

11/19/01



**LITTLE RIVER BAND OF OTTAWA INDIANS
 TRIBAL COUNCIL
 REGULAR MEETING
 WEDNESDAY, OCTOBER 24, 2001
 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 October 24, 2001. 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, October 24, 2001, was called to order at 1:02 p.m.

B. Roll Call

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

Quorum established.

Others Present: Jo Anne House, Kathleen Block, Bob Davis, Candace Chapman, P. Morris, Mark Dougher, Phillip Memberto

C. Approval of Agenda

Fisher recommends tabling CMT business #1 and #2 until November 7, as not all data has been received.

**MOTION TO APPROVE AGENDA AS AMENDED
 TABLING CMT BUSINESS #1 AND #2 UNTIL NOVEMBER
 7; by Fisher; support by Kleeman.**

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 – Yes
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Motion carried (8-0-1-0)

D. Tribal Council Minutes

09/26/01

MOTION TO APPROVE MINUTES OF WEDNESDAY, SEPTEMBER 26, 2001; by Kleeman; support 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 – Yes

Motion carried (8-0-1-0)

10/17/01

MOTION TO APPROVE MINUTES OF WEDNESDAY, OCTOBER 17, 2001; by Ruiter; support by Kleeman.

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 – Yes

Motion carried (8-0-1-0)

E. Public Comment Period

No public comment.

III. Continuing Business

A. Grants & Contracts

- 1. Resolution allocation of \$20,000 from the General Fund as a grant to the Walking Shield American Indian Society to pay for food and lodging for military medical and dental personnel**

Mark Dougher presented in Bussey's absence. He stated this was the supplemental to provide for the medical and dental personnel. Dougher stated Jessica Burger is involved in this process. There will be no cost to Tribal members for this service.

MOTION TO APPROVE RESOLUTION # 01-1024-01, APPROVING ALLOCATION OF \$20,000 FROM THE GENERAL FUND AS A GRANT TO THE WALKING

SHIELD AMERICAN INDIAN SOCIETY TO PAY FOR FOOD AND LODGING FOR MILITARY MEDICAL AND DENTAL PERSONNEL; by Kleeman; support by Medahko.

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 – Yes

Motion carried (8-0-1-0)

2. Resolution approving opposition to a proposed land exchange on South Fox Island

Mr. Johnson owns an area of South Fox Island and he wants to trade some of his parcels with the National Park to consolidate his into one big track of land and that would include acquiring the parkland, as he wants to start a condominium development. This resolution is in opposition of that development. There are burial sites on the island. There are also important natural resources that need preserving on the island.

MOTION TO APPROVE RESOLUTION # 01-1024-02 IN OPPOSITION TO A PROPOSED LAND EXCHANGE ON SOUTH FOX ISLAND; by Sam; support by Kleeman.

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 – Yes

Motion carried (8-0-1-0)

B. CMT Business

1. Resolution to move Design Plus payment to tax exempt loans

Tabled until November 7, 2001.

2. Approval of budgets for tax exempt side of casino expansion

Tabled until November 7, 2001.

IV. Old Business

V. New Business

A. Acceptance of Resignation from Gaming Commission

A letter of resignation from the Gaming Commission was submitted to the Ogema from Millicent Biers. Council needs to formally approve this so the Ogema can post the vacancy.

MOTION TO APPROVE ACCEPTANCE OF THE RESIGNATION OF MILLIE BIERS EFFECTIVE OCTOBER 8, 2001 AND DECLARE THAT THE SEAT ON THE GAMING COMMISSION IS NOW VACANT; by McCatty; support by Kleeman.

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 – Yes

Motion carried (8-0-1-0)

B. Resolution calling for support and cooperation in the Development of Emergency Response Procedures by Tribes, the State of Michigan, Its Counties and Local Governments

This was discussed at the Northwest Government Alliance Meeting that basically all the governments were adopting some sort of resolution in support of the President with the events of September 11th. The resolution is somewhat different than just saying that we support the President in that it asks that all governments work together in case of emergency. This refers to all governments not just the Northwest Alliance. Sam pointed out that the fifth whereas states, "Whereas the Tribal Council has monitored the goals and objectives of the President of the United States and the Congress in responding to terrorist actions and supports those actions". Sam states she personally has a problem with supporting that portion of the resolution. Fisher recommended striking the verbiage "and supports those actions".

MOTION TO APPROVE RESOLUTION # 01-1024-03, CALLING FOR SUPPORT AND COOPERATION IN THE DEVELOPMENT OF EMERGENCY RESPONSE PROCEDURES BY TRIBES, THE STATE OF MICHIGAN, ITS COUNTIES AND LOCAL GOVERNMENTS, WITH CHANGE IN THE FIFTH WHEREAS STRIKING "AND SUPPORTS THOSE ACTIONS"; by Fisher; support by Kleeman.

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 – Yes

Motion carried (8-0-1-0)

C. Pow Wow Ground Improvements

Memberto stated he was bringing this item to Council on behalf of the Cultural Preservation Committee. He stated that the Pow Wow grounds need improvement. The Pow Wow grounds are in need of a well as currently there is no water at the grounds. Memberto stated the grounds are also in need of an irrigation system. Memberto received two bids for consideration. He stated the plan is to place a well across from the where the membership tent usually is. Memberto states that the Pow Wow grounds are in need of these facilities. The well will provide drinking water to the grounds.

MOTION TO APPROVE RESOLUTION # 01-1024-04, APPROVING SUPPLEMENTAL APPROPRIATION FOR CULTURAL PRESERVATION PROGRAM FOR FY2001 IN THE AMOUNT OF \$14,705 FROM GENERAL FUND; by Kleeman; support by Porter.

Roll Call

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

Motion carried (6-2-1-0)

Chapman asked Council to state why they voted “no” on these items. McCatty stated she voted no because she thought the bid was too much. Ruiter voted no because she wants to see more advanced plans for the future.

D. Acceptance of Legal Opinion regarding Indian Preference

House wrote the legal opinion regarding Indian preference and this has been distributed to Council. House stated she didn’t look just at Tribe level, but Tribal operations and others. She stated she looked at federal law, state law as well as Tribal Court cases. Federal laws don’t apply to Tribes. The only thing that would apply to Tribes is the Tribe’s own Constitution. The Constitution has an equal opportunity clause in it. House researched back to 1980 for interpretations. As long as there is

nothing between the Tribe and its corporations and exempt from federal employment laws the Tribe is able to apply the broad Indian preference. Porter asked when the Management Agreement has past can we go back to the Tribe's policies. House stated this would be feasible. Sam asked about the Management Agreement and the policies written by the manager under that contract and approved by the Business Board and the Tribal Council. House stated the person is an employee of the Tribe not the employment contractor.

MOTION TO ACCEPT FOR FILING THE LEGAL OPINION REGARDING INDIAN PREFERENCE; by Kleeman; support by Medahko.

Roll Call

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

Motion carried (7-1-1-0)

Chapman asked McCatty why she voted “no”. McCatty voted no because this would be accepting the Indian preference opinion on file as fact.

VI. Concluding Business

- A. Next Meeting Date(s) – November 7, 2001**
- B. Public Comment Period**

Chapman asked Council if she could put notes from the Council meetings in the newsletter. Fisher stated it would be his recommendation to have the minutes in the newsletter. Sam suggested that the motions and the roll calls be mailed out separately from the Tribal Council and not in the newsletter. Sam stated it would be helpful for Chapman to write discussion on agenda items. Porter stated same feeling as Sam in that it is an impartial view. House stated that she needs to investigate the Constitution of the Tribe if there is any problem with this. Sam and Chapman will work together regarding communication gap with Council and membership.

Fisher stated that the rumor regarding tree removal from the Dontz property is not true. The helicopters are scheduled for November 8 to bring in the heating/cooling units. These are being brought in from out of state and are 30-ton units.

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 Kleeman; support 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 – Yes

Motion carried (8-0-1-0)

This portion of Open Session was adjourned at 2:07 p.m.

Council reconvened in Open Session at 3:29 p.m.

MOTION TO ADJOURN CLOSED SESSION; by Kleeman; support by Ruiter.

3:28 p.m.

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 – Yes

Motion carried (8-0-1-0)

I. Open Session

A. Items moved from Closed to Open Session

MOTION TO GO INTO OPEN SESSION; by Kleeman; support by Medahko.

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 – Yes

Motion carried (8-0-1-0)

3:29 p.m.

MOTION TO ADD TO THE AGENDA, COUNCIL MEETING REPORT SUBMITTED BY CANDACE CHAPMAN; by McCatty; support by Porter.

Sam read the agenda request from Chapman stating “My job description has changed to include updating Tribal newsletter information. I would ask to attend meetings and get response from Council before I publish in

the newsletter, notes from the meetings". Sam stated that Council may be overstepping their bounds in accepting this.

Roll Call

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

Motion failed (1-7-1-0)

Parsons stated he voted "no" because Chapman does not need Tribal Council approval to attend the Tribal Council meetings. This feeling was also supported by Sam, Kleeman, Medahko, Porter, and Ruiter. Porter stated that she would welcome a work session on this subject with Chapman. Fisher voted "no" because he would like to see the policies and procedures that have been developed regarding the newsletter.

MOTION TO REMOVE FROM CLOSED SESSION TO OPEN SESSION ITEMS 1, 2 AND 3 UNDER BIDS AND CONTRACTS, THE MOTIONS AND ROLL CALL VOTES;
by Sam; support by Kleeman.

Roll Call

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

Motion carried (7-0-1-1)

1. Waste Water System Agreement

MOTION TO APPROVE RESOLUTION # 01-1024-05, INSERTING PARAGRAPH BETWEEN RESOLUTION 01-1017-08 FILLED IN; by Sam; support by Porter.

Roll Call

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

Motion carried (7-1-1-0)

2. Marketing Contract

MOTION TO APPROVE RESOLUTION # 01-1024-06, AUTHORIZING THE TRIBAL OGEMA, OR IN THE ABSENCE OF, THE TRIBAL COUNCIL SPEAKER

TO EXECUTE AN ADVERTISING AGENCY AGREEMENT WITH MARSHALL FENN COMMUNICATIONS, LTD. AND AGREEING TO A LIMITED WAIVER OF SOVEREIGN IMMUNITY IN SUCH AGREEMENT; by Sam; support by Porter.

Roll Call

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

Motion carried (7-1-1-0)

3. Uniform Software Contract

MOTION TO APPROVE RESOLUTION 01-1024-07, AUTHORIZING THE TRIBAL OGEMA, OR IN HIS ABSENCE, THE TRIBAL COUNCIL SPEAKER TO EXECUTE A SALES CONTRACT IN THE AMOUNT OF \$24,695.00 WITH FOUNDATION LOGIC SYSTEMS FOR UNIFORM MANAGER AND INTEGRATED PURCHASING SYSTEM FOR LITTLE RIVER CASINO RESORT AND CONSENTING TO HAVE DISPUTES RESOLVED IN THE TRIBAL COURT WITH THE ADDITION OF “IT IS FURTHER RESOLVED THAT THE APPROVAL OF THIS CONTRACT IS SUBJECT TO THE DETERMINATION OF A NEED FOR AND/OR ISSUANCE OF A GAMING VENDOR LICENSE”; by Fisher; support by Kleeman.

Roll Call

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

Motion carried (5-3-1-0)

NOTE: House stated there are items from the Closed Session from 10/17/01 that may need to be moved to Open Session.

MOTION TO ADJOURN; by Sam; support by Kleeman.

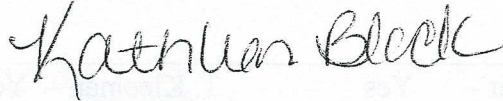
Roll Call

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 – Yes

Motion carried (8-0-1-0)

The meeting was adjourned at 3:42 p.m.

Respectfully Submitted,



Kathleen Block
Transcribing Assistant



Janine Sam
Tribal Council Recorder

Roll Call	C Bennett - Absent	C Fisher - Yes	J Korman - Yes
	E Moran - No	P Madsen - Yes	P Patten - Yes
	E Patten - No	P Patten - Yes	J Sam - No

Roll Call	C Bennett - Absent	C Fisher - Yes	J Korman - Yes
	E Moran - No	P Madsen - Yes	P Patten - Yes
	E Patten - Yes	P Patten - Yes	J Sam - Yes