

**LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL
REGULAR MEETING
WEDNESDAY, MARCH 23, 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 March 23, 2016. Following are the minutes of that meeting.

I. Opening Prayer

Chuck Fisher, Tribal Warrior, offered the Opening Prayer.

Thank you Creator.

Thank you for this day.

Thank you for this opportunity.

Help us with this day and help to chart our course in the direction that you would like to see and that we would like to see.

I guess that is enough to ask for today and I will leave it at that. Thank you.

II. General Business

A. Call to Order

The regularly scheduled Tribal Council meeting was called to order at 10:01 a.m.

B. Roll Call

J. Riley - Absent	J. Burger- Present	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: Tom St. Dennis, Jennifer Crampton, Diane Lonn, Don Mac Donald, Bill Willis, Robert Medacco, Janine Sam.

Others Present That Did Not Sign In: Grace Hendler, George Le Vasseur, Mary Thomas, Ogema Romanelli, Officer from Public Safety, Scott Wittenberg.

Speaker Johnson said just for the membership and the people in the audience that Councilor Riley is on vacation today and is not here.

C. Approval of Agenda

MOTION TO APPROVE THE AGENDA WITH THE FOLLOWING REVISIONS TO NEW BUSINESS A, D IS BEING REMOVED, F IS REVISED AND ADD G; UNDER CLOSED C.1 IS REMOVED; by Di Piazza; supported by Burger.

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

Roll Call #1

J. Riley - Absent	J. Burger- Yes	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. Tribal Council Minutes 3/16/16

MOTION TO ACCEPT THE TRIBAL COUNCIL MINUTES FOR 3/16/16 FOR FILING; by Medacco; supported by Lewis.

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

Roll Call #2

J. Riley - Absent	J. Burger- Yes	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

Speaker Johnson noted that they do not have anything under Section A, Grants and Contracts.

B. Budget Modifications

- 1. Acceptance of contract funds from the U.S. Department of Interior-Bureau of Indian Affairs and approving a modification to the Operating Budget MB-2016-__ in the amount of \$291,092**

The contract funds are awarded as part of the 2016 Self-Governance Compact.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said Item #1 is modification number one to the BIA 2016 Self-Governance Compact in the amount of \$291,092. Willis said they just need to accept the money and amend the Operating Budget.

**MOTION TO APPROVE RESOLUTION #16-0323-081;
 ACCEPTANCE OF CONTRACT FUNDS FROM THE U.S.
 DEPARTMENT OF INTERIOR-BUREAU OF INDIAN AFFAIRS
 AND APPROVING A MODIFICATION TO THE OPERATING
 BUDGET MB-2016-10 IN THE AMOUNT OF \$291,092;** by Medacco;
 supported by Burger.

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

Roll Call #3

J. Riley - Absent	J. Burger- Yes	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 Department of Health and Human Services-Indian Health Services and approving a modification to the Operating Budget MB-2016-__ in the amount of \$1,266,549**
 The contract funds are awarded as part of the 2016 Self-Governance Compact.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said Item 2 being a modification number two of the 2016 Indian Health Service Self-Governance Compact in the amount of \$1,266,549.

**MOTION TO ACCEPT RESOLUTION #16-0323-082;
 ACCEPTANCE OF CONTRACT FUNDS FROM THE
 DEPARTMENT OF HEALTH AND HUMAN SERVICES-INDIAN
 HEALTH SERVICES AND APPROVING A MODIFICATION TO
 THE OPERATING BUDGET MB-2016-11 IN THE AMOUNT OF
 \$1,266,549;** by Medacco; supported by Burger.

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

Roll Call #4

J. Riley - Absent	J. Burger- Yes	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. Acceptance of contract funds from the U.S. Department of Interior-Bureau of Indian Affairs and approving a modification to the Operating Budget MB-2016-__ in the amount of \$336,596**
 The contract funds are awarded as part of the 2016 Self-Governance Compact.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said Item #3 is modification number two to the Bureau of Indian Affairs 2016 Self-Governance Compact in the amount of \$336,596 which brings them up year to date with a total award of \$887,597. Willis said for all intents and purposes about 77% of what they estimated to be revenue in the 2016 Budget.

MOTION TO APPROVE RESOLUTION #16-0323-083; ACCEPTANCE OF CONTRACT FUNDS FROM THE U.S. DEPARTMENT OF INTERIOR-BUREAU OF INDIAN AFFAIRS AND APPROVING A MODIFICATION TO THE OPERATING BUDGET MB-2016-12 IN THE AMOUNT OF \$336,596; by Medacco; supported by Burger.

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

Roll Call #5

J. Riley - Absent	J. Burger- Yes	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)

- 4. 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 \$365,937**
 The contract funds are awarded as part of the 2016 Self-Governance Compact.

Bill Willis, Budget Coordinator, represented this agenda item. Willis said Item 4 being modification number three to the 2016 Indian Health Service Self-Governance Compact in the amount of \$365,937. Willis said year to date brings them up to \$2,631,824 so they are basically over their projected revenue for Indian Health Services' Programs in 2016. Willis said they do anticipate getting additional money too so it is a good thing.

**MOTION TO APPROVE RESOLUTION #16-0323-084;
ACCEPTANCE OF CONTRACT FUNDS FROM THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES-INDIAN
HEALTH SERVICES AND APPROVING A MODIFICATION TO
THE OPERATING BUDGET MB-2016-13 IN THE AMOUNT OF
\$365,937; by Medacco; supported by Di Piazza.**

Speaker Johnson asked if anybody was going to abstain and that it was open for discussion. Johnson said to Bill Willis for the record he said that they have exceeded the Budget by that.....the planned Budget and asked if he can give the membership the number of how much they exceeded by.

Bill Willis replied well they projected for IHS Programs to received \$2.4 million basically and in total, as he mentioned, they received \$2,631,824. Willis said the only thing they are still kind of short on a little bit is the Contract Support Costs or Indirect but everything else is exceeded what they projected.....

Speaker Johnson said okay.

Bill Willis said in total by \$231,824.

Speaker Johnson thanked Bill Willis and asked if there was any other discussion on this item.

Roll Call #6

J. Riley - Absent	J. Burger- Yes	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

1. Approval of Expenditure of \$16,442.78 for expanded Disk Space for Camera Footage

It is necessary to extend the capacity of the Camera System to protect the safety of the employees and the assets of Little River Band of Ottawa Indians from harm, misuse, abuse and vandalism.

Jesse Bellinger, IT Technician, represented this agenda item. Bellinger said currently there are approximately 25 active network based video cameras installed in various government buildings that are used for security. Bellinger said these cameras are motion activated and record all activity 24 hours a day seven days a week. Bellinger said in the span of 14 days this footage uses up all available storage space so the system automatically records over the oldest files. Bellinger said right now the IT Staff is planning the installation of more cameras throughout

the Government Center Building. Bellinger said also IT currently has a request to install security cameras in the Muskegon Office and at the Natural Resource Department Office on 9th Street. Bellinger said then the build out and start-up of the Pharmacy will require high definition cameras and some place to store that data. Bellinger said this expansion is needed to provide safety and security for all the government buildings along with employees, Tribal citizens, and others visiting or attaining services. Bellinger said also IT is planning to integrate the Trading Post Video Security System into the IT Operated System by replacing the obsolete outdated coaxial cable DVR Recorders currently in use. Bellinger said the purchase of this storage space is the first step since IT needs the space to store the footage before implementing more cameras. Bellinger said the benefits are safety and security for Tribal citizens, employees, and visitors to Tribal Government Buildings and protection of Tribal Assets.

Councilor Medacco said with this upgrade right here and asked if it was going to be enough storage space to handle everything.

Jesse Bellinger replied yes.

Councilor Medacco asked Jesse Bellinger how long it would take before he thinks this is filled up before he comes in front of Council again.

Jesse Bellinger said they would rather hope not to have to do that for a very long time. Bellinger said they have 60 terabytes of storage space which is a tremendous amount of space and they hoped they would be able to extend the amount of time that they store the camera's footage and be able to have all the cameras necessary.

**MOTION TO APPROVE RESOLUTION #16-0323-085;
 APPROVAL OF EXPENDITURE OF \$16,442.78 FOR EXPANDED
 DISK SPACE FOR CAMERA FOOTAGE;** by Medacco; supported by
 Di Piazza.

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

Roll Call #7

J. Riley - Absent	J. Burger- Yes	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. Approval of Expenditure of \$15,500 for hands on Solar Winds Training for the IT Department

Solar Winds Orion Software is used to monitor, maintain and manage system logging, help desk and equipment for version compliance.

Kris Kranz, IT Technician, represented this agenda item. Kranz said under the Hi-Tech Act Title XIII of the American Reinvestment and Recovery Act of 2009 and it is implementing regulations issued by the Secretary of Health and Human Services in March 2013 to comply with Chapter 45 of the Code of Federal Regulations Part 164 Subpart C Section 3080 which reads "*Implement Procedures to regularly review records and information systems activity such as Audit Logs, Access Reports, and Security Incident Reports.*" Kranz said the Tribal Government operates a fully integrated network the HIPAA High Tech Regulations affect all of the Tribal Government so between June and August of 2015 the Solar Winds Software packet was purchased and installed. Kranz said the software is used to monitor all log, events and equipment attached to the network. Kranz said from this software the IT Department has compiled.....complied with the spirit of the regulation however, it is necessary to actually be able to use the software but they will need some training from a certified Solar Winds Engineer. Kranz said further the Casino IT Department also runs this software and they have been invited to attend this training as well because there is not a limit on how many can attend for the training. Kranz said they will be coming here for a week for the training. Kranz said the benefit of this training is to assist the protection.....to assist in the protection and privacy of the Electronic Health Records of Tribal citizens. Kranz said the expenditure has already been funded with the IT 2016 Budget and needs only Tribal Council's approval.

Acting Recorder Di Piazza said just a question. Di Piazza asked he just wanted to clarify the Solar Winds so people don't misconstrue that they are into going the solar or turbine business.

Kris Kranz said Solar Winds is the name of the company that they bought the software from and there are four parts of it: Web Help Desk, Log In Event Manager, Server and Application Monitor, and the Network Performance Monitor.

Councilor Medacco asked how many people are attending this training.

Kris Kranz said there will be all of the.....himself, Jesse Bellinger, at least four from their IT Department if not possibly a couple of the Techs and whoever the Casino IT Department wants to send. Kranz said he is not sure because he is not really familiar with how many people they have or how many they will be sending but his understanding is that they can send as many people as they want to send that would benefit from the training and have been invited to come as well at no additional expense to them because they are paying for the time for them to come.

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

**MOTION TO APPROVE RESOLUTION #16-0323-086;
 APPROVAL OF EXPENDITURE OF \$15,500.00 FOR HANDS ON
 SOLAR WINDS TRAINING AND CONFIGURATION ON SITE BY
 CERTIFIED SOLAR WINDS ENGINEER; by Di Piazza; supported by
 Burger.**

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

Roll Call #8

J. Riley - Absent	J. Burger- Yes	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. Old Business

Speaker Johnson noted that they have only received one report for Old Business and that is for the Health Commission for February 2016.

- A. **Operations Report** **None Submitted**
- B. **Financial Report** **None Submitted**
- C. **Enrollment Commission** **None Submitted**
- D. **Health Commission** **February 2016**

**MOTION TO ACCEPT THE HEALTH COMMISSION REPORT
 FOR FEBRUARY 2016; by Wabindato; supported by Lewis.**

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

Roll Call #9

J. Riley - Absent	J. Burger- Yes	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)

- E. **Housing Commission** **None Submitted**
- F. **Natural Resource Commission** **None Submitted**

V. New Business

A. Approval of Job Description for the Comptroller General Position including authorization to post and hire the position

Tribal Council finds that the position description is consistent with the responsibilities of the Legislature including goals of Council for oversight and monitoring of Governmental Activities.

Speaker Johnson explained when they say revised they modified the Job Description slightly to.....they took out the five year requirement because they felt as a CPA in itself requires quite a bit of training and on-job experience so it wasn't necessary to have the five year requirement on it.

**MOTION TO APPROVE RESOLUTION #16-0323-087;
APPROVAL OF JOB DESCRIPTION FOR THE POSITION OF
COMPTROLLER GENERAL WITH AUTHORITY TO POST THE
POSITION;** by Medacco; supported by Lewis.

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

Roll Call #10

J. Riley - Absent	J. Burger- Yes	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. Approval of Amendments to the Unified Legal Department Act of 2015 Ordinance #15-100-08a

These amendments to the Unified Legal Department Act removes the 6 month requirement to get licensed in the State of Michigan. Six months is too short a window for a new employee to learn their job, get up to speed and sit for a State Bar Exam.

Speaker Johnson said he is going to ask someone from the Unified Legal Department to come up please at this point. Johnson thanked Shayne Machen and said just talk about what the amendment is to the Unified Legal Department so the membership understands what they are trying to accomplish here.

Shayne Machen, Attorney, represented this agenda item. Machen said the amendment to the ordinance.....currently as the ordinance reads right now if an attorney begins working here and they licensed, say, in another state they only have six months to come in and get a new license otherwise they wouldn't be allowed to continue their employment here. Machen said absence of an extension or a different requirement in their contract but the problem with that is they get in here and they are just really learning how to do everything to sit for a Bar Exam

six months later takes them out about 12 weeks before that and it is not allowing much time for kind of getting here, understand the job, learn what they are doing, and then sit and study for a Bar Exam as well. Machen said the time period is a little bit too constrained and so the current amendment would take that requirement out and allow.....still require a Bar Exam for the State of Michigan but it would give more time as decided by whoever was approving the contract.

Speaker Johnson thanked Shayne Machen and said he would like to add onto that. Johnson said they do have a safety net in place and currently have an attorney on staff that does have a State Bar and should they have to utilize it they can use that person State Bar to move forward on any issues. Johnson said for the years that he has been on Council, for seven years, he has not seen a case where they had to utilize the State Bar at this point but anyways this is a safety net that they have in place to move forward on this if they elect to. Johnson said it is open for discussion or a motion.

MOTION TO APPROVE RESOLUTION #16-0323-088; ADOPTING AMENDMENTS TO THE UNIFIED LEGAL DEPARTMENT ACT OF 2015 ORDINANCE #15-100-08a; by Crampton; supported by Medacco.

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

Councilor Burger said she just wanted to clarify that the amendment to the ordinance does state that the Tribe may require an attorney to become admitted to the Michigan State Bar as a condition of their contract. Burger said they have not eliminated that they have to become admitted to the Bar but have made the condition that can be placed in their contract and enforced upon hire.

Speaker Johnson thanked Councilor Burger and asked if there was any other discussion on this item.

Roll Call #11

J. Riley -	Absent	J. Burger-	Yes	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 Amendments to the Donation Ordinance #14-800-06**
 The current Donation Ordinance requires Tribal Council's approval of all requests. There are instances where this limits the Little River's community involvement and assistance. Under this amendment the Ogema will be allowed to approve Charitable Contributions up to \$750.

**MOTION TO APPROVE RESOLUTION #16-0323-089;
AMENDING CHARITABLE DONATIONS ORDINANCE,
ORDINANCE #14-800-06; by Di Piazza; supported by Burger.**

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

Councilor Crampton said he just wanted to ask the Ogema if he was okay with this because he knows it gives him back the power to operate his own donation line but he thought that the rationale for moving forward on this was he wanted to help members who are in emergency need.

Ogema Romanelli said yeah.

Councilor Crampton said they haven't removed the 501C requirements so still if they have an emergency they would have to get a 501C or find somebody that does to work that donation through.

Ogema Romanelli said right, what normally happens and he appreciates them relooking at this, is that they do have or had in the past Tribal members who has suffered some kind of an event that they would need a fundraiser for. Romanelli said a lot of times they can go through a church or something else to assist them with their fundraiser but because of the emergent need a lot of the times there is very short notices for doing a fundraiser because they might set it up within two to three weeks. Romanelli said that doesn't allow enough time for them to get the information because they ask for I9 usually, get the information, present it to Council, put it on the agenda, approve it and then get the check made. Romanelli said this gives them the ability, at least on a smaller scale, for a \$200 or \$500 donation to assist their members who are going through some kind of traumatic event which may be a house fire. Romanelli said that was something that they have had in the past and that is the reasoning for it but yeah, the I9 is still and the 501C3 is still going to be a requirement. Romanelli said he thinks this also clarifies that as well that they can't just.....because that has been an issue in the past whereas people think they can just donate and they have to be careful along those lines too. Romanelli said he thinks this does two things gives them the ability to respond in a quicker basis but also clarifies the need for the 501C3.

Councilor Burger said just so the Tribal membership understands the need for a 501C3 distinction is not something that the Tribal Council imposes it is something that is imposed on Tribes through the Indian Gaming Regulatory Act. Burger said additionally it is imposed by their Revenue Allocation Plan as a Charitable Organization they have a definition as to how that is met and it is not met by an individual donation.....or donation to an individual. Burger said individuals receive Per Capita Payments and they do have programs here Family Services, Members Assistance and other departments that can assist any emergent matters to Tribal members and most of that assistance can be provided wherever the

member lives depending upon the program. Burger said so there is really no limitation on the member seeking assistance but it is contacting the Tribe and making the request.

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

Roll Call #12

J. Riley - Absent	J. Burger- Yes	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. Authorizing Donation of \$1,000 for 2017 Coregonids (Whitefish) Symposium

Tribal Council and Ogema have determined that Adikameg are an important species culturally, economically, and biologically and support the 2017 Coregonids Symposium as a valuable means of protecting these species.

Speaker Johnson noted this item has been pulled or removed from the agenda.

E. Cooperative Law Enforcement Operating Plan and Agreement with the National Forest Service

Enables Tribal Police Officers to assist the Forest Service when they need additional law enforcement support in Huron-Manistee National Forest.

Robert Medacco, Public Safety Director, represented this agenda item. Medacco said what they have here is an Agreement between the Forest Service and the Tribe specifically their Police Department and Conservation Officers which would allow for their officers when they do or are called to assist the Forest Service on Federal Land specifically Manistee National Forest that they will be reimbursed for those hours of work up to \$2,000. Medacco said last year their officers assisted in an event in the National Forest for about 24 man hours which is about \$500 and they did that as a good faith gesture. Medacco said this year they are being rewarded by the Forest Service recognizing that they are able to go and assist them to enforce law on their lands and they will reimburse the man hours now up to \$2,000.

**MOTION TO APPROVE RESOLUTION #16-0323-090;
APPROVAL OF A COOPERATIVE LAW ENFORCEMENT
OPERATING PLAN AND AGREEMENT WITH THE NATIONAL
FOREST SERVICE;** by Medacco; supported by Burger.

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

Roll Call #13

J. Riley - Absent	J. Burger- Yes	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)

F. Approval to extend time limit for posting and filling Budgeted Positions in the Health Department for an additional 90 days

These positions are budgeted but have not been filled within 90 days of the start of the year. There is a plan to fill them in place but not sufficient time to do so. The Health Department requests an extension of an additional 90 days to get the jobs posted and filled.

Don Mac Donald, Health Director, represented this agenda item. Mac Donald said they are requesting the ability to, he should say approval, to extend their postings for budgeted positions within the Health Department for an additional 90 days to ensure they can get those posted and filled.

Janine Sam, Human Resource Generalist, said she actually just became aware of this item being submitted to the agenda and HR had intended to also bring a very similar item forward. Sam said during the months of November, December, January and February the Tribal Human Resources Department has posted 21 positions. Sam said during that same time period they were able to fill 12 of those positions. Sam said of the 21 postings that they have made at least four are repost because they have been unable to fill the jobs and have not been able to determine qualified candidates. Sam said that doesn't mean they were unqualified that were applying because in some cases they didn't have applicants at all. Sam said she has submitted, and she didn't realize that Recorder Riley was absent today, but she sent a revised resolution through that would actually approve the extended time limit to encompass all of the positions within the Tribal Government's Budget. Sam said when the Tribal Council adopted this Budget there was 26 vacancies in the Budget as adopted. Sam said most of them were brand new positions that have never had a job description drafted. Sam said in addition to that they have had turnover in departments such as Surveillance, Finance, and other areas that they have substantial numbers of vacancies coming through. Sam said during that same time period they were also transitioning into the new Payroll System during that same last two months of the year. Sam said the resolution that she crafted is asking for 180 days which she wasn't sure how the Council's is viewing the budgeted adoption. Sam said when the Budget was adopted there were a few positions that were ____ not to start until April. Sam said she doesn't believe that those positions may necessarily require an additional time to fill. Sam said what she is asking for is an extension if they go with the proposed resolution and just modify it with 90 days that would take them through June. Sam said the resolution that she submitted asked for 180 days however the

intention is from it starting January 1st so that is still the intent to take it through the same process in June. Sam said the positions they are looking at that still require to be filled are in the draft resolution. Sam said they have positions in Public Safety, Natural Resources, Tribal Court, the position of Comptroller that was just adopted today, and Historic Preservation. Sam said those positions, as an example Public Safety, the Budget & Appropriations Ordinance is very strict at Letter G where it states *"the position shall be filled within 90 days. Positions not posted are filled in accordance with this Section are eliminated from the Budget."* Sam said a Public Safety Job Posting, as an example, can take over three months to fill from the time they select a candidate because of the extensive background investigation that has to happen with those positions. Sam said so the timelines as adopted in the Budget & Appropriations Ordinance specifically for Public Safety are just unworkable, they cannot work. Sam said there is no way even if they are doing everything that they need to do to fill those jobs it can still take up to three months. Sam said when they have a candidate that has graduated from an accredited university that sometimes is a little bit less timeline because it is easier to verify their history but realistically it is taking up to three months to process a Public Safety new hire for the extensive background investigations that they have to do. Sam said so she is asking the Tribal Council to consider today amending to include not just Don Mac Donald's Health Department positions but the other department positions that are in the Budget as adopted that are vacant or slated to be created in this year and asking for an extension to apply to all of those positions. Sam said if she had known the issue was coming forward they would have definitely been lobbying the Council to include all of the rest of the positions otherwise they are going to be coming back department by department adopting separate resolutions for each department. Sam said she thought that this way.....it is not because nobody is doing what they are supposed to do in addition to what they are doing as well, for example, they had a Utility Position that was reclassified because the position had been originally an Administrative Assistant Position and looking at the functions of the job and the fact that is the primary bill collector that is the department that position manages the financial end of it for the Department Director they changed that position from an Administrative Assistant to an Operations Coordinator. Sam said that process takes some time which it probably took them two weeks to get all of that information revised so the process is extended when the original amendment.....when the original ordinance was adopted that Letter G was for a specific purpose and she believed that the Tribal Government has evolved beyond that purpose. Sam said she believed that these positions are being filled in accordance with the other resolutions that Council has adopted. Sam said to adopt Job Descriptions, to adopt the Wage Grid, and the processes that subsequent to this Act. Sam reiterated that she is asking the Council to consider applying the extension not only for the Health Clinic but for the remainder.....they are talking about five other positions at this point. Speaker Johnson said it is open for discussion or a motion. Johnson said they have a request to revise the amendment to this to include five other positions.

Councilor Burger said just a couple of things and she is glad that Janine Sam came forward from the Human Resource Department to discuss this in particular but is disappointed that the Director is not here to talk about this. Burger said Public Safety, Natural Resources, Tribal Court, Comptroller's Position and Historic Preservation Positions she thinks one of the things at least when she served in a previous capacity as a Director in this organization that was her responsibility is ensuring that her Job Descriptions were up to date and adopted in the manner that they could be filled when the Budget was approved. Burger said however it is not happening and she knows that the Human Resource Department has been a two-man show for a very long time and they just got a third person to help them out with Benefits Administration and Coordination Department. Burger said she is thinking that it probably a better approach to this would be to adopt an emergency amendment to the Budget & Appropriations Ordinance that suspends Section G being that would be an emergency amendment and that would give it 90 days. Burger said then at the end of 90 days put the section back in place in the ordinance and the reason being obviously some Directors needs to do some work to get the Job Descriptions formulated so they can be sent over to their Review Consultant and appropriately placed into the Job Market for Wages & Fringe. Burger said it essentially doesn't change the Budget & Appropriations Ordinance long term so the owness will be back on the Directors to make sure they get their work done. Burger said she is not picking on Directors but when she was a Director that was her responsibility so she thinks that's kind of how she would like to approach this and would like to approve the Health Department's position as is and would like to have in second open Tribal Council taking an emergency amendment action on the Budget & Appropriations Ordinance which make it a lot cleaner.

Speaker Johnson asked Councilor Burger if she was making that motion.

Councilor Burger said she can make that motion.

MOTION TO ADOPT THE RESOLUTION IN FRONT OF THEM THEN PROFFER A SEOND MOTION TO COME BACK INTO SECOND OPEN AN EMERGENCY AMENDMENT FOR THE BUDGET & APPROPRIATIONS ORDINANCE; by Burger; supported by Wabindato.

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

Acting Recorder Di Piazza said the agenda has been approved even though it is an emergency.

Speaker Johnson asked Acting Recorder Di Piazza to please say that again.

Acting Recorder Di Piazza reiterated that the agenda has been approved even though this is an emergency in second open. Di Piazza said the agenda has been approved just so the Speaker is aware of that.

Councilor Burger said she doesn't think there is any limitation in the ordinance or in their rules that says they can't put on an item in the second open as a part of an adopted piece of the agenda if they choose to do it in second open. Burger said she could be wrong though and it wouldn't be the first time.

Janine Sam said it would be appropriate that the Council would have to vote to amend the agenda and add that item in second open.

Speaker Johnson said correct.

Janine Sam went on to say that they do have to have a roll call recorded for that.

Ogema Romanelli said well he appreciates, they know, having this on the agenda because they know the situation which placed them with having, he doesn't remember how many it was, thirty-some positions or twenty-some positions towards the end of the year. Romanelli said they know that many of them reside in the Clinic area. Romanelli said he also appreciates the fact that they are looking at doing an emergency amendment to short term the resolution that put the 90 days in place. Romanelli said he also appreciates that the need for the 90 day clause or what the intent was but he does see on-going problems and again with the short term fix maybe they need to revisit it. Romanelli said this is an on-going problem and there are times whereas it is not only the number that come through on a regular basis towards the end of the year, for example, but there are other times where they cannot post the positions as quickly as they would like to for various reasons such as the person leaving, the timing of it, there are legal things that happen, so he thinks they need to, they know, and he would support both of these actions but he would really support looking at the idea of what they are trying to do because so many times, they know, there are times where there is a Director who is really not following through on their job and they need to hold them in check. Romanelli said there are also a lot of times the Department or the Human Resources Department is doing everything they can and it still falls beyond the 90 days and once it falls beyond the 90 days then they have to start the process all over which further puts them in a hole. Romanelli reiterated he is appreciative of the two but he would really like to look the whole ordinance once and for all then come up with something that takes care of the problem and does what Council wants it to do but allows for their staff to be given the flexibility when needed.

Councilor Burger said she wanted to thank the Ogema for bringing that up because she thinks one of the problems with the Budget & Appropriations Ordinance and it's been a problem since the adoption of the ordinance. Burger said that is the fact that the ordinance looks at positions and not capacity. Burger

said governments have to have capacity. Burger said capacity being a position's required to carry out the function of the government. Burger said the ordinance doesn't structure it that way. Burger said the ordinance looks at it as though it is an expenditure only so they put limitations on things like granted positions. Burger said responsible government looks for all the available revenue sources to fund their capacities whether it is a grant or a contract or whatever. Burger said that is how they should be approaching this particular issue. Burger said if the government needs the capacity they budget it and once it is put in the Budget or put in the organizational picture of the government's operation then the government has the responsibility to ensure that the capacity stays funded. Burger said that goes back to the Directors who needs to hustle out and find money. Burger said that has always been a problem because a lot times they write for a grant and the grant window shuts then the position goes away and they find out they really needed that position. Burger said then they have to come back and re-appropriate, set it back into the Budget, and try to find the funding. Burger said if they approach it as functions, capacities, and government operations to provide service it will take a lot of their headaches off their shoulders. Burger said she knows that Budget & Appropriations Ordinance needs to be revisited for that very simple reason. Burger said they are not funding capacities.

Janine Sam said she would defer to the Ogema.

Ogema Romanelli said he was just going to say yes. Romanelli said that problem can be compounded when they have a Director Position that is not, again, they know how that goes so.....again.

Janine Sam said she just wanted to inform the Tribal Council to take this opportunity and appreciates that they have allowed her to come in.....please she feels bad because she kind of, they know, jumped on this agenda item here. Sam said the other thing is, again, looking at Public Safety as an example, Human Resources met with that Director this week. Sam said that Director has very solid ideas for filling rank positions and the 90 day time limit is not going to give that Director the time to fully develop that process. Sam said so, again, it is in the Tribe's best interest to allow the Department Heads and the Human Resource Director to come forward with those types of plans to let them fully develop because once that process Director Medacco is trying to put in place is adopted or put in place through policy it is going to change how the department operates and fills positions in the future which is a benefit to the Tribe. Sam said so looking at that and she does want to make a mention that the Human Resource Director ask her to step in this morning because there was a Human Resource's issue going on downstairs at the beginning of the meeting and she wasn't sure what time she would get out so she did want to make that note for the record also.

Speaker Johnson thanked Janine Sam and asked if there was any other discussion on this item.

Councilor Crampton said he just wanted to make sure that they substantiate the need for an emergency because they are not going to have a meeting next week and there is a timeframe. Crampton said he agrees totally with working with the Budget & Appropriations Ordinance because it looks good in spirit but times change. Crampton said when they adopted it in 2013 there were unforeseen circumstances and now they are seeing them.

Acting Recorder Di Piazza asked if there was a motion on this.

Speaker Johnson replied that yes there is a motion on it already.

Councilor Burger said nope not yet.

Speaker Johnson said he thought Councilor Burger made the motion and that Councilor Wabindato supported it.

Councilor Burger said she didn't make the motion to amend the agenda though to add the potential for an emergency amendment to the Budget & Appropriations Ordinance in second open.

Speaker Johnson said he has not heard that motion yet. Johnson said they were discussing on the first motion that Councilor Burger made in regards to.....that included an emergency in second open. Johnson said there are two separate items. Johnson said they may have to do a recess on this but before they do that he just wanted to input a couple of things here. Johnson said he is glad that Councilor Crampton in his opinion spelled out what the emergency was and he tends to agree with that because they don't have a meeting coming up next Wednesday and they need to resolve this issue before April 1st because that is the deadline and the 90 days. Johnson said he understands that part of it however what disappoints him is knowing the fact that they have five positions that went 90 days and now they are talking about it today. Johnson said this should have been talked about a month ago, not today. Johnson said he believed that one of those positons is right in the Human Resource Department that is not filled because he thought there was one vacancy in there not filled, no. Johnson said he stands corrected then. Johnson said he finds that in these five positions, they know, that the Directors need to be on top of these things so they don't fall in there. Johnson said he wanted to thank Don Mac Donald for bringing it forward for his area because he is aware of the issue there. Johnson said he is a little concerned how this gets stung out and all of a sudden now they have to do an emergency to resolve it and they have five positions. Johnson said at one time he knows that Human Resource has been very busy because they went to a new system for doing their hourly and they had to go through introducing that IT which took up a lot of resources just to do that for the Directors to train their employees and how they themselves have to do the Reporting System. Johnson said there were a lot of questions about PTO and all this other stuff going on with

the hourly system but to have five positions at this point saying they need to do this it is just a little disappointing on his behalf to hear it.

Janine Sam said this will be her last comment because she also has another place to go. Sam said to the Speaker, again, she respects his comments and she just would point out that the Tribal Human Resources Department has identified on at least two other occasions in separate work sessions to the Tribal Council why Letter G doesn't work so she thinks that what they are not seeing is not Directors not doing their jobs they are seeing that the system that is in place is not going to work. Sam said again, Robert Medacco is sitting right there and he can speak for himself, but what he has planned for his department is in the best interests of the Tribe is a good process and it's not something that he hasn't been working on, or something that he hasn't been researching, it's just how the timelines are because the other issue is when the Budget was adopted coming into effect on January 1st the Human Resources Department learned of the new positions in February. Sam said so they lost 30 days right there of not being able to work with people because they didn't know those positions were coming forward in the Clinic. Sam said they can assist that, help with that, and process those Job Descriptions when they know that they are coming. Sam said so it is a communications issue but she believed that looking at the Budget & Appropriations Ordinance will resolve these issues because Council, as Councilor Crampton said, the Council has adopted other bodies of law that influence this process so it is not operating the same anymore. Sam said it is not the Ogema, the Department Heads, are not able to go into their Salary Lines anymore the way they used to in the past because they need those Salary Lines for those salary purposes. Sam said she appreciates that they are willing to look at it and she thanks them for their time but she did want to make that plug for the Directors as well that she doesn't think that anybody neglected it but Human Resources Department has been saying this is not going to work anymore. Sam said they are at that point where it is not working anymore.

Speaker Johnson said he thinks that Councilor Crampton said it very well in regards to that they need to take a look at that act and work on it in a work session to improve it so it is more compatible to how they do business here in the future. Johnson asked if there was any more discussion on this item. Johnson said he does have a motion and support.

Acting Recorder Di Piazza said if the motion maker would read with the resolution number please.

Councilor Burger responded that she can do that or she can rescind it and give them two separates.

Speaker Johnson said to Janine Sam that here is what he would like to do.

Councilor Burger said Janine.....

Speaker Johnson said Councilor Burger and sorry. Johnson apologized. Johnson said to Councilor Burger what he would like to do is continue on with this motion and then he will entertain a motion to amend the agenda for second open to include the emergency. Johnson said he will treat it separately and he has two people in the audience raising their hand. Johnson asked Acting Recorder Di Piazza if he was done.

Acting Recorder Di Piazza said it needs to be a separate motion and can't be added to this one. Di Piazza said they need to make a motion to amend.....he will do it and doesn't believe the resolution number was read on the last one.

Councilor Burger agreed that it wasn't and that is why she offered to rescind what she said and just do this resolution straight up then do a second amendment or second request to amend the agenda to address the emergency situation with the Budget & Appropriations Ordinance.

Speaker Johnson said to Councilor Burger that she is the motion maker and she.....

Councilor Burger said she will rescind the motion so they can do it in a little cleaner fashion for the Recorder's benefit. Burger asked Councilor Wabindato if he agreed with that.

Councilor Wabindato said he agreed with that.

**MOTION TO APPROVE RESOLUTION #16-0323-091;
APPROVAL TO EXTEND TIME LIMIT FOR POSTING AND
FILLING BUDGETED POSITIONS IN THE HEALTH
DEPARTMENT FOR AN ADDITIONAL 90 DAYS;** by Burger;
supported by Wabindato.

Speaker Johnson said now it is open for discussion and they have a new motion in place. Johnson asked Diane Lonn if she still wanted to speak on behalf of the new motion and is more than welcome to come forward. Johnson asked Robert Medacco if he still had his hand up.

Diane Lonn, Tribal #0194, said as a Director she wanted to tell them that she has had her Job Descriptions, which is only three, into Human Resources for six months and the process is not working. Lonn said they revised them and did everything then they are supposed to go to OAS or OCO somewhere they are lost in the shuffle. Lonn said she knows that other Directors has gotten some in as well so somewhere the process does have to change so it is more worker friendly.

Robert Medacco said he will just explain a little bit about their department. Medacco said they are held to a higher standard when they hire Officers. Medacco said there is an integrity issue that they have to complete background

checks on. Medacco said so when they take the top three candidates at the position they do one background check at a time because the first person is offered the job and if that person does not clear it a two to three month background because that is how long it takes then they have to go back and take the second candidate, take two to three more months and move forward with that process. Medacco said if that person clears the background but does not pass their medical or their Psychological Exams they have to take the third candidate which is another two to three month process. Medacco said Public Safety he knows it is hard to acknowledge this but they are a different entity than the government and have to go through these processes to make sure they are getting the best fit in their department. Medacco said this takes time and there is nothing that he would love to do more than to put people in the positions that he has budgeted for. Medacco said one of the recommendations that he heard was they had Budgets and that is why they have these open positions. Medacco said the easiest fix to him is put payroll dollars off limits to budget modifications. Medacco said that way how can he pad a Budget because he can't come to Council and say he needs this money for another program. Medacco said that seems like a simple fix to that and in that way they don't have to worry about the padding of Budgets because either they fill the position or they don't and if it comes down to a year then take the position out. Medacco said as long as approve the position the money is there so he would put that as off limits.

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

Councilor Burger said just one more point and she is glad that Director Medacco brought this up. Burger said every position that works for the Little River Band has a responsibility to report child abuse which is under their Children's Code and part of the responsibility of Federal Law and the Indian Child Welfare Act. Burger said every position here needs to be cleared for work with children. Burger said that all requires background checks and sometimes the background checks come back in week or sometimes it takes three weeks. Burger said as a previous Director she knows that sometimes it takes six weeks. Burger said she agrees wholeheartedly they need to look at the Budget & Appropriations Ordinance, again, she goes back to building the capacity of the government and how does the capacity serve the members along with what positions that need to be a part of that capacity so they are part of the permanent structure. Burger said they have to start thinking in that way and then they will be able to appropriate the dollars for the best use which is the only way that it is going work. Burger reiterated to Director Medacco that she is glad that he brought that up because every department here has the ownness to protect children so every employee here has to pass a background check to make sure that they can do that.

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

Roll Call #14

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

Motion carried (8-0-0-1)

Speaker Johnson said from this.....go ahead.

Acting Recorder Di Piazza said he would like to make a motion.

Speaker Johnson said he was going to entertain that motion before he was going to make it that from the discussion that they have had on this last item. Johnson said he will entertain a motion to amend the agenda to include an emergency item in second open.

MOTION TO AMEND THE AGENDA TO ADD EMERGENCY AMENDMENT TO THE BUDGET & APPROPRIATIONS ACT OF 2013 ORDINANCE #13-000-04 WHICH THEY WILL REMOVE AND POST IT FOR A 90 DAY POSTING WITH REMOVAL 5.06G TO HELP FILL THE JOB POSTINGS; by Di Piazza; supported by Wabindato.

Speaker Johnson said when Acting Recorder Di Piazza says amend it does he want to do it in first or second open.

Acting Recorder Di Piazza responded second open.

Speaker Johnson said it is open for discussion. Johnson said he should ask if anybody is going to abstain now it is open for discussion.

Roll Call #15

J. Riley - Absent	J. Burger- Yes	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)

G. Authorization to post proposed Amendment to Government Business and Accounting Act of 2010, Ordinance #10-100-06

The Government Business and Accounting Act of 2010 uses the Title of Director for Comptroller General. The current approved budgeted Comptroller General has no employees reporting to the position.

MOVE TO APPROVE THE AUTHORIZATION TO POST THE PROPOSED AMENDMENTS TO THE GOVERNMENT BUSINESS AND ACCOUNTING ACT OF 2010, ORDINANCE #10-100-06; by Burger; supported by Di Piazza.

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

Roll Call #16

J. Riley - Absent	J. Burger- Yes	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)

VI. Concluding Business

A. Next Meeting Date(s) - Wednesday, April 6, 2016

Speaker Johnson noted that they will not meet next Wednesday because there is five Wednesdays in March so they will meet the following Wednesday which is two weeks out.

B. Ogema Weekly Status and Business Update

Ogema Romanelli said he just wanted to report that the Chamber of Commerce.....the Manistee Chamber of Commerce Tribal Leadership Day went off very well. Romanelli said the support from the Tribal Council is very much appreciated and the work from their different departments, Directors, and staff is also appreciated. Romanelli said he thinks there is a lot of learning that went on in the community which is absolutely needed. Romanelli said he thinks they.....what else is going on.....he is meeting with the Chamber of Commerce in Muskegon on Tourism in West Michigan and primarily in Muskegon County and that is happening this Friday. Romanelli said their Membership Meeting is coming up shortly and they will again have tables and they are going to be requiring certain departments to set up their tables.....informational tables. Romanelli said they got away from a little bit because of the Budgets and there was a lot of passing out of freebies. Romanelli said people were going in there grabbing all the freebies and coming out without really looking at the information. Romanelli said they don't have the Budget to do what they used to be able to do but they really believe the information is important to get out to the membership and allow them the ability to go through. Romanelli said they will see more increase presence of tables at the Membership Meeting. Romanelli said it was brought to his attention that there is a need to look at their Justice Department Building because there is a problem with handicap accessibility. Romanelli said this is okay because he thinks their Natural Resources with the new renovation is okay and also their Commodities and Community Center however the Court is still lacking. Romanelli said he thinks they brought it to the attention of the Council yesterday at the Round Table that they really need to look at the ability for accessibility going into the buildings so he will put that on his agenda then they can do some work in that area. Romanelli said he thinks that is it.

C. Legislative Affairs Update

Councilor Lewis said she went and testified in front of Congress about the Budget, the Presidential Budget of 2017, and brought forward language in their Historic Preservation Department, their Ricing Program, information about the Clinic and their roads. Lewis said they all need improvements on those.

Speaker Johnson said he is glad that she brought that up. Johnson said first of he wanted to thank her because he knows this was a first time for her and real challenging but she did an outstanding job. Johnson thanked Councilor Lewis on behalf of Council and the Tribe for doing that because they really appreciate it.

Councilor Lewis said she would also like to thank Councilor Burger for all her support. Lewis said she really liked the experience and thankful.

Speaker Johnson said he has one comment on Legislative Affairs is that they had their Units of Government Meeting last week Thursday. Johnson said one of the issues that he requested two months ago was in regards to the Wastewater Treatment Facility that the City of Manistee had and the City Manager had one of his Engineers present, Mr. Mc Coola. Johnson said he gave an oversight of what was happening over there and he said for them to address the one line which will take six years to better understand and fix it. Johnson said his response to Mr. Mc Coola and to the City Manager is from the Tribe's end of it that is unacceptable because it is six years too long. Johnson said he is glad that Councilor Lewis brought up the issue that she presented at the Federal Level about Ricing because there might be a point and there is going to be a time when they want to take Manistee Lake and the mud lands to start growing their rice there. Johnson said knowing that they are dumping human waste in Manistee Lake is unacceptable. Johnson said they are using this lake intentionally for growing wild rice and they wanted to be able to make sure that the lake is free of contaminants as much as possible. Johnson said he believes there are going to be some articles in the paper about this issue maybe tonight or tomorrow or whatever but he heard it is going more of a ripple effect is going to come out of this issue because it is not done. Johnson said he will continue hammering with the local Government Officials about the Tribe's position on Manistee Lake and dumping this stuff. Johnson said he was really appreciative that Tom St. Dennis was there because he also provided them with an alternative. Johnson said they know that they are going to get a heavy rain influx is it possible to flip a valve on the Wastewater Treatment Facility and that Little River can pick up some of that sewage and treat it up here on top of the hill. Johnson said that is something that they have never entertained before but something they may be considering in the near future. Johnson said he wanted to thank him for offering that insight. Johnson said other than that the meeting went very well. Johnson asked if there was anything else under this item.

Councilor Burger said she knows their Legal Department took a look at it yesterday. Burger said Turtle Talk is an organization that Matthew Fletcher is an

attorney which is one of their Tribal Attorneys from another Tribe regularly publishes opinions and in yesterday's publications there was an opinion regarding the Omaha Tribe in the State of Nebraska. Burger said whether or not the Omaha Tribe's Reservation had ever been diminished and the significance about that was in the briefings and in the opinion was the discussion about lands that were required for settlement. Burger said their 1836 Treaty that established a 77,000 acres that borders both sides of the Manistee River out to the mouth of Lake Michigan has language in it that talks about lands required for settlement. Burger said the Supreme Court held that the Tribe's right to those lands was not diminished. Burger said she thinks that it is time that the Tribe revisited their claim to their 1836 Treaty Lands. Burger said this particular decision will be helpful in that process to them. Burger said there were some other things in the opinion that were also very broad such as Indian Country and Reservations not necessarily being tied strictly to lands in trust. Burger said so she thinks it is beyond time and she would like for her colleagues if they get an opportunity and it is online for anybody or Tribal member that wants to read the opinion but read the opinion and take a look at the language because this could be the time and she really cannot believe that Clarence Thomas wrote the opinion. Burger said Judge Thomas wrote that opinion and he has not written in years and all of these decisions are coming down very strongly worded in support of Tribes and their positions. Burger said she for one would really like to see them establish those boundaries once and for all.

Councilor Crampton said he will defer to the Ogema.

Ogema Romanelli said he just wanted to say that ties in with what Grand Traverse Band is also doing as well by looking at that and he thinks Councilor Burger is correct. Romanelli said now may be the best time if any to join on the band wagon and go forward.

Councilor Crampton said just solidify the implications of that. Crampton said the heart of the matter is the Tribe tried to impose a Liquor Tax Licensing Fee on some stores that were in town that didn't know they were part of the Reservation. Crampton said they tried suing the Tribe and that is what they lost yesterday. Crampton said they decided in favor of the Tribe.

Councilor Burger so the Tribe can tax them.

Councilor Crampton said that is a heavy impact.

Councilor Burger said right on.

D. Public Comment Period

Scott Wittenberg, Tribal #2233, said he doesn't want to come off as somebody who is sour or scorned in any way because he is fascinated with them and to be

associated with them is an honor. Wittenberg said he has been trying to come up here for five years and get a job. Wittenberg said he will make this real short. Wittenberg said he has been coming up here for the last five years trying to make a way for himself. Wittenberg said the first time he came he got offered or got sent a letter for an offer of employment for the Grounds Keeping. Wittenberg said he signed it and returned it. Wittenberg said right before he was due to start he got a letter that said because he had a felony on his record, 16 years old, that it disqualified him. Wittenberg said a lot them know that is on the first page of the application is have they had a felony conviction and he checked yes on there so to get the offer and stay up here for 30 days then just to get a letter saying no sorry they made a mistake. Wittenberg said no big deal so he goes back down the hill and stayed in Detroit and must have made about \$60,000 or \$70,000 got a nice house, two brand new vehicles and a beautiful family. Wittenberg said he came back up here to try again. Wittenberg said he was at the campground when the police came and told him he had two hours then he had to vacate the premises so he told them he was homeless and that he didn't have anything right now and was in-between and if there was any way he could stay there a couple of days. Wittenberg said they said no and to go to the churches in the city maybe they will help him. Wittenberg said he didn't because his Aunt Shelly said he could pitch his tent in her back yard so he did. Wittenberg said he was the school basketball coach for his daughter's team and belonged to a program called Watch Dogs which is Dads of Great Students where he patrolled the schools to make sure that the doors are locked during the day and had a rigorous background check for both positions that he passed with no problem. Wittenberg said he doesn't know if it is the background checks that they are running up here or if it is that lean and tight. Wittenberg said he respects that they are looking out for each other but when he hears everybody up here blames the system and the ___ and the letters on the paper. Wittenberg said he has a hard time understanding it and he was wondering if there was \$15,000 for training and everything else for a couple of people. Wittenberg said he was just wondering if there was any type of accountability sessions going on where they could hear somebody say that was their fault because they made a mistake and that they were going to get on top of that and fix it. Wittenberg said he hears a lot of dancing around and that they can't do it but just from somebody else from the outside looking inside it looks like there is room for improvement for everybody, he included, the system, and all of them.

Ogema Romanelli said he wanted to thank Scott Wittenberg for coming before the Council and Ogema today to express his concerns. Romanelli said he did have a couple of questions for him and they can either do it here or later whichever might be easier, later. Romanelli said the deal with the campgrounds and staying there he knows and thinks it was fairly recent, right. Romanelli said he just wanted him to know that there are some regulations that are put in place.

Scott Wittenberg said he has come up for the last three years and has done it even with the snow and everything else. Wittenberg said even the girls at the desk see him when he came in and said they knew he was coming because it was that time

of year. Wittenberg said it turns out and he took the explanation just fine because they said it has always been that policy but only now have they decided to enforce it. Wittenberg said that is fine but like he said it is a lot of ___ and maybe if there is so many beautiful centers and buildings they have. Wittenberg said maybe if there was just a building for somebody that was down and out or an abused wife or somebody where they didn't have to go through paperwork and could just go in and have the night then figure it out tomorrow.

Ogema Romanelli said right and he can understand the frustration or his frustrations to a point. Romanelli said what he wants to say is they are going through this where their.....the Executive Branch is the enforcement arm of the three branches. Romanelli said the laws are made from the Legislative Branch and it is their duty to enforce. Romanelli said he has been talking to staff lately because they have done something wrong for 14-15 years it doesn't mean they continue and the change is always hard. Romanelli said hopefully there were services offered to him as well. Romanelli said they can talk about that because he would like him come and meet with him after this too. Romanelli said he has concerns with his looking for a position. Romanelli said Scott Wittenberg stated that on the first page he noted it correctly and to have a job offered then taken is concerning. Romanelli said whether it is at the Resort or the Government those are the things he would like to find out. Romanelli said to Scott Wittenberg that if he could he would like to spend five minutes with him as soon as this meeting is done.

Scott Wittenberg said he appreciated it.

Ogema Romanelli said no problem.

Diane Lonn, Tribal # 0194, said to Scott Wittenberg that she does know when she worked there as well as she knows now they have an Appeals Process and doesn't think their Tribal people are really aware of it. Lonn said she does know that he goes and writes a letter to go before them. Lonn said from what she has seen they are understanding about felonies about way back when because they all make mistakes but try that. Lonn said it was wrong that they did that at the beginning but she thinks if he went to them and explained what happened that group is very understanding. Lonn said there is just that extra step he has to take and she is not saying she knows what will happen but it is there for him to use. Lonn said if he needs help writing it she can help him.

Speaker Johnson said he has two other people in the cue on this item then the Ogema so he has three now. Johnson said he has Councilors Medacco and Burger then the Ogema.

Councilor Medacco said with this he can speak to Scott Wittenberg because the position that he was talking about is the Housing Maintenance Position. Medacco said he was in that position at the time when he applied and everything else then

he was expecting him to come on board but then they finally said that he has this thing on his record.....he already went through the Interview Process and everything that he was supposed to go through and was just waiting for the Final Letter to start working. Medacco said he was expecting him to start working with him but then he got that letter so he knows the position that he was talking about because he was in that position at the time when he applied for it.

Councilor Burger thanked Scott Wittenberg for coming forward. Burger said one of the things that she knows is at the Casino Enterprise they have a Rehabilitative Process. Burger said essentially a person that has a conviction when the background check comes back they have their Adjudication Process to review all the information and make a determination. Burger said when there is an opportunity a person can appeal that determination and go through a Rehabilitative.....what they call a Rehabilitative Process or Review then they determine whether or not the length of time passed from the conviction to date whether it meets muster and usually individuals get an opportunity to go to work. Burger said unfortunately the government side doesn't have that in place. Burger said the government side uses the Federal Bureau of Indian Affairs Adjudication Process which goes back several years then they put it on an Evaluation Qualifier and there are several factors involved so, yeah, old convictions comes back and haunts people good, bad, or otherwise. Burger said her point in all of this is they have two separate processes and there is nothing stopping the government from looking at that process and figuring out if they want to make some amendments to allow employment based on length of time and level of the felony or level of the conviction. Burger said that is something they can certainly look at and address in the future. Burger said they probably should because they know, people make mistakes in their lives and hopefully they would be willing to evaluate where they have been and where they are today and give somebody a fair shot.

Ogema Romanelli said he just wanted to say this also goes back to the earlier discussions on how it takes to put people into the positions. Romanelli said again, he thinks sometimes there is a hurry to get the jobs filled and then they have to go through the process but Scott Wittenberg's case is not the first time he has heard of somebody getting so far along and then the denial. Romanelli said in Scott Wittenberg's case, again, he has to look at that denial could come right away not to say that they even believe in it and he agrees they have to look at this. Romanelli said there was one case where a person had a felony from 30 years ago and it was really not anything to do with safety issue or anything like that but they were denied. Romanelli reiterated that is really something that really needs to be looked at by their Tribe going forward at least.

Acting Recorder Di Piazza said yeah, there is a Rehabilitation Ordinance to help with that and they did separate some departments where they don't need a Gaming License. Di Piazza said a lot of times they are denied unfortunately something in the past and they are denied a Gaming License and that is through the Gaming Commission and the departments. Di Piazza reiterated that they did

separate that so people could still be employed without getting Gaming License so there is still opportunities. Di Piazza said the other aspect he apologized about the campgrounds but they did change that to put it under the department so it could be enforced and it does open April 1st and closes October 31st but that doesn't exclude any undesignated camping sites which is pretty much all of their lands. Di Piazza said he would need to go to Natural Resources and get a Trespassing Permit on that but that doesn't exclude him. Di Piazza said if he wanted to tent it or whatever he wanted to do out on their lands they know exactly where he could and can't but the campgrounds is actually designated because of the power and the bathrooms. Di Piazza reiterated unfortunately it doesn't open until April 1st.

Speaker Johnson said he wanted to respond also on this issue. Johnson said when he first got elected on Council and that was seven years ago they had two Tribal members come in front of Council saying that they couldn't get hired at the Casino because of their history. Johnson said Council from that discussion starting working on a Rehabilitation Act and he is glad that Councilor Burger brought that to their attention. Johnson said here they have another Tribal member coming today trying to work for the government and he can't because of a history. Johnson said that Councilor Burger is right on with this in the fact that this is something that they need to work on. Johnson said when they hear these voices coming from their membership about opportunities it gives them some direction to work on and here they have an opportunity that they could work on some kind of legislation to work to make sure that these are opportunities that they can uncover and make it available to their members. Johnson said he knows that Rehabilitation Act they wound up putting that in place and those two people who came to them wound up getting employed at the Casino because of that action they took. Johnson said they can do something here to help out on the government side and it is an opportunity for them. Johnson said he wanted to thank Scott Wittenberg for coming forward to them and sharing with them what happened here because it gives them something to work on.

Councilor Wabindato asked Acting Recorder Di Piazza if they are able to campground site right now if they go to the Natural Resources.

Acting Recorder Di Piazza replied no that is designated, the Pow Wow Grounds is designated because of the power and the bathrooms. Di Piazza said that opens on April 1st but undesignated would be pretty much any of their lands that Natural Resources and they can utilize to camp on. Di Piazza said that is undesignated. Councilor Wabindato said so they can camp there.....

Ogema Romanelli said he would be a little cautious in that just because it is undesignated doesn't mean, he knows, so.....and their Natural Resource Department isn't allowed to make certain determinations either so.....but yeah okay.

Councilor Crampton said he just wanted to say that he supports the legislative fix for this because if they go to an Appellate Body as was suggested before they are just going to look to the law and unless it is switched at this level he is just going to get the same answer. Crampton said he agrees that they should look at this and maybe tier it off and try to rank them as severe, non-severe, and whatever level it rises to.

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 GO INTO CLOSED SESSION; by Medacco; supported by Burger.

Roll Call #17

J. Riley - Absent	J. Burger- Yes	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 11:29 a.m.

VIII. Open Session

The Council reconvened in Open Session at 2:55 p.m.

MOTION TO GO INTO SECOND OPEN AT 2:55; by Medacco; supported by Burger.

Roll Call #18

J. Riley - Absent	J. Burger- Yes	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)

Speaker Johnson said they have two items in second open they amended the agenda to include an emergency motion.

A. Items moved from Closed to Open Session

MOTION TO MOVE RESOLUTION #16-0323-092, MOTION, ROLL CALL AND RESOLUTION TO OPEN; RESOLUTION #16-0323-093 AND RESOLUTION #16-0323-094, MOTION AND ROLL CALL VOTE ONLY; by Di Piazza; supported by Wabindato.

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

Roll Call #19

J. Riley - Absent	J. Burger- Yes	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 # 16-0323-092, APPROVING TRIBAL OGEMA’S EXECUTION OF A BUSINESS ASSOCIATE AGREEMENT AND A TERMS OF AGREEMENT FOR AFFILIATES DOCUMENT FOR THE PARENTS AS TEACHERS PROGRAM; by Medacco; supported by DiPiazza.

Roll Call #C-7

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

Motion carried (8-0-0-1)

MOTION TO APPROVE RESOLUTION # 16-0323-093, APPROVAL OF ADDENDUM TO CONTRACT FOR LEGAL SERVICES WITH SHAYNE MACHEN; by Burger; supported by Wabindato.

Roll Call #C-8

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

Motion carried (7-0-0-2)

MOTION TO APPROVE RESOLUTION # 16-0323-094, APPROVAL OF ADDENDUM TO CONTRACT FOR LEGAL SERVICES WITH REBECCA LIEBING; by Burger; supported by Wabindato.

Speaker Johnson asked if anyone was going to abstain.

Roll Call #C-9

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

J. Burger -	Yes	M. Wabindato-	Yes	S. Lewis -	Yes
Motion carried (8-0-0-1)					

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

B. Emergency Amendment to the Budget and Appropriations Act of 2013, Ordinance #13-100-04

Tribal Council is required to approve by resolution the increase in time limit for a position to be filled and current open positions are set to be eliminated from the Budget by April 1, 2016.

MOTION TO APPROVE RESOLUTION #16-0323-095; EMERGENCY AMENDMENT TO BUDGET AND APPROPRIATIONS ACT OF 2013, ORDINANCE #13-100-04 TO REMOVE SECTION 5.06 G FOR 90 DAYS TO HELP FILL JOB POSITIONS; by Di Piazza; supported by Burger.

Speaker Johnson asked if anybody was going to abstain and that it was open for discussion. Johnson said he will ask the Acting Recorder to set up a work session so they can work on that section of the ordinance during the emergency period. Johnson asked if there was any other discussion on this item.

Roll Call #20

J. Riley -	Absent	J. Burger-	Yes	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)

IX. Adjourn

MOTION TO ADJOURN THE MEETING AT 2:59; by Medacco; supported by Burger.

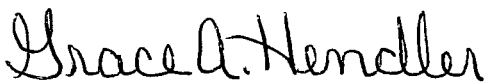
Roll Call #21

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

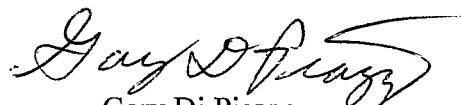
Motion carried (8-0-0-1)

The meeting was adjourned at 2:59 p.m.

Respectfully Submitted,



Grace A. Hendler
 Transcribing Assistant



Gary Di Piazza,
 Acting Council Recorder