



**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
EMERGENCY MEETING
FRIDAY, JULY 30, 2021
LITTLE RIVER BAND
VIA ZOOM
GOVERNMENT CENTER**

**EMERGENCY OPEN SESSION
MINUTES**

The Little River Band of Ottawa Indians held an emergency meeting at the Little River Band Government Center on July 30, 2021. Following are the minutes of that emergency meeting.

Recorder Wolfe said Mr. Speaker the recorder is on.

Speaker Champagne thanked Madame Recorder. Champagne said this is a Call for an Emergency Meeting by the Tribal Council Speaker um, the Tribal Council.....he called this Emergency Meeting under the authority of the Little River Band of Ottawa Indians vested by Article IV, Section 6(c) of the Tribal Constitution that agrees that the policy and Emergency Meeting be held at the Little River Band of Ottawa Indians Tribal Government via ZOOM on Friday, July 30, 2021, at 5:15 p.m. and it is currently 5:16 p.m. eastern standard time for the purpose of acting on items necessary to preserve the general welfare of the Tribe and its members. Champagne said the specific action on this item is moving the remaining 4995 Unrestricted Fund-contract funds from the U.S. Department of Interior-Bureau of Indian Affairs – American Rescue Plan Act to a Council Restricted Fund in the amount of \$1,901,897.00. Champagne said this is in accordance with Article IV, Section 6(c) of the Tribal Constitution the business shall be transacted at this Emergency Meeting shall be limited to the specific purposes. Champagne said he is going to.....they do have the agenda....the agenda has been posted in the Government and all other buildings here on the Reservation that were applicable. Champagne said let the record show that also that each individual Council member was reached out to through electronic communication at their Government e-mail address good faith efforts were made in that additional Council members do not respond by phone they tried social media, phone, and electronic communications. Champagne said so any personal methods so a good faith effort to notify all Tribal Council members. Champagne said with that being said he also wants to be able to state for the record he believes this item does fall within the area of general welfare to be able to provide and its assets and it's in the Constitution. Champagne said with that being said they have a motion to....roll call please.

I. Call to Order

The meeting was called to order in the beginning at 5:16 p.m.

II. Roll Call

T. Guenthardt - Absent	C. Champagne - Present	P. Johnson - Present
R. Champagne -Present	G. DiPiazza - Present	S. Wever - Absent
R. Wittenberg- Present	J. Wolfe - Present	S. Lewis - Present

Quorum established.

Councilor Johnson said Shirley Wever should be on her way home.

Recorder Wolfe said seven present and two absent quorum is established.

Speaker Champagne thanked Madame Recorder. Champagne said they are going on with the agenda.

III. Open Session

A. **Moving the remaining 4995 Unrestricted Fund-contract funds from the U.S. Department of Interior-Bureau of Indian Affairs – American Rescue Plan Act to a Council Restricted Fund in the amount of \$1,901,897.00**

Speaker Champagne said in front of them they have a resolution moving the remaining amount in 4995 unrestricted fund, contract funds from the U.S. Department of Interior-Bureau of Indian Affairs, American Rescue Plan Act to a Council Restricted Fund in the amount of \$1,901,897.00. Champagne said this item was called for an Emergency Meeting ah, specifically because it's for the general welfare of the Tribe, and its citizens and/or their assets. Champagne said with that being said discussion on this.....any Council members wish to abstain. Champagne said hearing no abstentions Tribal Council discussion on this item.

On the video Speaker Champagne clearly raised his own hand to be in the queue but it wasn't reportedly heard on the audio of the ZOOM recording.

Speaker Champagne said first in line.....in front of them they will see ah, the resolution this is the dollar amount that Mr. Pringle did a report and sent all to Tribal Council ah, with roughly a little shy of \$300,000 came out of resolution for acceptance of funds Resolution #21-0714-178, Acceptance of contract funds from the Department of Interior-Bureau of Indian Affairs and approving a modification to the Operating Budget in the amount of \$2,199,650. Champagne said in that Tribal Council Meeting they specifically requested um, and got confirmation from the Executive side that any funds that would be spent of this would come back before Council through an Allocation Plan that Council approved. Champagne said upon their Audit Review it was determined that the funds were spent from

this fund and their current Budget on the Procedures Ordinance doesn't cover unrestricted funds but 10% to move if doesn't say the Tribal Executive could spend the money or could not. Champagne said in the spirit of the law it is very clear um, but to resolve this matter so it doesn't occur again and to protect the assets of the Tribe they will be able to set priorities in the future is the responsibility of Council. Champagne said he introduces this resolution in front of them he will read for the record the resolution for those of them that.....is just for the record.....Champagne asked Brad Pringle if he had the resolution..... Champagne thanked Brad Pringle. Champagne said he will defer to Council if they want him to read the entire resolution for the record. Champagne said he will read it on the record:

*Moving the remaining 4995 Unrestricted Fund-
contract funds from the U.S. Department of Interior-Bureau of Indian Affairs –
American Rescue Plan Act to a Council Restricted Fund in the amount of
\$1,901,897.00*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council, pursuant to Article IV, Section 7 (i)(2) of the Constitution, has the power to manage any funds within the exclusive control of the Tribe and to appropriate such funds for the benefit of the Tribe and its members; and

WHEREAS, the Tribe is authorized to contract for federal funds under the authority of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended) and to implement and administer services for its members; and

WHEREAS, the tribe has accepted contract funds from the U.S. Department of Interior, Council will require the remaining 4995 funds to be placed in a restricted account for Fiscal Year 2021; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves restricting of the remaining 4995 Funds of \$1,901,897 or the remaining amount available at the time of this resolution. The contract funds were awarded as part of the 2021 Self Governance Compact – American Rescue Plan Act.

Speaker Champagne then proceeded to read the rest of the resolution in its entirety into the record. Champagne said why he read that on the record is for those who may be in a situations where they are unable to um, open the document and he wanted to make sure every Council member heard exactly what the resolution stated and was um, able in their best. Champagne said that being said further discussion for the purposed resolution. Champagne said Mr. Di Piazza.

Councilor Di Piazza asked so the line item that it is going into under the Council restricted.

Councilor Champagne said speak up louder please.

Councilor Di Piazza asked is there a line item number that it is going into other than the Tribal Council restricted fund.

Speaker Champagne said to respond to that they would look to the Accounting Department to establish that line item for the Tribal Council for the fund. Champagne said Madame Recorder.

Recorder Wolfe said she just wanted to say that she is in support of this and does believe that it needs to um, be changed from unrestricted to restricted fund she does remember clearly at the Tribal Council Meeting when they passed the item on the 14th that they did ask for them to come back with a plan and present to them before any of those funds were expended when they accepted them into the Operating Budget. Wolfe said so that is just her comment.

Speaker Champagne thanked Madame Recorder. Champagne asked any further discussion. Champagne said seeing no further discussion does he have.....he will do a motion to adopt resolution.....

Councilor Di Piazza said he....he...he can't.

Speaker Champagne said oh, he can't okay. Champagne asked does he have a motion.....a motion to ah.....

Councilor Di Piazza made a comment but it wasn't picked up on the ZOOM recording.

Councilor Di Piazza said hold on....*started coughing the rest of his comment trailed off and wasn't heard clearly either.*

Speaker Champagne was laughing loudly in the background on the ZOOM recording.

Speaker Champagne said sorry. Champagne thanked everyone once again.

Councilor Di Piazza was making comments but he said them so low that the ZOOM recording did not pick them up.

Councilor Di Piazza said um.....

Speaker Champagne said okay, Miss Champagne is next in the queue.

Councilor Di Piazza was making comments but he said them so low that the ZOOM recording did not pick them up.

Speaker Champagne asked does he have a motion on the floor to ah, for this resolution. Champagne said Miss Champagne.

Councilor Champagne said yes, she just wanted to know does this only cover the money that they accepted in last week or this past week or is this covering anything accepted going forward.

Speaker Champagne said to respond to that it is only two weeks ago the money they accepted, they did accept money last week, they will have to have another one but this was the funds that were taken out of and so it was, they know, they definitely wanted to restrict these funds. Champagne said the other ones that came in were just for Health and Human Services.....they also said they were going to have ah, an Allocation Plan to be able to pose in front of Council to be accepted. Champagne said he had asked Mr. Pringle to identify all unrestricted funds that they approved to move over to a restricted account and they will have further resolutions in the future but due to the imminent nature of this in his mind if they do not put it in a restricted account that they.....there is nothing that says how it is to be spent outside the Federal Guidelines which are very broad. Champagne said they can be sent out into....the Gaming ah....ah....ah, casino they can be sent out in more Hazard Pay completely on that and he does envision is underneath the Tribe now as Tribal Council controls the money that is spent for the Tribe. Champagne said so that is why he did the Emergency Meeting occur. Champagne

said this was the fund that it was actually taken from and they will resolutions at the next Council Agenda for the reminder ones that have not been touched.

Councilor Champagne said okay, understood.

Speaker Champagne said Mr. Di Piazza.

Councilor Di Piazza said he is kind of in support of giving out, they know, some hazard pay or whatever for the employees because last year was ugly. Di Piazza said the CARES Act accommodated for Hazard Pay for the employees that worked through the Pandemic so something needs to be opened up. Di Piazza said it is still pretty.....pretty messed up as far as working.....*the rest of Di Piazza's comments trailed off and could not be heard on the ZOOM recording.* Di Piazza thanked them.

Speaker Champagne said he believes also.....he can see Madame Recorder....he believes also that if there was a plan brought forth....the proper way was to bring it forth in front of Tribal Council that was what was relayed to them he believes this Council would entertain the formula and it would have passed the Hazard Pay because they understand that. Champagne said but it was not brought forth there is a loophole in the law and they could end up litigating on this matter and it would cost them \$300,000 is what the Tribe would have in that one debt. Champagne said he thinks the safer bet is put it in Restricted Funds so that they don't have these misunderstandings or miscommunications in the future. Champagne said he respects that Miss Johnson shared with him of they need to reach across that aisle, sit down and discuss this just to say what, they know, what happened. Champagne said this is something their communication should never have this is the practice that they are trying to avoid and so he feels like this is a safeguard to protect the Tribe's assets and if they did not Council is the proper authority to determine the vision and how the funds get allocated. Champagne said him, himself, is not in favor of potential litigations it is merely to protect the remaining funds such as their infrastructure projects is desperately needed for things like public health and many other Councilors have more projects they believe these funds would help assist. Champagne said Miss Champagne.

Councilor Champagne said yes, um, she guessed she is a little concerned about this too because during the meeting he did specify that they were accepting it and that a plan would come forward as to how the money was going to be spent. Champagne said no plan came forward to Council um, that should be on their minutes that it was stated that they had to bring a plan forward so they are actually in violation of what was discussed in Council Meeting in her opinion.

Speaker Champagne said further disc.....Madame Recorder he thinks she is in the queue.

Recorder Wolfe said oh, she just wanted to point out that Gary said that Hazard Pay was in CARES Act dollars and these aren't CARES Act dollars these are American Rescue Plan Act dollars so just for anyone that may use this later clarification on that.

Speaker Champagne thanked Recorder Wolfe. Champagne said Mr. Di Piazza.

Councilor Di Piazza said yeah, sorry about that. Di Piazza said last year in the CARES Act....*here he started speaking so low that the ZOOM recording couldn't pick up what he was saying clearly then he cleared his throat....*nothing other than enforcement at the casino handled it for the Hazard Pay.

Speaker Champagne said for the.....excuse him.....is he done.....for the record they waited to act until they had all the facts that was the direction they had given him as the Speaker. Champagne said let's sit back, get the....the audit, have the facts in front of them, and at that point and time as soon as they get it share it with the Council and make their recommendation. Champagne said this is exactly what it is they waited until they had it and that brings them to today because they don't want to make rash decisions they want to have all the facts in front of them which ah, Mr. Pringle has brought all the facts from the Executive side's own statements and it did come out of the funds that they thought it did, it did go against what their understanding was on that Council Meeting and in the spirit of the law and so to protect their assets this....this....this is ah, resolution does that. Champagne said it doesn't prohibit any one from bringing forth a plan. Champagne said if they want to....if they wanted to do that that would have been....that would have been the appropriate thing is bring forth the plan, pound it out with Council, that is the standard practice that has always occurred in this Tribe. Champagne said this is unique because mid-year they seen a large sum of money that is unbudgeted they never created an ordinance that specifically tailored to this because it has never happened.

Brad Pringle said um-hum.

Speaker Champagne went on to say.....loopholes in laws, they know, don't sit well with him this is called transparency government practices and they want their citizens to be good in the future and responsible legislators so. Champagne said with that do they have any ah, motion to.....further discussion.....Madame Recorder.

Recorder Wolfe said she will make a motion.

MOTION TO ACCEPT RESOLUTUION #21-0730-198; MOVING THE REMAINING 4995 UNRESTRICTED FUND-CONTRACT FUNDS FROM THE U.S. DEPARTMENT OF INTERIOR-BUREAU OF INDIAN AFFAIRS-AMERICAN RESCUE PLAN ACT TO A

**COUNCIL RESTRICTED FUND IN THE AMOUNT OF
\$1,901,897.00; by Wolfe.**

Brad Pringle said to Julie 197 is the number she said used 198.

Recorder Wolfe said oh, it is 197.

Brad Pringle said 197.

Recorder Wolfe said no.

Councilor Di Piazza asked are they sure because he means this is a.....

Recorder Wolfe said 198.

Councilor Di Piazza said does she see this. Di Piazza asked does she want him to look.

Recorder Wolfe said yeah.

Speaker Champagne started laughing loudly in the background on the ZOOM recording. Champagne made a comment but it was picked up clearly on the ZOOM recording.

Councilor Wittenberg said this one says 178.

Speaker Champagne said yes, that is the previous one.

Councilor Wittenberg said yes it is.

Speaker Champagne said this is the new resolution.

Councilor Wittenberg asked 197.

Speaker Champagne made a comment but it was picked up clearly on the ZOOM recording.

Brad Pringle said yeah, the number he was given was 197 when they started this exchange.....

Councilor Wittenberg said the.....

Brad Pringle said Gary will verify in a minute.

Councilor Wittenberg said over here it says 0630-181 so....okay both says....*the rest of his comment faded off on the ZOOM recording.*

Recorder Wolfe said she needs to amend her resolution number.

MOTION TO ACCEPT RESOLUTUION #21-0730-197; MOVING THE REMAINING 4995 UNRESTRICTED FUND-CONTRACT FUNDS FROM THE U.S. DEPARTMENT OF INTERIOR-BUREAU OF INDIAN AFFAIRS-AMERICAN RESCUE PLAN ACT TO A COUNCIL RESTRICTED FUND IN THE AMOUNT OF \$1,901,897.00; by Wolfe; supported by Wittenberg.

Speaker Champagne asked discussion on this motion. Champagne said seeing no further discussion.

Councilor Di Piazza coughed loudly in the background on the ZOOM recording.

Speaker Champagne said Madame Recorder a roll call please.

Roll Call #1

T. Guenthardt - Absent	C. Champagne -Yes	P. Johnson -	Yes
R. Champagne -Yes	G. DiPiazza -	Yes	S. Wever - Absent
R. Wittenberg- Yes	J. Wolfe -	Yes	S. Lewis - Yes

Motion carried (7-0-0-2)

Councilor Di Piazza asked how did he end up first.

Recorder Wolfe said seven in favor and two absent resolution is passed.

Speaker Champagne thanked Tribal Council Members.

IV. Adjourn

Speaker Champagne said moving on that is the last item on the agenda they....

Recorder Wolfe said they need a motion to adjourn.

Councilor Wittenberg said he will make the motion to adjourn.

MOTION TO ADJOURN; by Wittenberg; supported by Champagne.

Speaker Champagne asked discussion.....discussion. Champagne said Madame Recorder roll call please.

Roll Call #2

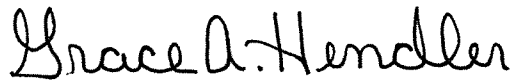
T. Guenthardt - Absent	C. Champagne -Yes	P. Johnson -	Yes
R. Champagne -Yes	G. DiPiazza -	Yes	S. Wever - Absent
R. Wittenberg- Yes	J. Wolfe -	Yes	S. Lewis - Yes

Motion carried (7-0-0-2)

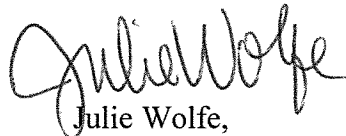
Recorder Wolfe said seven in favor and two is absent they are adjourned at 5:36 p.m.

Speaker Champagne thanked Madame Recorder. Champagne thanked Council for coming in once again and he will make sure not to make this a habit.

Respectfully Submitted,



Grace A. Hendler
Transcribing Assistant



Julie Wolfe,
Tribal Council Recorder