



**LITTLE RIVER BAND OF OTTAWA INDIANS  
TRIBAL COUNCIL  
REGULAR MEETING  
WEDNESDAY, JANUARY 18, 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 January 18, 2017. Following are the minutes of that meeting.

**I. Opening Prayer**

Chuck Fisher, Warriors Society Chaplin, offered the Opening Prayer.

Creator, once again I thank you for this day.

I thank you for myself and on behalf of everybody that is gathered here, all of our Tribal members and people everywhere.

Help us take advantage of the opportunities that each day brings.

Each day does bring opportunities if we are open to them.

Help us open ourselves to those opportunities and make the best of each day, each moment.

There is always that opportunity. That opportunity is there despite the difficulties that the day can bring as well.

There has been a lot of news of a lot of different difficulties of late.

Help us through those times too.

Help us balance our lives.

Help us do that for our families, for the children, for our Elders, and for the Tribe.

Thank you, Miigwech.

**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	Vacant	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: Johnny Pabami, Kelly Maser, Patrick Wilson, Tom St. Dennis.

Others Present That Did Not Sign In: Grace Hendler, Mike Snyder, Mary Thomas, Ogema Romanelli, Officer Patrick Gilles, Rebecca Liebing, Caitlin Rollins, Chuck Fisher, Frank Beaver, Julia Nickelson, Jeanie Gibson, Jake Kequom, Bill Willis, Diane Lonn, Jennifer Crampton.

**C. Approval of Agenda**

**MOTION TO MOVE FOR THE APPROVAL OF THE AGENDA FOR JANUARY 18 WITH AND ADD ON OF V D;** by Lewis; supported by Di Piazza.

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

Recorder Riley said he just wanted to make everyone aware that in.....well because Councilor Lewis will be missing for part of the agenda. Riley said at about 10:20 a.m. she is going to be stepping out and doing a conference call with Interior.

Councilor Medacco said on the agenda it is V D and not VI D.

Speaker Johnson asked Councilor Lewis if she was good with that correction.

Councilor Lewis responded yes.

Speaker Johnson asked Councilor Di Piazza as supporter is he good with the correction. Johnson asked if there was any other discussion on this item.

**Roll Call #1**

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

Motion carried (8-0-0-0)

1 Vacant

Recorder Riley noted the agenda is adopted.

**D. Tribal Council Minutes  1/11/17**

**MOTION TO ACCEPT TRIBAL COUNCIL MINUTES FOR FILING FOR 1/11/17;** by Lewis; supported by Riley.

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

**Roll Call #2**

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

Motion carried (8-0-0-0)

1 Vacant

Recorder Riley noted the minutes are accepted.

**III. Continuing Business**

**A. Grants & Contracts**

- 1. Approving a Submission of a Letter of Intent (and possible grant submission not to exceed \$20,000) to the Health Department of Michigan for Building Healthy Communities-Greenspace Improvement Projects to Increase Physical Activity Initiative that would be utilized for Child Care Center Playground (if funded)**

Letter of Intent and possible grant application would be completed in accordance with the schedule established by the funding agency.

Chuck Fisher, from the Grants Department, represented this agenda item. Fisher said this is a funding opportunity through the Health Department of Northwest Michigan. Fisher said the title of it is Building Healthy Communities Greenspace Improvement Projects to Increase Physical Activity. Fisher said there is a \$20,000 ceiling and no match required. Fisher said the application process does require a Letter of Intent that is due by the end of this month. Fisher said the grant application itself is due on February the 10<sup>th</sup>. Fisher said they are planning on using the funding to support the Child & Family Development Center with the renovation that is going on currently across the street. Fisher said they are targeting the outside playground areas to enhance physical activity to fit their needs with the opportunity that is available to them.

Speaker Johnson said are there any questions or a motion on this item.

**MOTION TO APPROVE RESOLUTION #17-0118-010;  
APPROVING THE SUBMISSION OF A LETTER OF INTENT TO  
THE HEALTH DEPARTMENT OF NORTHWEST MICHIGAN-  
GREENSPACE IMPROVEMENT PROJECTS TO INCREASE  
PHYSICAL ACTIVITY INITIATIVE AND, IF INVITED, FULL  
APPLICATION IN AN AMOUNT NOT TO EXCEED \$20,000  
WHICH WILL BE UTILIZED TO ENHANCE ELEMENTS OF**

**THE TRIBAL CHILD & FAMILY DEVELOPMENT CENTER;** by Medacco; supported by Lewis.

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- Yes
S. Crampton - Yes	G. DiPiazza- Yes	M. Wabindato -Yes
R. Wittenberg-Yes	V. Johnson - Yes	S. Lewis - Yes

Motion carried (8-0-0-0)

1 Vacant

Recorder Riley confirmed that Resolution #17-0118-010 is passed.

**B. Budget Modifications**

**1. Acceptance of grant funds from the Consumers Energy Foundation and approving a modification to the Operating Budget MB-2017-\_\_ in the amount of \$25,000**

The Tribe has received a new award to support the Little River Band of Ottawa Indians Child & Family Development Center.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said the Tribe has been awarded the grant funds from the Consumers Energy Foundation in the amount of \$25,000. Willis said these funds will be put into Capital Outlay to help offset any construction related electrical expenditures associated with the Child & Family Development Center.

**MOVE FOR THE APPROVAL OF RESOLUTION #17-0118-011; ACCEPTANCE OF GRANT FUNDS FROM THE CONSUMERS ENERGY FOUNDATION AND APPROVING A MODIFICATION TO THE OPERATING BUDGET MB-2017-01 IN THE AMOUNT OF \$25,000; by Lewis; supported by Medacco.**

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

Boo Battice, Tribal #2644, said he just has a question. Battice asked how green are they going because he wants to move towards a future. Battice said he knows it is a small amount but he knows if they can anticipate the future a little better he would like to have a better understanding than just that this is going to pay the bill for so many months or something. Battice said he would like to know how invested it is into their future or into more of the future, he guessed, into green energy.

Speaker Johnson replied to Boo Battice that one of the things before Chuck Fisher he knows that he wanted to ask that question. Johnson said to Boo Battice that he would invite him to talk to Jason Cross the leader of that project and he can better answer that question about the green status of the project in areas where they are looking at green elements to it. Johnson said this he believed Chuck Fisher also wanted to respond.

Chuck Fisher said he is not sure that he completely understands Boo Battice's question. Fisher said in regards to the funding for this project there has been a series of smaller grants that have been written, approved and funded that have contributed to the overall cost of the entire project. Fisher said he is going to guess that they are probably well over a million dollars in terms of paying for everything there which represents a good portion of the overall costs and he doesn't know what the exact percentage is. Fisher said they are still working.....this probably represents maybe the eighth grant or in that area that has contributed to that effort there. Fisher said he doesn't know if that answers his question but answers part of the financial end of it and he would be happy to try to answer anything else.

Boo Battice said he guesses he can get more information from Jason Cross. Battice said because this is from Consumers Foundation he figured it's probably limited.

Chuck Fisher said yes it is.

Boo Battice said to a certain department and being Consumer's Energy that they are helping them because that is very minute. Battice said the Budget and.....like he said he would have to talk to Jason Cross for a little bit of what's really going in over there and what is going on. Battice said he is really interested and this is old news.....he wants it to get done they know.....so he is kind of.....

Chuck Fisher said it is getting there.

Boo Battice said he is kind of anticipating it because he might need the help himself but he would like to see, they know, he is not trying to brag about other Tribes or anything but some of them already have whole fields of solar panels and different things to help.....he knows the first initial cost is a little expensive but it pays back within its time and the Co2, just the emission, their Mother Earth is the main concern so hopefully.....yes Chuck Fisher did help a lot hopefully they can talk more often.

Recorder Riley said he was going to say this \$25,000 specifically is just for the electrical infrastructure changes inside the building and that is what it is there to cover. Riley said it is not there to cover anything like solar panels or anything like that. Riley said if Boo Battice speaks with Jason Cross he may have gotten

some other grants that pay for different things like that but he is not sure off the top of his head.

Speaker Johnson said he wanted to build onto what Recorder Riley was saying also. Johnson said he thinks Jason Cross will have the answer to the nuts and bolts of the operation or the construction itself. Johnson said things like LED Lights are low energy lights and they are very efficient and long lasting. Johnson said they are very green. Johnson said he knows that their current Government Building has a lot of LED Lights. Johnson said he sure Jason Cross can answer those questions for Boo Battice. Johnson asked if there was any other discussion on this item.

**Roll Call #4**

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

Motion carried (8-0-0-0)  
 1 Vacant

Recorder Riley confirmed that Resolution #17-0118-011 is passed.

**C. Approval of Budgeted Expenditure**

**1. Approval of travel for Speaker Johnson**

Travel is to attend National Indian Gaming Commission Meeting in Washington, D.C. on February 2, 2017 & United Tribes Meeting in Lansing, Michigan on February 22-23, 2017.

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

**MOTION TO MOVE FOR THE APPROVAL OF TRAVEL FOR SPEAKER JOHNSON TO THE NATIONAL INDIAN GAMING COMMISSION MEETING IN WASHINGTON D.C. ON FEBRUARY 2, 2017 AND THE UNITED TRIBES MEETING IN LANSING, MICHIGAN ON FEBRUARY 22-23, 2017; by Lewis; supported by Wittenberg.**

Speaker Johnson asked if anybody was going to abstain. Johnson said of course he is going to. Johnson said it was open for discussion.

**Roll Call #5**

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

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

Recorder Riley noted travel is approved.

**2. Approval of travel for Recorder Riley**

Travel is to attend National Indian Gaming Commission Meeting in Washington D.C. on February 2, 2017.

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

**MOVE FOR THE APPROVAL OF TRAVEL FOR RECORDER RILEY FOR THE NATIONAL INDIAN GAMING COMMISSION MEETING IN WASHINGTON, D.C. ON FEBRUARY 2, 2017;** by Lewis; supported by Wittenberg.

Speaker Johnson asked if anybody was going to abstain.

Recorder Riley said he will abstain.

Speaker Johnson said that it was open for discussion. Johnson said he would just like to notify his colleagues and the Tribal membership that they did adopt a Meeting Procedures in which when the Speaker and Recorder are gone Council will determine who the Speaker and Recorder will be to manage that meeting on February 1<sup>st</sup> if the absence occurs. Johnson said he believes it depends on the travel arrangement itself and how they are going to get there and so forth. Johnson asked if there was any other discussion on this item.

**Roll Call #6**

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

Motion carried (7-0-1-0)

1 Vacant

Recorder Riley noted travel is approved.

Speaker Johnson said one additional item on this item and he should have mentioned it before they did a roll call vote and he apologizes to his colleagues and also to the audience. Johnson said he really feels it is very important that Recorder Riley is there because he has a very rich history sitting on the Gaming Commission for many years and knows the laws and so forth. Johnson said he knows the operation across the street and his wisdom that he is going to share at that meeting if going to be very welcomed. Johnson thanked Recorder Riley.

Recorder Riley thanked Speaker Johnson.

#### IV. Old Business

- |   |   |
|---|---|
| A. Operations Report                            | <input type="checkbox"/> None Submitted |
| B. Financial Report                             | <input type="checkbox"/> November 2016  |
| C. Binojeeuk Commission                         | <input type="checkbox"/> None Submitted |
| D. Housing Commission                           | <input type="checkbox"/> None Submitted |
| E. Commerce Commission                          | <input type="checkbox"/> November 2016  |
| F. Elders Committee Minutes                     | <input type="checkbox"/> None Submitted |
| G. Little River Casino Resort Preference Report | <input type="checkbox"/> None Submitted |
| H. LRBOI Tribal Government Preference Report    | <input type="checkbox"/> None Submitted |

Speaker Johnson said they did receive the November Financial Report from Lani Rozna presented and he believed there was no action items on it so it is noted that they are going to accept them and file them. Johnson said they have also received the Commerce Commission November minutes. Johnson asked Recorder Riley if there were any action items in that.

Recorder Riley responded no.

Speaker Johnson said it so noted that it will be filed as well.

#### V. New Business

- A. **Approval of change to Little River Band of Ottawa Indians Organizational Chart; expanding existing Grant Department from x1 FTE to x2 FTE's by adding the position of Grant Director in accordance with approved 2017 Budget**

Approval of the Org Chart change with the Grants Department as described is needed to initiate the hiring process for new Grants Director position. Hiring process will be processed through the Human Resource Department in accordance with standard practices, policies and procedures.

Chuck Fisher, from the Grants Department, represented this agenda item. Fisher said about six months ago they started looking at the Grants Department and how to move it forward. Fisher said it was decided that another person should be brought into the department. Fisher said discussions have been held with the Leads and with Human Resources along with Valliant as well. Fisher said what they have before them is the completion of those efforts. Fisher said it is his understanding that the Council approves the change to the Organizational Chart and the remaining hiring process will just ensue on kind of its own energy. Fisher said the position was put into the Budget and everything is ready to go but just needs their approval to get it started. Fisher said he thinks they discussed this a number of times before. Fisher said if anybody has any questions he would be happy to try and answer them.

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



Ogema Romanelli said one question on this and he apologizes he didn't get to it sooner. Romanelli said this on the agenda says a Grants Director Position and in the Budget Narrative it calls for a Senior Grant Writer.

Chuck Fisher said yes sir.

Ogema Romanelli asked is that in the Org Chart.

Chuck Fisher said that is a good eye.

Ogema Romanelli said it wasn't his eye.

Chuck Fisher said they had this discussion too and it probably should get resolved here and now in order to move this forward. Fisher said the resolution that is involved actually calls for a recommendation that this be prioritized and it does remain a question. Fisher said it has been discussed both ways. Fisher said Valliant came back with a recommendation that the position be established as a Director. Fisher said in that process some of the eligibility or the criteria was changed as well. Fisher said there are a number of small issues that are involved with the matter as it stands and that includes the job description itself. Fisher said it's his recommendation is that the position be as a Grants Director and he would further recommend that the Associate's Degree that is in there be changed to a Bachelor's Degree but with things standing the way they are it seems that it could be processed in this manner and they would be good with it. Fisher said he leaves that to their judgment.

Ogema Romanelli said so then the criteria that was changed to.....the criteria was changed by Valliant or internally or how.

Chuck Fisher said he is not entirely clear as to how that was changed. Fisher said he did make a concerted effort to call for a Bachelor's Degree for this position.

Ogema Romanelli said to Chuck Fisher well he has been in that position long enough and he would be fine to go with his recommendations for the position quite honestly but it says Grants Writer.....Senior Grants Writer in the Budget Narrative. Romanelli said they are calling for the Department Director and that is of his opinion too and he would be more inclined to go that route.

Chuck Fisher said to Ogema Romanelli that he appreciates his support.

Ogema Romanelli thanked Chuck Fisher. Romanelli said if this can be cleared up with a simple resolution amendment or whatever he is fine with that if that is even needed.

Recorder Riley said he is not entirely sure that they want to set those requirements by resolution because then if it ever changes then it has to be done the same way.

Riley said he thinks leaving it somewhat flexible would be the best way to go about it.

Chuck Fisher said it seems that the Senior Grant Writer in the Budget could be modified without any undue difficulty to the Grants Director's position. Fisher asked if Bill Willis was still here, no.

Speaker Johnson said the question he has on this Organizational Chart is that the current Organizational Chart in their work session or Agenda Review they asked for the compensation range so they know from a budgetary end Council has it and it is presented here. Johnson thanked Chuck Fisher. Johnson said when he looks at the Organizational Chart they have the existing.....oh he sees.....the existing one and the one is the approved to change would include that.....now he sees it. Johnson said he saw two Organizational Charts but the titling of one is existing and the other one is modified and what it would look like.

Chuck Fisher said actually in the larger Organizational Chart that doesn't really change, he means, the Grants Department is still there it only changes within the Grants Department division and the only change is two people verses one.

**MOTION TO APPROVE RESOLUTION #17-0118-012;  
APPROVING CHANGE TO THE TRIBAL ORGANIZATIONAL  
CHART WITHIN THE GRANTS DEPARTMENT  
INCORPORATING NEW POSITION OF GRANTS DIRECTOR  
AND CHANGING THE DEPARTMENT'S STAFFING LEVEL  
FROM x1 FTE TO x2 FTEs AND AMENDING THE BUDGET TO  
REFLECT GRANT DIRECTOR RATHER THAN SENIOR GRANT  
WRITER;** by Riley; supported by Wabindato.

Councilor Di Piazza asked if the resolution number was read.

Recorder Riley said that would be Resolution #17-0118-012.

Councilor Di Piazza supported the action.

Speaker Johnson said that was already supported by Councilor Wabindato.

Councilor Di Piazza said his apologies.

Speaker Johnson asked Councilor Wabindato if he still supported this action.

Councilor Wabindato said yes.

Speaker Johnson said it is still open for discussion.

**Roll Call #7**

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

Motion carried (7-0-0-1)

1 Vacant

Recorder Riley confirmed that Resolution #17-0118-012 is passed.

Chuck Fisher said thanks again and thinks they will be happy with the decision.

**B. Adopting the Amendments to the Limited Liability Company Ordinance #14-800-02**

The ordinance was posted for a 30-Day Public Comment Period and no comments were received. The Amendments are ready to be permanently adopted by Tribal Council.

Speaker Johnson noted that Tom St. Dennis is here to answer any questions. Johnson said at this point he will entertain a motion or any discussion on this item.

**MOTION TO APPROVE RESOLUTION #17-0118-013; ADOPTING THE AMENDMENTS TO THE LIMITED LIABILITY COMPANY ORDINANCE, ORDINANCE #14-800-02; by Di Piazza; supported by Wabindato.**

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

Councilor Medacco said the resolution that he has for the Limited Liability Corporation Ordinance #14-1203-16. Medacco said that is on the resolution itself and paperwork. Medacco said to Councilor Di Piazza that he thinks he read the Meetings Procedures Ordinance number and not the LLC one.

Councilor Di Piazza said no that is the one on here.

Speaker Johnson said it is a misprint on the agenda.

Councilor Di Piazza said anyways correction on the last portion would be 14-1203-16 striking 14-800-02.

Speaker Johnson asked Councilor Wabindato if he supported that.

Councilor Wabindato said yes.

Speaker Johnson said with the change. Johnson said it is open for discussion. Johnson thanked Councilor Medacco for catching that. Johnson said wait a minute now.

Councilor Medacco said on the resolution itself and the paperwork they had was wrong but the one that Councilor Di Piazza read was the right one.

Recorder Riley said that was the ordinance number and not the resolution number that was passed so the Ordinance #14-800-02.

Councilor Medacco said on the paperwork that they have in their packet says 14-1203-16.

Councilor Di Piazza said no it is the number on the original.

Speaker Johnson said now they have everybody confused.

Councilor Di Piazza said he didn't confuse nobody.

Recorder Riley said Councilor Di Piazza was right the first time because he was referencing the ordinance number and not the resolution number so it would be #14-800-02 is the ordinance they are changing.

Councilor Medacco said he understands that but the paperwork he is looking at in front of him it references as the ordinance number 14-1203-16 on the paperwork itself.

Recorder Riley said okay.

Councilor Di Piazza said on here it does.

Recorder Riley said oh, alright but his paperwork is wrong.

Speaker Johnson said okay do they have clarity here. Johnson said he is not on board yet.

Councilor Di Piazza said he needs to strike that again and say Ordinance #14-800-02.

Speaker Johnson asked Councilor Wabindato if he was still supporting this action.

Councilor Wabindato said yes.

Speaker Johnson said it is still open for discussion. Johnson thanked Grace Hendler.

**Roll Call #8**

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

Motion carried (7-0-0-1)

1 Vacant

Recorder Riley confirmed that Resolution #17-0118-013 is passed.

**C. Approval of Emergency Amendments to the Tribal Council Meeting Procedures Ordinance #06-100-02**

Amendment is to create an exception for weather delays and closures so that regular Tribal Council Meeting times are adjusted in a consistent manner for the public.

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

Councilor Di Piazza asked if they could explain what the Emergency Amendment is please.

Speaker Johnson said he would invite Recorder Riley to do that.

Recorder Riley said well what happened when they had a two hour delay last week their meeting started at ten and the offices opened at ten so they were kind of rushing around to get everything started. Riley said he thinks they were still about five minutes late getting the meeting started and even that was because their Council Staff was here earlier than the office was open. Riley said what they have done is they put in there to provide clarification for the membership that whenever there is a two hour delay on the day of a Council Meeting the meeting starts at 11:00 a.m. and if the offices closed on the day of a Council Meeting the meeting will take place on the following Thursday at 10:00 a.m.

Speaker Johnson thanked Recorder Riley. Johnson asked if there was any other discussion on this item. Johnson said by the way he was looking at what was going to happen today with the icy roads and everything. Johnson said he was thinking oh boy here they go but fortunately they opened up as they normally do and moved forward on this. Johnson said he wanted to thank everybody for being patient with them last week. Johnson asked if there was any other discussion on this item. Johnson asked Recorder Riley to do a roll call please.

Recorder Riley said they have no motion on this.

**MOTION TO APPROVE RESOLUTION #17-0118-014; ADOPTING EMERGENCY AMENDMENTS TO THE TRIBAL COUNCIL**

**MEETING PROCEDURES ORDINANCE, ORDINANCE #06-100-02; by Di Piazza; supported by Wabindato.**

Speaker Johnson said that it was open for discussion.

**Roll Call #9**

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

Motion carried (7-0-0-1)

1 Vacant

Recorder Riley confirmed that Resolution #17-0118-014 is passed.

**D. Authorizing Unified Legal Department to include Little River Band of Ottawa Indians as Signatory of the Brief of Amicus Curiae in Support of the Respondents in the Matter Murray Energy Corporation, et a. v. United States Environmental Protection Agency, et al.**

Tribal Council is committed to the protection of Tribal members and Tribal Natural and Cultural Resources and that mercury emissions regulated by the Rule and Supplemental Findings on the Rule at issue in this matter have a significant impact on Great Lakes Tribal Populations.

Speaker Johnson said they have Unified Legal that was here and yes they are to answer any questions on this item. Johnson said it is open for discussion or a motion.

Recorder Riley asked if they could just have Frank Beaver come up and explain to everybody exactly what they are supporting here. Riley said or Legal either/or.

Speaker Johnson said maybe together.

Rebecca Liebing, Unified Legal Department Attorney, explained so this is signing onto what is called an Amicus Brief. Liebing said it is a brief in support of an action. Liebing said in this case they would be supporting the EPA's administration of their rules. Liebing said they are standing in opposition of electrical generators because of the mercury that is in the air and in the water. Liebing said they haven't properly accounted for what happens with Tribal populations to consume two to five times more fish and are more negatively impacted. Liebing said they are supporting the EPA's administration of their rule and this is in Federal Court right now. Liebing said that is basically what it is.

Councilor Di Piazza asked if they could let people know that the mercury is coming from the coal burning electrical plants.

Rebecca Liebing agreed generators of the plants.

Councilor Di Piazza said they are spilling the coal and mercury in the lakes.

Rebecca Liebing said the studies in the Brief cover that. Liebing said pretty much every inland lake in Michigan has mercury in it at this point so.

Speaker Johnson asked Recorder Riley that they don't have a motion on this yet do they. Johnson said okay it is open for discussion. Johnson called on Patrick Wilson. Johnson asked if he could please come forward with his name and Tribal I.D.

Patrick Wilson said just a quick question. Wilson asked when they are talking about this mercury in the water they said it obviously negatively affecting the environment. Wilson asked what they are doing to, if they say no generators, obviously they need electricity, and what are they doing to basically combat that.

Rebecca Liebing replied so the EPA's position isn't no generators the EPA's position is to regulate the generation of electricity so it has to do with looking at their emissions and what they are allowed to do. Liebing said generators can upgrade their plants and can reduce their emissions. Liebing said there are a lot of things that they can do that the EPA can ask them or force them to do. Liebing said that is more what it is and is not eliminating power plants in general but is just supporting good regulation of the power plants.

Patrick Wilson said in college he majored in Environmental Regulatory Science with emphasis on Environmental Biology so he really understands what they are talking about and really appreciates it. Wilson asked what they are going to do if they basically harm the bottom dollar of these generator companies. Wilson said no bottom dollar.....

Rebecca Liebing said she is not sure what they do because this is actually the EPA's motion so what they have done or actually a Tribal Coalition is asking them to do is sign a Brief supporting that Federal Agency. Liebing said it is the Federal Agency themselves that does something about this.

Patrick Wilson said okay he likes this because it is protecting their Natural Resources. Wilson thanked Rebecca Liebing.

Speaker Johnson said he just wanted to build onto that question as well. Johnson said in 2005 they had at least two other resolutions supporting this type of action so they are very consistent about protecting the environment. Johnson said as Legislators they can do this by resolutions and so forth to show their concern on behalf of their Tribal members. Johnson reiterated that they are very consistent about this.

Councilor Crampton said he just wanted to add that they also, Little River is also part of that Chippewa Ottawa Resource Authority. Crampton said that Frank Beaver and he sits on the Board to represent the Tribe and they are active on these issues also. Crampton said he would assume it is coming there next so.

Speaker Johnson said to Councilor Crampton building onto that \_\_\_\_ is also on board with this as well as some other Tribes in Wisconsin so this is getting a lot of attention from all the Tribes in the region.

**MOVE FOR THE APPROVAL OF RESOLUTION #17-0118-015;  
AUTHORIZING UNIFIED LEGAL DEPARTMENT TO INCLUDE  
LITTLE RIVER BAND OF OTTAWA INDIANS AS SIGNATORY  
OF THE BRIEF OF AMICUS CURIAE IN SUPPORT OF THE  
RESPONDENTS IN THE MATTER MURRAY ENERGY  
CORPORATION, ET AL. V. UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY, ET. AL.; by Riley;  
supported by Di Piazza.**

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

Councilor Di Piazza said he would hope at some point and time they look at different things that would alleviate coal power generation. Di Piazza said they never know what is out there on the market just waiting. Di Piazza said what do they want him to say.

Recorder Riley said shameless plug.

Councilor Di Piazza said everybody ignores it like the plague and when it finally takes off it is going to be sadness for some. Di Piazza said anyways he doesn't know what to say.

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

**Roll Call #10**

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

Motion carried (7-0-0-1)

1 Vacant

Recorder Riley confirmed that Resolution #17-0118-015 is passed.

**VI. Concluding Business**

**A. Next Meeting Date(s) - Wednesday, January 25, 2017**



## **B. Ogema Weekly Status and Business Update**

Ogema Romanelli said he just has two issues here. Romanelli said they did receive an invitation to join the Michigan Economic Development Corporation in acknowledging Manistee's accomplishment as 9<sup>th</sup> Community to be certified under the Statewide Redevelopment Ready Communities and the Tribe has had a hand in that so if they would like to be represented it will be Friday, January 20<sup>th</sup> at the Vogue Theater. Romanelli said he would encourage some Elected Officials and he will try and make it but does have another appointment. Romanelli reiterated that he will try and make it but he will pass this down to Council. Romanelli said the only other issue he has is that he received a number of calls about the ballot situation. Romanelli said it kept going until about 11:00 p.m. last night and he doesn't know if they want to address it. Romanelli said he knows from their part from the Executive Branch they have someone here to represent it in case a question comes up today. Romanelli said other than that that is all he has.

Speaker Johnson said to Ogema Romanelli that he would like to build onto that last part of it. Johnson said he had the opportunity to talk to one of the members of the Election Board because he heard the same thing and it concerns him very much. Johnson said even though he is not running for office it does create a problem in the election process itself. Johnson said it is his understanding when speaking to the member of the Election Board they were having a meeting tonight to review this and what the options are on how they can correct this. Johnson said he had asked them to come to a Council Meeting on Wednesday of next week to formally announce how this is going to be facilitated and corrected so they will live-stream it so everybody will at least have an opportunity to hear it from their business meeting on how this is going to be corrected. Johnson said they said.....or at least that person said it appears that they could do that. Johnson said he is hopeful that may happen. Johnson said yes Diane Lonn but he has to caution her because she is one of the candidates on the ballot.

Diane Lonn, Tribal #0194, said she does know that because they have to draw down from the Enrollment that they are drawing down tomorrow or Friday and reissuing new ballots to just the nine county so that the ones that are missing are going to be added. Lonn said that is what she was told today because they have to work with IT to be able to draw down so she does know that.

Speaker Johnson asked if there was any other discussion on Business Updates.

Councilor Crampton said just to add that he wants to make it perfectly clear to the membership that Council did express concern about using this Election Company way before this incident happened and cited all their existing problems that they knew about before they contracted with them.

Speaker Johnson said he cautions everybody. Johnson said he doesn't know how this problem occurred whether it was the Election Company or Election Board or whatever but he sure when they hear on Wednesday they will get a better definition of what went wrong. Johnson said he agrees with Councilor Crampton that in the future they want three bids on this process on doing the election itself. Johnson asked if there was anything else on Business Updates.

### **C. Legislative Affairs Update**

Councilor Crampton said the Baby Lexie Case has been.....has reached its final motion and the Supreme Court \_\_\_\_ that ends the case of Baby Lexie Case. Crampton said it ends a six year battle. Crampton said on other news this is Inauguration Week and they are going to be welcoming in a new President hopefully for the better. Crampton said the hardliners that he is appointing are putting up for approval that they tend to insinuate otherwise.

Councilor Medacco said what Councilor Crampton was referring to about the Baby Lexie Case was the foster-parents were challenging the ICWA Rules and Guidelines but the court upheld ICWA so now that because they deal with custody cases like that it is always a reunification or always trying to get them back with the family or with relatives. Medacco said what the court decision upheld was that Baby Lexie is back with.....not with her Biological Father but she is with her family in her Tribe back in Utah.

Speaker Johnson asked if there was anything else on Legislative Affairs Updates. Johnson said he just wanted to add to that tomorrow they are going to meet with the Units of Government. Johnson explained they have this once a month meeting and it is going to be at City Hall. Johnson said they have quite a few things to discuss he is sure.

### **D. Public Comment Period**

Speaker Johnson said he invites any Tribal member to come forward in Public Comments with their name and Tribal I.D. Johnson called on Patrick Wilson.

Patrick Wilson said as they know his father is Patrick Wilson former Ogema of the Tribe and he is a blood member of this Tribe, full blood member or maybe 1% that they couldn't prove. Wilson said what he has here is his birth certificate that says that Patrick Wilson is his father. Wilson said it is all he has ever known is the Native way, the Red Road, that is all he has ever known, the Seven Grandfather Teachings. Wilson reiterated that is all he has ever known. Wilson said hunting, fishing, and using all the animal, pow wows, and tribal. Wilson said he got his pipe when he was 13 years old and continues to study under his father who studies under Jack Chambers. Wilson said what ails him is that the man that was their Ogema is his father but he is not in any way, shape or form allowed to

join this Tribe and he thinks they need to fix that because as they see he has three beautiful children.

Speaker Johnson said hold it, hold it, he has an issue now. Johnson said the issue he has and he wants to be very respectful on this okay. Johnson said Public Comments are for Tribal members and he was under the impression that he was a Tribal member.

Patrick Wilson said no sir.

Speaker Johnson said okay at this point and he apologized.

Patrick Wilson said no, it's perfectly fine. Wilson said he knows it is going to be a road and of course.....

Speaker Johnson said the issue that he is having is that he is not afforded to use the podium to state his position or his claims on this here because he is not a Tribal member. Johnson said at this point he has to ask him to abort this discussion and remain back in the audience.

Patrick Wilson said to Speaker Johnson that \_\_\_\_\_Procedures says he has to go ahead and set a motion so can they go ahead and do that for him. Wilson said set a motion to remove him off the podium because it is an open podium and as long as.....if he takes issue with it is fine but.....

Speaker Johnson said no.....

Patrick Wilson said.....if one of the other Tribal Council Members take issue with it too then they can go ahead and.....

Speaker Johnson said no they can't and the reason why is in their Meeting Procedures Ordinance spells out clearly they have to be a Tribal member to come up there in Public Comment and that is why they ask for Tribal.....

Patrick Wilson said he is a non-Tribal member asking to join their Tribe and where and when can he get that opportunity.

Speaker Johnson said they can do that in a work session.

Patrick Wilson said okay.

Speaker Johnson said in a non-public forum and they can do that. Johnson said he would invite him to have that discussion with Recorder Riley at this point.

Patrick Wilson said so Joe Riley will help him out.

Speaker Johnson said yes.

Patrick Wilson asked why just anytime and just contact him.

Recorder Riley said anytime.

Patrick Wilson said awesome.

Recorder Riley said contact the front office of Council, Grace Hendler, and she will.

Speaker Johnson said to Patrick Wilson, again, he has to caution the fact that they are a Legislative Body and this is an Enrollment issue then they will have to go a different route, okay.

Patrick Wilson said okay. Wilson said he has a whole little case here and obviously he cannot present it but he just wanted to let them know he does have an Economic Stimulus Plan because they have rake over today about \$25 million of revenue that they haven't really talked about. Wilson said so he thinks he as a young generation with his experience he thinks he might have a good eye for their Tribe. Wilson said to keep that in the back of their mind and thanked them.

Speaker Johnson thanked Patrick Wilson. Johnson said again he apologize they know because of the Meeting Procedures Act that they have to implement that part of it. Johnson asked if there were any other public comments.

Boo Battice, Tribal #2644, said he is a Tribal member. Battice said his parents were foster-parents and he has 13 brothers and sisters. Battice said they grew up all together in the Native way but he is the only one of his father's kids so it was a lot harder for them when his brothers won the Fancy Dance Competition embarrassed by the Indians saying that he is not really an Indian. Battice said he was in the Grand Rapids Newspaper and like he said he tried harder than he did. Battice said he didn't have to because he was born like that. Battice said he lived like that his whole life and wanted to be so like he said he may be more Indian than he would trap.....fight harder for their people just because he was trying to prove himself but it is in the heart which was how he was raised. Battice said his father also worked with his father as his father was very wise and understood the ways. Battice said he was talking about Pat Wilson. Battice said his father knew that the blood line was going as his Grandparents wouldn't let.....unless they were full blood they were not Indian and that was how it was when they sat around talking. Battice said they wouldn't even let them kids sit around or anything but they are the only Indians and there is much.....that can't be.....they are descendent but he can't, nothing to his kids, that is Native without the heart belief and that is why he pushed towards the green energy and Mother Earth and Nature. Battice said he is very proud of Pat Wilson saying what he has been doing with Nature and working because that is pushing them back to their ways and beliefs.

Battice said it doesn't matter who or what color they are they know this and it is in the heart. Battice said it sucks that it is set up the way that it is with the blood because they wanted to label.....it is a well-oiled machine and they have suppressed for longer than the other colored people, black people, and he is glad that they can move forward and they are growing but there is not really much time to.....they only gave them so much time and they were not recognized until 1994 so legally he has only been an Indian half of his life which is sad because the half has hurt just as bad by becoming an Indian to where it is a real tough road but it is towards the end of time like he said because of their blood and they knew that their blood was going to diminish throughout as they mingled in.....he would also like to see some.....people like his parents adopted and they were brought up that way he doesn't know how because of the blood thing.....the thing that is with the Federal he doesn't know if these guys can help in this thing but it is in the heart. Battice said unless they figure something out.....they are following.....there are only a few more generations and they are not even going to be here. Battice said he guessed he is proud of his 13 brothers and sisters and they are just as Native as he is.....that is just a statement. Battice asked if there were any questions.

Speaker Johnson said no this is a comment period, okay. Johnson said Boo Battice stated his position on this area and thanked him. Johnson said he has two people in the queue Recorder Riley and Councilor Crampton.

Recorder Riley said yeah, he would say the rules by which they consider people members of the Little River Band of Ottawa Indians are set forth by all of them and not by Tribal Council but they are their rules as a Tribe because it is their Constitution that sets it forth. Riley said so if that is something that he wants to see changed he would say get out there and get support to get enough people behind him and proposed a constitutional amendment because it requires everybody to change that.

Councilor Crampton said he just wanted to say that he has attended many of their camps and has seen Patrick Wilson there almost all of his life that he has been here. Crampton said until today he has never knew that he wasn't a member because he acted like a member, he is a part of his page, has always been insightful, and offered a lot of introspective answers that he finds astonishing and intelligent. Crampton said he is kind of confused because they have people in this Tribe who have claimed to be given away and whose calculations cannot add up to the quantum and some that are adopted. Crampton said he just doesn't find that consistent with any of their laws. Crampton said he doesn't want to talk to him.

Speaker Johnson asked if there was any other public comment.

***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 END FIRST OPEN AT 10:54;** by Di Piazza; supported by Crampton.

**Roll Call #11**

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

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

The meeting was adjourned at 10:54 a.m.

**VIII. Open Session**

The Council reconvened in Open Session at 2:19 p.m.

**MOTION TO GO INTO SECOND OPEN AT 2:19;** by Medacco; supported by Lewis.

**Roll Call #12**

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

Motion carried (8-0-0-0)  
1 Vacant

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

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

**MOVE TO MOVE MOTION AND ROLL CALL FOR C.12 FROM CLOSED TO OPEN SESSION;** by Riley; supported by Medacco.

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

**Roll Call #13**

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

Motion carried (8-0-0-0)  
1 Vacant

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

**MOTION TO APPROVE RESOLUTION # 17-0118-017,  
AUTHORIZING THE INCREASE TO CONTRACT AMOUNT FOR  
PROFESSIONAL SERVICE BETWEEN MARKET RESOURCES  
GROUP, INC. AND THE LITTLE RIVER BAND OF OTTAWA  
INDIANS; by Medacco; supported by Wabindato.**

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

**Roll Call #C-8**

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

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

*This concludes the item that was moved from Closed to Open Session.*

**IX. Adjourn**

**MOTION TO END SECOND OPEN AT 2:20; by Lewis; supported by  
Wabindato.**

**Roll Call #14**

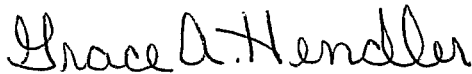
J. Riley - Yes	Vacant	F. Medacco - Yes
S. Crampton - Yes	G. DiPiazza - No	M. Wabindato - Yes
R. Wittenberg - Yes	V. Johnson - Yes	S. Lewis - Yes

Motion carried (7-1-0-0)

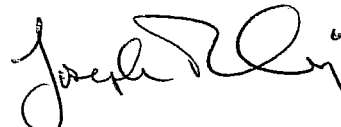
1 Vacant

The meeting was adjourned at 2:20 p.m.

Respectfully Submitted,



Grace A. Hendler  
Transcribing Assistant



Joseph Riley II,  
Tribal Council Recorder