



**LITTLE RIVER BAND OF OTTAWA INDIANS  
TRIBAL COUNCIL  
REGULAR MEETING  
WEDNESDAY, JULY 31, 2002  
LITTLE RIVER BAND COMMUNITY CENTER**

**OPEN SESSION  
MINUTES**

The Little River Band of Ottawa Indians held a meeting at the Little River Band Community Center on July 31, 2002. Following are the minutes of that meeting.

**I. Opening Prayer**

The Tribal Council engaged in a silent prayer.

**II. General Business**

**A. Call To Order:**

The regularly scheduled Tribal Council meeting of Wednesday, July 31, 2002, was called to order at 10:12 a.m.

**B. Roll Call**

C. Bennett – Present	C. Fisher – Present	T. Kleeman – Present
L. McCatty – Present	P. Medahko – Present	S. Parsons – Present
E. Porter – Present	P. Ruiter – Present	J. Sam – Absent

Quorum established.

Parsons stated that Janine Sam is out due to medical reasons and Lisa McCatty is acting recorder.

Others Present: Jo Anne House, Kathleen Block, Helen Ann Yunis, Kimberly Alexander, Brian Medacco, Linda Wissner, John Bussey, Tina Vaquera, Pat Morris, Leatrice Castonia, Candace Chapman, Gary Markowski and Norbert Kelsey

**C. Approval of Agenda**

**MOTION TO APPROVE AGENDA AS SUBMITTED;** by Kleeman; supported by Porter.

**Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes

*Final Draft  
For Approval  
11/7/03  
S  
6-2-1-0  
Approved*

E. Porter –	Yes	P. Ruiter –	Yes	J. Sam –	Absent
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Motion carried (8-0-0-1)

**D. Tribal Council Minutes**

**6/19/02**

McCatty asked that Tribal Council be included in the heading of the minutes. McCatty stated she had several corrections to the minutes and asked that the minutes be tabled.

**MOTION TO TABLE MINUTES UNTIL CORRECTIONS CAN BE MADE;** by McCatty; supported by Porter.

**Roll Call**

C. Bennett –	Yes	C. Fisher –	Yes	T. Kleeman –	Yes
L. McCatty –	Yes	P. Medahko –	Yes	S. Parsons –	Yes
E. Porter –	Yes	P. Ruiter –	Yes	J. Sam –	Absent

Motion carried (8-0-0-1)

**E. Public Comment Period**

Bussey stated NCIA is going to have a “run” in an attempt to raise \$1,000,000 to change the Supreme Court’s decision to protect sovereignty.

No additional public comment.

**III. Continuing Business**

**A. Grants & Contracts**

**B. CMT Business**

- 1. Authorizing the Construction Management Team to Execute a Change Order that increases the contract amount with North American Video by \$71,415.78 with North American Video to cover the costs related to work in the hotel that was identified after the original contract was approved.**

Dan Shepard and Maggie Rhodey arrived at 10:20 a.m.

Markowski asked if there were bids to build the casino and asked how the bid system works if going over the amount. Fisher explained there were skeleton bids and these overruns were to meet specific needs.

Don Koon Jr. arrived at 10:26 a.m.

Parsons stated that this was a design build project and there are additional costs involved with this.

Norbert Kelsey arrived at 10:27 a.m.

Fisher stated North American is of the process in this project and this is for extended services. McCatty asked if this was for surveillance needs for the hotel or the pool area. Fisher stated this is for the hotel and pool area. McCatty asked that this item be tabled until the CMT and Business Board can discuss it. Porter clarified with Fisher that this work has already begun. Fisher stated that this correct. Bennett asked if there would be a camera located at the valet area. Fisher stated he would look into this. Medahko asked McCatty's concerns. McCatty stated her concern is the liability concerns with having a camera in the pool area and recording and not necessarily someone watching i.e. someone having a heart attack or a slip and fall and failing to act because not actively monitored. Bennett asked how much under budget we are currently. Fisher stated is under budget in this area.

**MOTION TO APPROVE RESOLUTION # 02-0731-01, AUTHORIZING THE CONSTRUCTION MANAGEMENT TEAM TO EXECUTE A CHANGE ORDER THAT INCREASES THE CONTRACT AMOUNT WITH NORTH AMERICAN VIDEO BY \$71,415.78 WITH NORTH AMERICAN VIDEO TO COVER THE COSTS RELATED TO WORK IN THE HOTEL THAT WAS IDENTIFIED AFTER THE ORIGINAL CONTRACT WAS APPROVED, AND DELETING THE FIFTH WHEREAS; by Porter; supported by Kleeman.**

**Roll Call**

C. Bennett –	Yes	C. Fisher –	Yes	T. Kleeman –	Yes
L. McCatty –	No	P. Medahko –	Yes	S. Parsons –	Yes
E. Porter –	Yes	P. Ruiter –	Yes	J. Sam –	Absent

Motion carried (7-1-0-1)

Fisher stated that he had two items before Council last week and this is the only item that was ready for approval this week. The other item does contain a contract that will need approval.

Medahko asked if there was a current list of artwork purchases, from whom and for how much. Fisher stated this list is constantly changing. Fisher stated has



spent in the neighborhood of \$125,000. Medahko asked if anything would be submitted to Council. Fisher stated he could do that.

#### **IV. Old Business**

##### **A. Approval of Personnel Manual**

This item was forwarded to the Ogema's office for clarification during the 7/10/02 Tribal Council meeting. Adoption of the Personnel Manual was postponed from the 7/24/02 Tribal Council meeting and is pending a work session before approval. A work session has been scheduled.

##### **MOTION TO POSTPONE APPROVAL OF THE PERSONNEL MANUAL;** by Porter; supported by Medahko

##### **Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Absent
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (7-0-0-2)

##### **B. Credit Card Authorization**

These items were postponed from the 7/24/02 Tribal Council meeting pending a work session and scheduled for approval at the 8/14/02 Tribal Council meeting.

Parsons stated that he met with the Ogema yesterday and this item will be picked up soon and this is currently in the process.

- 1. Amendment of List of Authorized Holders of Tribal Credit Cards to Add Jonnie J. Sam, II**
- 2. Action Regarding Authorized Holders of Tribal Credit Cards**

##### **MOTION TO POSTPONE OLD BUSINESS B. CREDIT CARD AUTHORIZATION;** by Porter; supported by Ruiter.

##### **Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Absent
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (7-0-0-2)

##### **C. Acceptance of Financial Report Dated June 2002**

This item was postponed from the 7/20/02 Tribal Council meeting pending a work session with the Ogema and Accounting. There was a meeting set up, but due to scheduling conflict this work session has been rescheduled.

Kleeman stepped out at 10:56 a.m.

**MOTION TO POSTPONE OLD BUSINESS C.  
ACCEPTANCE OF FINANCIAL REPORT DATED JUNE  
2002; by Porter; supported by Ruiter.**

**Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Absent
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (7-0-0-2)

**D. Request for Constitutional Amendments Regarding Election of Tribal Court Judges and Appellate Judges**

This item was postponed from the 7/24/02 Tribal Council meeting pending a work session with Bob Hardenburgh. A work session has been scheduled for later this week.

**MOTION TO POSTPONE OLD BUSINESS D. REQUEST  
FOR CONSTITUTIONAL AMENDMENTS REGARDING  
ELECTION OF TRIBAL COURT JUDGES AND  
APPELLATE JUDGES; by Ruiter; supported by Medahko**

**Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Absent
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (7-0-0-2)

Kleeman returned at 11:00 a.m.

**E. Request for Constitutional Amendments Regarding Election of Members of the Election Board**

This item was postponed from the 7/24/02 Tribal Council meeting pending a work session with Bob Hardenburgh. A work session has been scheduled for later this week.

**MOTION TO POSTPONE OLD BUSINESS E. REQUEST FOR CONSTITUTIONAL AMENDMENTS REGARDING ELECTION OF MEMBERS OF THE ELECTION BOARD;**  
by Ruiter; supported by Fisher

**Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (8-0-0-1)

**F. Request for Constitutional Amendments Regarding Filling Vacancies if Tribal Court Judges, Appellate Judges and Election Board are Elected**

This item was postponed from the 7/24/02 Tribal Council meeting pending a work session with Bob Hardenburgh. A work session has been scheduled for later this week.

**MOTION TO POSTPONE OLD BUSINESS F. REQUEST FOR CONSTITUTIONAL AMENDMENTS REGARDING FILLING VACANCIES IF TRIBAL COURT JUDGES, APPELLATE JUDGES AND ELECTION BOARD ARE ELECTED;** by Kleeman; supported by Porter.

**Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (8-0-0-1)

**G. Approval of Amendments to the Little River Casino Resort Employee Handbook Re-Clarifying The Indian Preference Policy**

This item was postponed from the 7/24/02 Tribal Council meeting pending a work session. A work session has been scheduled for later this week.

**MOTION TO POSTPONE OLD BUSINESS G. APPROVAL OF AMENDMENTS TO THE LITTLE RIVER CASINO RESORT EMPLOYEE HANDBOOK RE-CLARIFYING THE INDIAN PREFERENCE POLICY;** by Kleeman; supported by Ruiter.



### **Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (8-0-0-1)

### **H. Adoption of Amendments to Enrollment Ordinance**

This item is scheduled for adoption at the 7/31/02 Tribal Council meeting with implementation 8/7/02.

Bussey asked if items A through G should be tabled in a more formal matter. House stated this is the way the Tribal Council has done this in the past. Markowski stated there are a lot of items that are tabled and asked why this is occurring. Parsons stated these are taken care of as soon as possible but sometimes there are individuals who are invited to work sessions and sometimes there is a scheduling conflict.

Markowski asked about the credit card authorization and if there was money missing from the vacation line of the past Ogema's salary. Parsons stated these are two separate items and the Council does take this very seriously. Parsons stated the credit card authorization came about with authorizing a new credit card for the new Ogema. The Council felt they needed to have an account review. McCatty told Markowski that money was not missing but there was a very large expenditure from the Ogema's budget. McCatty stated the Council is looking into how the funds are spent. Castonia and Morris asked if the Tribe will get the money back. House stated that it would be premature to answer how the Tribal Council is going to be responding as this is in Closed Session and the Council members have not had a chance to read the legal opinion. Markowski asked if the Tribal Court has ever prosecuted a crime. Norbert Kelsey asked House who the prosecutor answers to and what is the nature of their power. House stated the prosecutor is an employee of the Tribe and represents the Tribe, similar to the State in criminal actions in Tribal Court. Kelsey asked if they could prosecute on something that comes up. House stated criminal actions – the victim is the Tribe itself in this instance. House stated if evidence would arise it would be the Tribal Council's responsibility to bring criminal suit in this matter. Kelsey asked if employees would have to appear before the Tribal Council such as in a subpoena manner. Parsons stated yes this is correct.

Bennett asked Alexander about the audits on the membership and who would be audited and how many times. Alexander stated once a person has been audited a person would not be audited again.

McCatty had noted some grammatical mistakes that begin on page 2 of 11, Section 5.02 – insert “parent or legal guardian of a minor”. Parsons asked Yunis if this was the intent. Yunis stated these changes have been on the books since May and not a change that the Enrollment Commission made. On page 3 of 11, Section 5.05 – the sixth line down – all information should include a 60-day deadline – needs to include “forms need to be mailed to the potential member with “return receipt”. Yunis believed this might be a good idea. House stated this would be a change to the regulations. Page 4 of 11, Section 6.02 – officers and meetings – page 5 of 11, Section 7.06 – hearings – bring to a hearing – this would not prohibit a telephone conference and wanted to know if that was okay. Page 8 of 11, bottom 11 – confidentiality – insert act to “supply” information about themselves. Page 9 of 11, Section 11.02 – records maintained – when maintained in manual “form” enrollment files shall “be,” maintained. Section 11.03 – review records – this doesn’t allow for the election board to go in and look at signatures on enrollment files and is something that can be addressed in the future. Yunis stated this is important and is a very good point. McCatty stated this form does not require a person to put a signature to their application. House stated McCatty brings up a good question and this should be worked out with the Election Board, as a technical issue and bring back to Tribal Council. Section 11.04 – disclosure of records – no records may be disclosed does not allow for enrollment officer to disclose any information to other Tribes and this would prohibit this. McCatty stated this states that the enrollment officer is not authorized to give information to other Tribes. House stated that this is also a good point and is too technical to try to address today. Section 11.04 - #1 – list of enrolled members names and addresses – may be provided to any Tribal member - McCatty has concerns with grouping together a “member” or “employee of the Tribe”. McCatty suggested adding a semicolon after the word “member” to distinguish. House suggested adding, “may” before “member” and change to “request” or an employee of the Tribe may be request. Alexander stated she does verification of enrollment but does not disclose records. McCatty Section 12.02 – directory – “shall send” – must be done – “inform adult member” and adding “of the Tribe”. McCatty asked if the word “may” would restrict what a member submits for the directory. House stated there are no restrictions on what can go into the member directory. McCatty stated “shall be provided to any member or employee of the Tribe requesting a copy” – states this is mandatory – conflicts with Section 11.04, which states “may be provided”. House suggested deleting the last portion and deleting Tribal employee. McCatty still had concern with the conflict between “shall” and “may”. Porter stated while McCatty had some good amendments to the ordinance that this should be placed in work session as this was scheduled for adoption today. Porter stated this item was on the agenda to approve the amendments to the ordinance. Yunis stated the only amendments the Commission made were changes to the clear and



convincing evidence. House stated there are 12 pages identified instead of 11, which was presented at the May 29 meeting. House stated the amendments that were submitted do not change any substantive portion of the Ordinance. House stated Councilor McCatty's recommendations for amendments to the Enrollment Ordinance could be done at a later date.

**MOTION TO APPROVE RESOLUTION # 02-0731-02,  
ADOPTION OF AMENDMENTS TO THE ENROLLMENT  
ORDINANCE, #02-200-01, AS SUBMITTED; by Kleeman;  
supported by Fisher.**

**Roll Call**

C. Bennett – No	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – No	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (6-2-0-1)

**I. Adoption of Enrollment Regulations, Regulation # R200-01:EC**

This item is scheduled for adoption at the 7/31/02 Tribal Council meeting with implementation 8/7/02. McCatty stated does not require a list of descendants or a copy of your social security card. Alexander stated the social security card request is on the application. Parsons asked Alexander if this is a problem if the social security number is not completed on the application and does this keep the application from moving forward? House stated as this is not in the regulation this could not hold up enrollment of an individual. Castonia asked if you would have to have proof that you are Indian. Parsons stated this is related only to the social security card and being Tribal is not listed on a social security card. Chapman stated it was at one time required that a copy of a persons social security card be submitted with the application. Alexander stated she does not require this and this may have been required by past enrollment officers. Yunis asked about the list of descendants, as this is not kept in the Enrollment Office. McCatty stated her children are listed as descendants of the Tribe and this needs to be kept for health services. Alexander stated she has not been contacted for verification of any descendants. Alexander stated there are also not names of spouses of Tribal members. Porter stated a list of descendants would be a good thing to have and important for Contract Health. Yunis stated Alexander would not hold up an application if a social security number was not included on the application. Bennett asked B. Medacco about the census and if descendants were asked to be filled in on the census. Medacco stated that there wasn't any proof but just supplying information for the census. Parsons asked about the material that was included in the packet regarding the children's code and asked if those changes were included in the newly

revised document. House stated all changes have been incorporated into the document distributed this morning. McCatty asked if is a provisional enrollment or a provisional decision. Yunis explained there was no process to contest their blood quantum right up front, now have that right within a 30 day period, but if do not, then the individual cannot bring back but can re-apply for enrollment with new additional evidence and apply for a higher blood quantum at a later date.

**MOTION TO APPROVE RESOLUTION # 02-0731-03,  
ADOPTION OF ENROLLMENT COMMISSION  
REGULATIONS; by Porter; supported by Kleeman.**

**Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (8-0-0-1)

**V. New Business**

1. **Resolution Requesting Information from Banking Institutions Regarding Issuance of Credit Cards to Tribal Officials, Employees, or Other Agents.**

**MOTION TO APPROVE RESOLUTION # 02-0731-04,  
REQUESTING INFORMATION FROM BANKING  
INSTITUTIONS REGARDING ISSUANCE OF CREDIT  
CARDS TO TRIBAL OFFICIALS, EMPLOYEES, OR  
OTHER AGENTS; by Kleeman; supported by Ruiter.**

**Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (8-0-0-1)

**VI. Concluding Business**

- A. **Next Meeting Date(s) – August 7, 2002**
- B. **Public Comment Period**

Brian Medacco asked that Council draw five names of the people selected to win a \$100 – Jennifer Lynn Gustin, Pamela Jean Johnson, Mary Katherine McGowin, Barbara Joyce Puente and Bonnie Lou Kenny.

Kelsey had a concern with receiving the Tribal Council minutes three months after a meeting is held in the newsletter and why it takes three months to approve.

Kelsey asked about Bob Davis editing submissions for the newsletter and how he got that much authority.

*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 OPEN SESSION;** by Medahko;  
supported by Porter.

**Roll Call**

C. Bennett – Yes	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (8-0-0-1)

This portion of Open Session was adjourned at 11:53 p.m.

Council reconvened in Open Session at 5:53

**I. Open Session**

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

**MOTION TO GO INTO OPEN SESSION;** by Medahko;  
supported by Ruiter.

**Roll Call**

C. Bennett – Absent	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (7-0-0-2)

**MOTION TO MOVE THE MOTION IN REGARDS TO  
BIDS AND CONTRACTS #4;** by Kleeman; supported by Ruiter.

**Roll Call**

C. Bennett – Absent	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (7-0-0-2)



**MOTION TO ADJOURN;** by Kleeman; supported by McCatty.

**Roll Call**

C. Bennett – Absent	C. Fisher – Yes	T. Kleeman – Yes
L. McCatty – Yes	P. Medahko – Yes	S. Parsons – Yes
E. Porter – Yes	P. Ruiter – Yes	J. Sam – Absent

Motion carried (7-0-0-2)

The meeting was adjourned at 5:55 p.m.

Respectfully Submitted,



Kathleen Block  
Transcribing Assistant

  
Janine Sam  
Tribal Council Recorder