

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, FEBRUARY 24, 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 February 24, 2016. The following minutes were taken from meeting notes, conversations and the roll call record because the meeting failed to record on the audio system.

I. Opening Prayer

Lee Mc Caslin, Tribal Elder, offered the Opening Prayer in Anishinaabemowin.

II. General Business

A. Call to Order

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

B. Roll Call

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

Quorum established.

Others Present: Helen Green, Lee Mc Caslin, Jennifer Crampton, Tom Shepard, Boo Battice, Diane Lonn, Bill Willis, Valerie Chandler, Steven Wheeler, Tom St. Dennis.

Others Present That Did Not Sign In: Grace Hendler, George Le Vasseur, Mary Thomas, Ogema Romanelli, Officer from Public Safety, Shayne Machen, Rebecca Liebing, Kenny Pheasant, Fran Pitts.

C. Approval of Agenda

MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES; NEW BUSINESS, ITEM D IS POSTPONED; IN CLOSED SESSION, ADD ITEM B.4; IN

SECOND OPEN SESSION, POSTPONE ITEMS B, C, AND D; by Riley; supported by Di Piazza.

Speaker Johnson asked if anybody was going to abstain.

Councilor Crampton said he was going to abstain.

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

Roll Call #1

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

Motion carried (7-0-1-1)

D. Tribal Council Minutes 2/17/16

MOTION TO ACCEPT TRIBAL COUNCIL OPEN SESSION MINUTES DATED 2/17/16 FOR FILING; by Wabindato; supported by Lewis.

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

Roll Call #2

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

Motion carried (8-0-0-1)

III. Continuing Business

A. Grants & Contracts

B. Budget Modifications

1. Acceptance of contract funds from the Department of Health and Human Services-Indian Health Services and approving a modification to the Operating Budget MB-2016-__ in the amount of \$998,338

The Tribe has received new funding on the 2016 Self-Governance Compact.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said this is a modification that the Tribe has received on the 2016 Self-Governance Compact and that there will be another modification on next week's agenda. Willis said they expect more funding in this area as well.

**MOTION TO APPROVE RESOLUTION #16-0224-052;
 ACCEPTANCE OF CONTRACT FUNDS FROM THE
 DEPARTMENT OF HEALTH AND HUMAN SERVICES-INDIAN
 HEALTH SERVICES AND APPROVING A MODIFICATION TO
 THE OPERATING BUDGET MB-2016-04 IN THE AMOUNT OF
 \$998,338; by Riley; supported by Medacco.**

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

Roll Call #3

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

Motion carried (8-0-0-1)

**2. Acceptance of contract funds from the United States
 Environmental Protection Agency-Air Quality Program and
 approving a modification to the Operating Budget MB-2016-__
 in the amount of \$21,881**

The Tribe has received a modification from EPA.

Bill Willis, Budget Coordinator, and Tom Shepard, from the Natural Resource Department, represented this agenda item. Willis said this is additional funding from the Environmental Protection Agency and is for the Air Quality Program. Willis said they just need to accept the money and amend the Operating Budget.

Councilor Di Piazza asked if there was screening for lead content.

Tom Shepard replied that they measure the particles and if lead was present it would be measured in that data.

**MOTION TO APPROVE RESOLUTION #16-0224-053;
 ACCEPTANCE OF CONTRACT FUNDS FROM THE U.S.
 ENVIRONMENTAL PROTECTION AGENCY-AIR QUALITY
 PROGRAM AND APPROVING A MODIFICATION TO THE
 OPERATING BUDGET MB-2016-05 IN THE AMOUNT OF
 \$21,881; by Medacco; supported by Di Piazza.**

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

Roll Call #4

J. Riley -	Yes	J. Burger-	Absent	F. Medacco-	Yes
S. Crampton -	Yes	G. DiPiazza-	Yes	M. Wabindato -	Yes

R. Wittenberg-Yes	V. Johnson – Yes	S. Lewis – Yes
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Motion carried (8-0-0-1)

3. Approval of Supplemental Appropriation 2016-__-1st QTR to fund costs associated with Professional Fees for the Tax Office in the amount of \$14,600

Tribal Council has received a Certification of Availability of Funds #2016-003 from the Accounting Department signed by the Chief Financial Officer.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said this is an appropriation for the Tax Office and believed it had to do with Barb Czarnecki’s item in Closed Session. Willis said if that item is approved this funding would be needed by the Tax Office.

MOTION TO APPROVE RESOLUTON #16-0224-054; APPROVAL OF SUPPLEMENTAL APPROPRIATION 2016-03-1ST QTR TO FUND COSTS ASSOCIATED WITH PROFESSIONAL FEES FOR THE TAX OFFICE IN THE AMOUNT OF \$14,600; by Riley; supported by Lewis.

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

Roll Call #5

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

Motion carried (8-0-0-1)

C. Approval of Budgeted Expenditure

IV. Old Business

- A. **Operations Report** None Submitted
- B. **Financial Report** None Submitted
- C. **Enrollment Commission** None Submitted
- D. **Housing Commission** None Submitted
- E. **Natural Resource Commission** None Submitted

Speaker Johnson noted that they have not received any of the reports under Old Business.

V. New Business

- A. **Approving Investment Policy Statement with Wells Fargo Bank**

Approval needed in order to better define the Tribe’s Investment Goals with the bank. This will allow Wells Fargo Bank to invest the Tribe’s funds already on deposit with the bank in an appropriate manner to achieve better results while maintaining a level of risk acceptable to the Tribe. Quarterly Reviews of the performance of these investments will be scheduled with the Tribe’s Elected Leadership.

Steve Wheeler, Tribal CFO, represented this agenda item. Wheeler said this approval is for the Investment Policy Statement from Wells Fargo Bank that includes the Tribe’s investments currently maintained by that bank.

**MOTION TO APPROVE RESOLUTION #16-0224-055;
 APPROVING INVESTMENT POLICY STATEMENT WITH
 WELLS FARGO BANK;** by Medacco; 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	J. Burger-	Absent	F. Medacco-	Yes
S. Crampton -	Yes	G. DiPiazza-	Yes	M. Wabindato -	Yes
R. Wittenberg-	Yes	V. Johnson -	Yes	S. Lewis -	Yes

Motion carried (8-0-0-1)

- B. Update Designated Individuals Authorized to sign Tribal Certificates of Exemption under the terms of the Tax Agreement between the Little River Band of Ottawa Indians and the State of Michigan**
 Updates are needed and include the removal of Ron Pete and to add Valerie Chandler, Dawn Mc Grady, and Diane Kerr.

Valerie Chandler, Tax Officer, represented this agenda item. Chandler said this item is to update the authorized signers for the Certificates of Exemption issued by the Tax Office to Tribal members. Chandler noted that includes the removal of Ron Pete who wishes to not sign the certificates anymore and to authorize herself, Dawn Mc Grady and Diane Kerr from the Resort. Chandler noted a situation that happened on Friday where the Tribal member needed the Certificate of Exemption but there was no one in office who could sign the certificate and the Tribal member was waiting at the dealership to have that signed certificate. Chandler said she stayed after five to ensure that the Tribal member had their signed Certificate of Exemption and was able to move forward with their purchase.

Speaker Johnson asked Valerie Chandler what she would recommend so that kind of situation doesn’t happen again.

Valerie Chandler responded in order make sure that Tribal members do not have to wait for their Certificates of Exemption they should request them ahead of time before the intended purchase. Chandler said that would ensure that they have a signed certificate and does not delay their purchase.

MOTION TO APPROVE RESOLUTION #16-0224-056; UPDATE DESIGNATED INDIVIDUALS AUTHORIZED TO SIGN TRIBAL CERTIFICATES OF EXEMPTION UNDER THE TERMS OF THE TAX AGREEMENT BETWEEN THE LITTLE RIVER BAND OF OTTAWA INDIANS AND THE STATE OF MICHIGAN; by Riley; supported by Medacco.

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

Roll Call #7

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

Motion carried (8-0-0-1)

C. Approve 30-Day Posting of Amendments to the Indian Preference Ordinance #15-600-02

Tribal Council is required to post proposed Amendments to Ordinances for 30 days prior to their adoption.

Helen Green, Tribal #3578, said the rehire period should be longer such as a year or two and if employees continue on with terminations then the third time they should be finished for good. Green said she used to work for the Willows Restaurant and had to come in to cover for certain employees who continually called off. Green said there are employees who are Tribal members that think the Tribe owes them everything. Green said these employees don't seem to want to do their jobs though and want to just sit around doing nothing. Green said she knows that Tribal members are first and agrees with that but not if employees are not willing to put their best forward for that job. Green said she can understand if an employee gets sick and has to go on medical leave but it shouldn't happen all the time because that puts a burden on other employees who have to cover for that person. Green believed that these employees should have to produce doctor's paperwork to their Supervisors stating the sickness or if they are able to return to work. Green said that should happen when the employee is terminated due to continual medical leave as well if they wanted to come back for work at the casino. Green said she doesn't believe that an employee should be at work who is over medicated either because if they are that sick they should be home. Green said she worked for the Hotel and got sick then realized later that it was worse than she first thought so she put in two weeks' notice because she knew she

wouldn't be able to work anymore. Green said she received the medical care she needed and applied for Social Security that she received after three months. Green said employees need to be held accountable for their actions and behaviors. Green said it costs around \$5,000 per employee and that is a lot of money to put into a person who doesn't want to work. Green said they are there to work and make money. Green said that is the Tribe's business and they need loyal dependable employees who want to work.

Councilor Di Piazza said there is a cost associated with firing/re-hiring employees and read the five year ban after three terminations.

Fran Pitts, Tribal #1592, asked what about the Casino Jobs and do they get their job back. Pitts agreed they should be out at least a year.

Councilor Crampton agreed that it should be a longer period than 90 days. Crampton said Tribal Members need to be thankful for their job because this is impacting the Tribe as a whole. Crampton said other Tribes are one year but he doesn't think that is even strong enough.

Recorder Riley said sometimes there are extenuating circumstances and employees quit for their health. Riley said they should be allowed to come back to work.

Ogema Romanelli said it can take nine months to a year to fill these positions. Romanelli said some employees like to job hop and he recommends nine months to one year than six months to one year.

Lee Mc Caslin, Tribal #0748, said he wanted leniency because those time periods are too harsh. Mc Caslin said it is their obligation to take care of Tribal member employees.

Diane Lonn, Tribal #0194, said they have to take responsibility when they get a job.

Councilor Crampton said if someone is not doing their job its affecting welfare of the Tribe.

Fran Pitts said they are too lenient and they should have to wait a year to be rehired.

Councilor Di Piazza said if he had to utilize the Preference Ordinance in running a business it would cause him to go bankrupt.

Recorder Riley said it may be a revolving door and employees should be barred for some period of time but there is lots of circumstances where they're not a revolving door.

MOTION TO APPROVE 30-DAY POSTING OF AMENDMENTS TO THE INDIAN PREFERENCE ORDINANCE #15-600-02; by Riley; supported by Di Piazza.

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

Councilor Wittenberg said he is old school but he understands Recorder Riley's concerns. Wittenberg said he received a one year wait with appeal rights.

Councilor Crampton reminded everyone that it is a 30 day posting for this ordinance.

Councilor Di Piazza said it is not set in stone and can be tweaked.

Roll Call #8

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

Motion carried (8-0-0-1)

D. Consideration of Appointment of Constance Terrell to the Little River Casino Resort Board of Directors

This appointment is for Seat #5 and a four year term.

Speaker Johnson noted this item was postponed on the agenda.

VI. Concluding Business

A. Next Meeting Date(s) - Wednesday, March 2, 2016

B. Ogema Weekly Status and Business Update

Ogema Romanelli said Little River hosted the Inter-governmental Meeting here in the Meeting Room and he believed that meeting went well. Romanelli said Speaker Johnson, Councilor Di Piazza and he attended the United Tribes Meeting down in Lansing which is why he was absent from the Tribal Council Meeting. Romanelli said things there are also going well. Romanelli said they are working with the C-store to assist in keeping it a float because they are having a hard time now that gas prices are down and their sales are also down. Romanelli said that usually happens when the gas prices go down. Romanelli said they looking at other ways to make money than just the enterprises they have currently. Romanelli said they have been reviewing third party billing and looking to implement that for the Clinic. Romanelli said he thinks that is it for this week.

Speaker Johnson reported development for US-31 North that the Tribe is looking into while AES is looking at development for US-31 South.

Councilor Di Piazza said there was a community event that occurred Tuesday night for Drug and Alcohol Awareness featuring Marcus Frejo Little Eagle, Hip Hop Artist.

C. Legislative Affairs Update

Councilor Crampton said this is a busy time on Capitol Hill. Crampton said Carcieri will happening between April 16th through the 18th and the Tribe will be needing some talking points for Native Legislation.

Recorder Riley said that Tribal members will be receiving election material from the Department of Interior and to make sure to fill those forms out so that they will be able to vote in the Secretarial Election.

D. Public Comment Period

Councilor Crampton said there are rumors out there regarding Elected Official's Compensation again and they are not true.

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 THE FIRST OPEN SESSION; by Medacco;
supported by Di Piazza.

Roll Call #9

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

Motion carried (7-1-0-1)

The meeting was adjourned at 10:52 a.m.

VIII. Open Session

The Council reconvened in Open Session at 11:54 a.m.

MOTION TO GO BACK INTO OPEN SESSION; by Medacco;
supported by Lewis.

Roll Call #10

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

Motion carried (8-0-0-1)

A. Items moved from Closed to Open Session

MOTION TO MOVE FROM CLOSED SESSION; RESOLUTION, MOTION AND ROLL CALL VOTE UNDER BIDS & CONTRACTS, C.1, C.2 AND C.3; AND THE RESOLUTION, MOTION AND ROLL CALL VOTE UNDER LITIGATION, ITEM E.1 TO OPEN SESSION; by Riley; supported by Di Piazza.

Roll Call #11

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

Motion carried (8-0-0-1)

The following items were moved from Closed Session to Open Session.

MOTION TO APPROVE RESOLUTION # 16-0224-057, AUTHORIZATION TO THE CONTRACT WITH MEDCO CONTAINMENT LIFE TO PROVIDE CERTAIN MEDICAL BENEFITS TO ELIGIBLE TRIBAL ELDERS; by Riley; supported by Medacco.

Speaker Johnson asked if anyone was going to abstain.

Roll Call #C-3

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

Motion carried (8-0-0-1)

MOTION TO APPROVE RESOLUTION # 16-0224-058, RATIFY CONTRACT WITH WEST PUBLISHING FOR LEGAL RESEARCH SUBSCRIPTION; by DiPiazza; supported by Lewis.

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

Roll Call #C-4

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

Motion carried (8-0-0-1)

**MOTION TO APPROVE RESOLUTION # 16-0224-059,
 APPROVAL OF CONTRACT ADDENDUM WITH BARB
 CZARNECKI FOR ADDITIONAL TRAINING AND CONSULTING
 SERVICES;** by DiPiazza; supported by Wabindato.

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 – No	J. Riley – Yes
J. Burger - Absent	M. Wabindato– Yes	S. Lewis - Yes

Motion carried (7-1-0-1)

**MOVE TO APPROVE RESOLUTION # 16-0224-060,
 AUTHORIZING SONOSKY CHAMBERS LAW FIRM TO
 REPRESENT THE TRIBE UNTIL THE COMPLETION OF THE
 NLRB CASE;** by Riley; supported by Wabindato.

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

Roll Call #C-7

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

Motion carried (8-0-0-1)

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

- B. Consideration of Appointment of Julie Wolfe to the Gaming Commission**
 This appointment is for Seat #3 with a term ending 9/20/17.
- C. Consideration of Appointment of Norma Hinkle to the Binojeeuk Commission**
 This appointment is for Seat #2 with a term ending 9/20/19.
- D. Consideration of Appointment of Beverly Cole to the Binojeeuk Commission**
 This appointment is for Seat #3 with a term ending 9/20/19.

Speaker Johnson noted these items were postponed during approval of the agenda.

IX. Adjourn

MOTION TO ADJOURN THE MEETING; by Lewis; supported by Di Piazza.

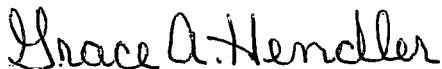
Roll Call #12

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

Motion carried (8-0-0-1)

The meeting was adjourned at 11:56 a.m.

Respectfully Submitted,



Grace A. Hendler
Transcribing Assistant



Joseph Riley II,
Tribal Council Recorder