL COUNCIL MINUTES FOR 11/30/16; by Riley; supported by Lewis.

Speaker Johnson asked if anybody was going to abstain. Johnson said the Speaker will abstain because he was absent and on vacation that day. Johnson said it was open for discussion.

Roll Call #2

J. Riley - Yes	Vacant	F. Medacco- Absent
S. Crampton - Yes	G. DiPiazza- Yes	M. Wabindato -Yes
R. Wittenberg-Yes	V. Johnson - Abstain	S. Lewis - Yes

Motion carried (6-0-1-1)

1 Vacant

Recorder Riley noted the minutes are accepted.

III. Continuing Business

A. Grants & Contracts

Speaker Johnson noted they do not have anything under A. Grants & Contracts.

B. Budget Modifications

- 1. Approval of Budget Modification MB-2016-__ ; Authorizing the modification of the Housing Department Budget, Program #1035-124 in the amount of \$9,551 to meet additional Down Payment & Closing Costs Program Assistance needs**
Tribal Council must approve the re-allocation of funds within a Program Budget that exceeds 10% of the total original Program Budget.

Bill Willis, Budget Coordinator, and Frank Figgels, Housing Department Director, represented this agenda item. Willis said this is a request by the Housing Department to modify their existing Housing Administration Budget to move some money around to cover a deficit that was realized as a result of servicing a couple of Tribal members through the Down Payment and Closing Cost Assistance Program. Willis said this is basically an effort to move surplus funds in other areas to cover that deficit. Willis said likewise they have done an additional budget modification to provide for an additional \$5,000 in anticipation that there may be another Tribal member that may access the program throughout the end of the year.

Councilor Di Piazza asked how many Tribal members have taken advantage of this.

Frank Figgels said he believed there had been 14 so far this year.

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

**MOTION TO APPROVE RESOLUTION #16-1207-382;
 APPROVAL OF BUDGET MODIFICATION MB-2016-72,
 AUTHORIZING THE MODIFICATION OF THE HOUSING
 DEPARTMENT BUDGET, PROGRAM #1035-124 IN THE
 AMOUNT OF \$9,551 TO MEET THE ADDITIONAL DOWN
 PAYMENT & CLOSING COSTS PROGRAM ASSISTANCE
 NEEDS; by Lewis; supported by Di Piazza.**

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

Roll Call #3

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

Motion carried (7-0-0-1)

1 Vacant

Recorder Riley confirmed that Resolution #16-1207-382 is passed.

C. Approval of Budgeted Expenditure

Speaker Johnson noted they do not have any actions to take here.

IV. Old Business

- A. **Operations Report** None Submitted
- B. **Financial Report** None Submitted
- C. **Enrollment Commission** None Submitted
- D. **Health Commission** None Submitted
- E. **Housing Commission** None Submitted
- F. **Natural Resource Commission** None Submitted
- G. **Commerce Commission** None Submitted
- H. **Little River Casino Resort Preference Report** None Submitted
- I. **LRBOI Tribal Government Preference Report** None Submitted

Speaker Johnson said he is looking at Item A through I and they do not have anything to act on or to accept.

- J. **Adopting the Fiscal Year 2017 Tribal Government Operations Budget**
 Tribal Council is authorized to approve the annual Budget presented by the Tribal Ogema. This Item was postponed at the 11/30/16 Tribal Council Meeting.

Speaker Johnson said it is open for discussion and/or a motion.

**MOTION FOR THE APPROVAL OF RESOLUTION #16-1207-383;
ADOPTING THE FISCAL YEAR 2017 TRIBAL GOVERNMENT
OPERATIONS BUDGET; by Lewis; supported by Riley.**

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

Councilor Crampton said during review of the Budget Process he noticed there was some raises given by the Ogema and some of the people were potentially on the Valliant List as being redlined. Crampton asked has that been fixed.

Speaker Johnson said that he is not aware of that at this point. Johnson said that would be a question for the Ogema, who is in Lansing, to ask that question.

Councilor Crampton said he can't vote on something that violates their policy so he will be voting no.

Speaker Johnson asked if there was any other discussion on this item. Johnson said to Boo Battice to come forward with his name and Tribal I.D. please.

Boo Battice, Tribal #2644, said he guessed he is just asking, his big question is, is there a major difference between this year and the past year. Battice said if there is, why. Battice said to him major is major so and thanked Councilor Crampton for bringing that to his attention because all knowledge should be shared. Battice said he is going to have to follow that up with the Ogema because he has the same question if there is a major difference and why.

Speaker Johnson said he has two Councilors with their hands up. Johnson said he has Councilor Di Piazza then Recorder Riley.

Councilor Di Piazza said he was going to say that Bill Willis is in the audience.

Recorder Riley said he is probably going to say what he was going to.

Bill Willis said he guessed he would answer relatively quickly in that the 2016 Operating Budget was approved at \$26,900,000. Willis said the 2017 Budget as being proposed is at \$26,000,000 and when he says 26 it is an estimated distribution from the casino of \$26,000,000. Willis said so the difference is there was a reduction in the distribution estimate of \$900,000 from 2016 to 2017 so the Budget that has been proposed is based on a projected or estimated \$26,000,000 distribution from the casino. Willis said that is the major difference.

Recorder Riley said he would just like to point out before anybody gets too excited about the distribution numbers the second half of next year is when their payment on the note starts at the bank so that is going to affect distribution a little bit. Riley said as far as any, and he really can't explain away anything, but he can

shed some light onto it. Riley said there have been in the past and they are in the process of re-evaluating some job descriptions so maybe that is the cause for some of the changes in compensation.

Speaker Johnson asked if there was any other discussion on this item. Johnson said yes, Boo Battice.

Boo Battice, Tribal #2644, said he is making a response to his response. Battice said instantly he got a smile because it is less but then he is going to raise the question of anticipation of growth. Battice said everything goes up in price and how come it is less because they are going to need more probably. Battice said everything is going to cost more probably so he would like to anticipate growth too so he is happy that it shrinks them but also brings concern if they limiting themselves also. Battice thanked them for all the information.

Councilor Di Piazza said the total Budget is \$38,945,000. Di Piazza said that includes grant funding and IHS Funding and things along that order so the total Budget is \$38, well almost \$39 million so.

Recorder Riley said to Boo Battice to answer your question the.....what they are looking at is over last year and if all these numbers are made they are looking at around 1.8 to 2% growth across the street if all the payments are made and all the distribution payments are made according to Budget so there is growth there but the bank note is obviously going to.....is an expense that they didn't have before so.

Speaker Johnson said to Boo Battice that they are getting into a discussion and he will go one more time then they are going to.....okay.

Boo Battice, Tribal #2644, said he guessed he is going to stand on the point of the workers because they have to give them the ability to grow also is what he is saying.....he is looking towards the future. Battice said to be able to let their workers get a little bit of a raise instead of every ten years or 15, he doesn't know how it works but a lot of stuff to make their people a little bit happier is what he is saying they should anticipate.

Councilor Crampton said he guessed it would speak more to his point because every time that employees don't get a raise it is kind of dumped on the lap of Council but that is not the truth. Crampton said the Ogema can give a raise to his employees at any time and he has.

Speaker Johnson asked if there was any other discussion on the Budget.

Recorder Riley said he just wanted to point out that Councilor Crampton just said he was voting no on the Budget because it includes a compensation increase.

Councilor Crampton said all he is clarifying is that in the past it has all been dumped on Council that they are the ones who are holding back, no. Crampton said Riley knows it and everybody else knows it has the ability to do so and he picks individuals and does it then leaves the rest of them out and Council gets blamed for it.

Recorder Riley said thanks.

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

Roll Call #4

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

Motion carried (4-3-0-1)

1 Vacant

Recorder Riley confirmed that Resolution #16-1207-383 is passed.

K. Appropriating funds for Expenditures during the First Quarter of FY2017 in accordance with Section 5.07 of the Budget & Appropriations Act of 2013

Section 5.07 requires that Tribal Council appropriate funds for expenditures for upcoming fiscal quarters by March 1, June 1, September 1, and December 1. This Item was postponed at the 11/30/16 Tribal Council Meeting.

Speaker Johnson said this is a standard item that they do every year and it almost mirrors what they did the following year as far as the funding they accept that forward.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said basically the approach they take in the first quarter appropriation request is they take ¼ of the Budget less Per Cap because keeping in mind the first quarter doesn't include a Per Capita payment. Willis said that is the estimate that is being made for the first quarter is \$3,899,065.

Speaker Johnson said it is open for discussion and/or a motion.

MOVE FOR THE APPROVAL OF RESOLUTION #16-1207-384; APPROPRIATING FUNDS FOR EXPENDITURES DURING THE FIRST QUARTER OF FY2017 IN ACCORDANCE WITH SECTION 5.07 OF THE BUDGET & APPROPRIATIONS ACT OF 2013; by Lewis; supported by Wabindato.

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

Roll Call #5

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

Motion carried (6-1-0-1)
 1 Vacant

Recorder Riley confirmed that Resolution #16-1207-384 is passed.

V. New Business

A. Approval to post changes to the LLC Ordinance #14-800-02 for 30 Day Public Comment Period

Amendments were made to the existing ordinance.

Tom St. Dennis, Commerce Department Attorney, represented this agenda item.

MOTION TO POST FOR 30 DAY COMMENT THE CHANGES TO THE LLC ORDINANCE; by Crampton; supported by Riley.

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

Roll Call #6

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

Motion carried (7-0-0-1)
 1 Vacant

Recorder Riley noted that the LLC Ordinance is posted.

Speaker Johnson said what he would like to say is this is passed to be posted for public comments. Johnson said he wanted to make it clear to all their members, Tribal members, to please read this over because this is a very important part of their diversity and their future of this Tribe. Johnson said they need to get all the feedback they can from their membership on this item. Johnson said please read it and get back to them. Johnson said it has a lot to do with their future. Johnson thanked Tom St. Dennis for helping them move forward on this.

B. Approval of Donation of \$500 to St. Joseph's Indian School

This donation will provide Christmas Dinner, Christmas Gifts & Stocking Stuffers to the Lakota Children who attend this school.

Speaker Johnson said it is open for discussion and/or a motion.

**MOTION FOR THE APPROVAL OF RESOLUTION #16-1207-385;
APPROVAL OF DONATION OF \$500 TO THE ST. JOSEPH'S
INDIAN SCHOOL;** by Lewis; supported by Wabindato.

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

Boo Battice, Tribal #2644, asked where St. Joseph's is, and is an Indian School.

Councilor Wabindato said Chamberlain, South Dakota.

Boo Battice said he was just asking and it all helps. Battice said hopefully they are thankful if it does go through.

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

Roll Call #7

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

Motion carried (7-0-0-1)

1 Vacant

Recorder Riley confirmed that Resolution #16-1207-385 is passed.

VI. Concluding Business

A. Next Meeting Date(s) - Wednesday, December 14, 2016

B. Ogema Weekly Status and Business Update

Speaker Johnson said the Ogema is not here he is in Lansing for the Business Update so they don't have anything unless Council may have something they want to share under the Business Update.

B. Legislative Affairs Update

Speaker Johnson asked do they have anything in the Legislative Affairs Update.

Councilor Crampton said just that the Federal Judge had denied access to enforce the access to the pipeline. Crampton said the Army Corp of Engineers is not going to let it go forward but that just sets up another case in Federal Court where it is going to be exactly like Landlord Tenant Law. Crampton said that is good for the Tribes but he is really happy to see this working out and it couldn't be a

better time when Indian Country could be facing such drastic challenges from the Feds that they have actually defined a component now where they have the Tribal Governments and the people uniting under one cause and that is the way it should be for all the efforts they do in Indian Country.

Speaker Johnson asked any other Legislative Affairs Update. Johnson said one thing he did he got a request from their Economic Development person, Tom St. Dennis, about getting support from the Elected Officials in the Manistee area in regards to the Bull Property. Johnson said it is being viewed as a Town Center as they develop it and it is going to have Housing in it and so forth. Johnson said what he will do is take that e-mail that he got from Tom St. Dennis and carry it to the Units of Government to look for their support as they move forward on this because there might be grant funding and so forth that they can utilize from that.

Recorder Riley said he believed at Agenda Review he did say that he had spoken with some of them and they are pretty excited about it.

Speaker Johnson said if they can get a resolution or something from those folks that is what they need to put in their coffers as they move forward on this project so. Johnson said he is going to let the Ogema do that. Johnson said the new Pharmacist is not here though right.

Councilor Di Piazza said she is right outside the door.

Speaker Johnson said maybe they could introduce her or she can introduce herself or.....okay they are right now into Legislative Affairs but the Ogema is not here for the Weekly Status and Business Update but they have a new guest here in the building for economic opportunities, it is their new Pharmacist. Johnson said he would invite Don Mac Donald to introduce their new Pharmacist.

Don Mac Donald, Health Director, said the timing was just right. Mac Donald said he just wanted to introduce them to Melissa Jackson. Mac Donald said she is their new Pharmacist and just started yesterday so she will be full time with them. Mac Donald said they are working on getting the operation going and getting things squared away so they can get this Pharmacy open that they have been waiting for a long time for. Mac Donald reiterated this is Melissa Jackson and introduced her to Tribal Council.

Tribal Council welcomed her aboard.

Speaker Johnson said welcome aboard and has a quick question for her. Johnson asked what school she went to for.....

Melissa Jackson said Ferris.

Speaker Johnson said go Bull Dogs.

Melissa Jackson reiterated go Bull Dogs.

Both Speaker Johnson and Melissa Jackson repeated *Go Bull Dogs*.

Speaker Johnson thanked Melissa Jackson. Johnson asked if there was anything else on Legislative Affairs.

C. Public Comment Period

Speaker Johnson asked if there was anything in Public Comments.

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.

MOVE TO ADJOURN FIRST OPEN AT 10:25; by Riley; supported by Lewis.

Roll Call #8

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

Motion carried (7-0-0-1)

1 Vacant

Recorder Riley noted the meeting was adjourned at 10:26 a.m.

VIII. Open Session

The Council reconvened in Open Session at 11:34 a.m.

MOTION TO GO INTO SECOND OPEN; by Lewis; supported by Wabindato.

Roll Call #9

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

Motion carried (7-0-0-1)

1 Vacant

Speaker Johnson asked Recorder Riley if they have any items to move from closed to open.

A. Items moved from Closed to Open Session

MOVE TO MOVE TO OPEN SESSION THE RESOLUTION, MOTION AND ROLL CALL VOTE ONLY ON RESOLUTION #16-1207-388; by Riley; supported by Lewis.

Speaker Johnson asked if anybody was going to abstain.

Roll Call #10

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

Motion carried (7-0-0-1)

1 Vacant

Recorder Riley noted the item is moved.

The following item was moved from Closed Session to Open Session.

MOTION TO APPROVE RESOLUTION # 16-1207-388, APPROVING THE FY 2017 RESORT OPERATING AND CAPITAL EXPENDITURE BUDGET; by Riley; supported by Lewis.

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

Roll Call #C-5

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

Motion carried (7-0-0-1-1)

This concludes the items moved from Closed Session to Open Session.

IX. Adjourn

MOTION TO ADJOURN SECOND OPEN AT 11:35; by Lewis;
supported by Wittenberg.

Roll Call #11

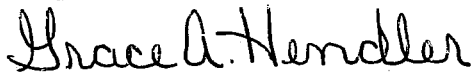
J. Riley -	Yes	Vacant	F. Medacco- Absent
S. Crampton -	Yes	G. DiPiazza- No	M. Wabindato -Yes
R. Wittenberg-	Yes	V. Johnson - Yes	S. Lewis - Yes

Motion carried (6-1-0-1)

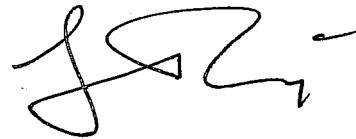
1 Vacant

The meeting was adjourned at 11:35 a.m.

Respectfully Submitted,



Grace A. Hendler
Transcribing Assistant



Joseph Riley II,
Tribal Council Recorder