

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Administrative Meeting
December 8, 1996**

Closed Session: Closed Session was not conducted

Called To Order: Meeting was called to order at 10:59 a.m.

Opening Ceremony: Opening ceremony was conducted by Barry Laughlin

Council Present: George Anthony, Alice Yellowbank, Frank Ettawageshik, Barry Laughlin, Patti Dyer-Deckrow, Janet Shomin

Council Absent: Shirley Oldman

Staff Present: Susan Keller, Kristi Houghton, Michelle Chingwa

Guests Present: See attached list.

Council Arrives: Shirley arrived at 11:07 a.m

AGENDA:

Agenda was reviewed and modified.

Motion was made by **Alice Yellowbank** and was **Seconded** by **Patti Dyer-Deckrow** to adopt agenda as amended.

Vote: 7 YES 0 NO 0 ABSTAINED **Motion Carried**

BILLS:

Bills were reviewed and discussed.

Motion was made by **Janet Shomin** and was **Seconded** by **Barry Laughlin** to approve the bills as presented & amended.

Vote: 7 YES 0 NO 0 ABSTAINED **Motion Carried**

Council made a request that when the Tribal Accountant submits bills to Council, they would like to see the entire bill without the heading being blocked out. The bills that go to NORAM will have blocked information.

It was decided that from this point on, Janet Shomin will receive from the Accountant, a copy of a summary of the entire bill.

A discussion was held regarding Cell phones. It was decided that a policy should be written pertaining to the fact that anyone who purchases a cell phone needs to have Administrative and Tribal Council approval.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Janet Shomin** that Cellular phones must be owned by the Tribe for bills to be paid by the Tribe. Approval for the Tribal Administrator phone is granted. Any future requests for other departments to have cell phones need to come to Council for prior approval.

Vote: 6 YES 0 NO (1) Barry Laughlin ABSTAINED **Motion Carried**

Much concern was voiced regarding the cost of cell phones and also the fact that staff rely on Council to be available to them at unscheduled times during the day.

Recess: Recess was called at 12:38 p.m. Meeting was called back to order at 12:59 p.m.

Council Departs: Shirley Oldman departed at 12:45 p.m.

A discussion was held on obtaining pagers for Council. Barry presented a package deal on pagers. He stated that he cannot receive calls at work anymore, he has received a reprimand from his supervisor. Council would need to purchase a package deal that consisted of seven pagers and would be used with computers that had modems. Staff

would type a message and send the message to Council which would be received on the pager. The pager will hold 55 messages. The total cost per month per pager is \$17.45. (See Attached Quote).

Cell phones were again discussed. It was felt by Council that they need to know what the authorization is to pay a particular bill by Accounting in order to leave a paper trail. It was stated that a form or some type of a log could be utilized to state the time and reason Council needed to use a Cell phone. Janet Shomin stated that Council would need to attach a payment request to their Cell Phone bill. Again it was stated that a policy for paying cell phone bills needs to be written.

PAGERS

The general feeling of Council feel that the pager idea is a good one. The Tribal Administrator would need to make a decision about which departments need a pager and the pager would need to be figured in their budget.

Motion was made by **Barry Laughlin** and was **Seconded** by **Janet Shomin** to obtain seven pagers from Northern Cellular and Paging for Tribal Council under their business rental agreement.

Vote: 6 Yes 0 No 0 Abstained. **Motion Carried**

Phone Polls

Council approved the Phone Poll for LIEAP 1-8-96. A Resolution was written and signed back in July of 1996. This resolution was misplaced and a new resolution was created. Since that time the July resolution was found so the question was what to do with the new one that has been created.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Barry Laughlin** to void the LIEAP, **Resolution #11119601**.

Vote: 6 Yes 0 No 0 Abstained.

Comments: Barry will remove all 11119601 Resolutions.

The Phone poll for 11-21-96 for the lease of additional office space of rental office space was discussed.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to accept the phone poll for additional office space rental.

Vote: 6 Yes 0 No 0 Abstained.

The Phone poll for Third Party medical billing software was discussed. It was felt that the three bids are three different types of software. The original phone poll could not be found and Council stated they need to see this before voting on this item.

The Phone Poll to authorize IHS renewal contract that was submitted on 11-27-96 was discussed.

Motion was made by **Janet Shomin** and was **Seconded** by **Barry Laughlin** to accept phone poll for IHS renewal contract.

Vote: 6 Yes 0 No 0 Abstained.

Minutes

November 3rd and November 17th were reviewed and corrected.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Alice Yellowbank** to approve the November 3, 1996 meeting minutes as corrected.

Vote: 6 Yes 0 No 0 Abstained.

Motion was made by **Patti Dyer-Deckrow** and was **Seconded** by **Alice Yellowbank** to approve the November 17, 1996 meeting minutes as corrected.

Vote: 6 Yes 0 No 0 Abstained.

Public Comment: Public comment opened at 2:30 p.m. Chris Shomin commented that these Tribal Council meetings are scheduled to start at 10:00 and this one did not start until 11:00 p.m. She feels that it is unfair that tribal members attending the meeting have to wait until 2:30 to here reports from different departments.

She also discussed the fact that she had sent in a resume that she called upon later to add information to and that the office manager had said that she never received it. She then again sent the information two weeks later. Chris felt that she should have been updated on this information. She stated she received another listing of job postings. She questioned if the Director positions were going to be hired first and would they then have input on who their assistant is?

It was stated by Council that some of the assistants are being hired for directors that already are on staff. Chris feels that the directors need to have input on who will be working for them.

Chairman Ettawageshik stated that he knew Chris's resume had been received into the office. Cheryl was told she will get an answer on this.

The Tribal Administrator stated that one of the assistant positions has been filled by a staff from in house. This was done prior to the director for that program being hired. She further stated that according to personnel practices positions need to be posted in house first.

Members attending the meeting feel that the director position of a program should be posted and hired and then the assistant position be posted. This would allow the director to have input on who would be hired.

Chairman Ettawageshik informed members on how expensive a mailing would be for one assistant position. Alice Yellowbank stated to the members that this is a problem that will have to be dealt with. Barry Laughlin assured the Tribal members in attendance that they, Tribal Council, always encourages input and any input that is offered is taken into consideration.

George Shomin commented on how the minutes of a meeting make a meeting flow more smoothly. He felt that the minutes should be done before roll call and this would help insure an easier flowing meeting.

Chairman Ettawageshik stated that the approval of bills normally takes about 15 minutes. He also stated that it is a good suggestion to try to get tasks accomplished as quickly as possible.

Gary Shomin stated that he felt Janet Shomin, Tribal Council Treasurer was meeting great resistance from some of the Tribal Council members when she was attempting to bring the LTBB Accounting Office in order. He stated that the Accounting Department is one of the most important departments and without that the Tribal Office would go down the drain. He further stated that it would not just be Janet that would be held accountable, but all Tribal Council Members will be held accountable.

George Anthony stated that Janet Shomin does good work. Barry Laughlin stated that Janet has taken a very active role in the Accounting Department and that he feels there is support for that.

Public Comment: Public comment closed at 2:44 p.m.

Marilyn Williams and Alice Yellowbank gave verbal and written reports of their recent trip to NIGA. Much discussion was held on a request Alice Yellowbank made in regards to all of Tribal Council attending a NIGA meeting in January. She also requested that LTBB become an official member of NIGA.

Janet Shomin commented that she would not be attending, or spending money from development until the Accounting office is cleaned up and meets the standards of compliance and federal regulations.

Alice stated again that LTBB needs to become a member of NIGA. She stated that currently LTBB is not a member. We get information faxed to us and are in contact with their office. Alice Yellowbank stated that there

is an application in her packet which she has distributed to Council and would like it filled out and sent back with a check for joining NIGA in the amount of \$750.00 to come from the Development, non-restricted funds.

Motion was made by **Barry Laughlin** and was **Seconded** by **Patti Dyer-Deckrow** to join NIGA for the fee of \$750.00 to come from the Development fund based on the availability of the funds in the account.

Vote: 6 Yes 0 No 0 Abstained.

Comments: Janet Shomin stated that she feels that she and the Accounting Office are not sure what the financial status of the Development Fund is and that she feels that no more spending should be approved until we are clear on the amount in the Development Fund.

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellowbank** to support **Resolution #12089601** of joining National Indian Gaming Association.

Vote: 6 Yes 0 No 0 Abstained.

Comments: George Anthony questioned if this fee was a yearly payment and in the future are we going to have to come back to this when there is no more funds in the Development Account? It was stated that this will eventually be moving into the Gaming Budget.

It was stated that LTBB will use the sample resolution that has been provided by NIGA and add our own information to it.

Alice Yellowbank informed Council of an upcoming seminar that is going to be held in January in Albuquerque, NM. It is her recommendation that as many Council members that, can attend should. She stated that we would need to check and see if we have the funds available. She made Council aware that December 17 is the deadline for discount registration fees.

It was stated that this is a gaming trip and 638 funds cannot be used to finance this trip. Federal rates do not apply to this situation. Marilyn Williams will check with travel agencies to see what kind of deal she could get on airfare. Janet Shomin stated that she is totally against this trip. She does not agree with all of Council going.

It was stated that the total cost of the trip would need to be found out. The estimated cost would be somewhere around \$1,000.00 a piece.

A discussion was held regarding if the entire Tribal Council should attend, or should two people attend it.

Janet Shomin again expressed her concern and that fact that we do not have a clear record of accountability. She stated that if the federal government came in and did an audit we would not pass and we would be subject to fines, fees, audit exceptions.

Patti Dyer-Deckrow stated that she feels that this is very beneficial and that she would like to attend this training.

George Shomin questioned if this would help with getting our gaming into order. He stated that we don't even have a Casino yet and yet Council is taking these kinds of trips.

Chairman Ettawageshik stated that this is one of the things LTBB needs to have in place for gaming.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to send two Council members to the NIGA training seminar on January 9th and 10th.

Vote: 5 Yes (1) Janet Shomin No 0 Abstained.

It was stated that the travel expenses would come from The Development Travel. It was stated that the registration would come out of Development.

Motion was made by **George Anthony** and was **Seconded** by **Barry Laughlin** to accept Alice Yellowbank and Marilyn Williams written and verbal reports.

Vote: 6 Yes 0 No 0 Abstained.

Tribal Chairman's Report

Judgment Funds

A draft resolution was introduced to Council from Chairman Ettawageshik. The Guenhardt plans consists of taking the 9 million dollars original award and set aside for payment to the descendants groups. That money would be paid to them on per capita basis. The remaining balance of the 68 million would be split the Lower Peninsula Tribes after the removal of the Upper Peninsula Tribes. The previous 65/35 Split between Sault and Bay Mills no longer exists. There is a plan to set 9 million dollars aside and the remaining money would be split five equal ways. How that is distributed among each tribe depends of the plan by the tribe. Based on this decision Bay Mills has asked if LTBB would support them in this plan. The LTBB shares stay the same based on all the plans that have been submitted. Chairman Ettawageshik thought we need to reach a compromise. It was felt that LTBB would like to stipulate that this plan would include a ¼ blood distribution. We wouldn't oppose this to Congress at that point. Patti stated her concern that Bay Mills and the Sault Tribe are the same during the original award and felt the share should have been divided and cut four shares and equal shares.

Gaming

Chairman Ettawageshik believes Little River Band is passing a resolution today to an equal split. He also believes that Grand Traverse Band may be doing the same thing and is against the Patti Dyer-Deckrow stated that she may have information shortly that could impact the judgment fund issue.

Chairman Ettawageshik informed Council of his invitation by Rep. Kildee for the upcoming Inauguration of President Clinton on January 20th. It was stated that the Chairman and one other Council member should attend this. He stated that there are other things happening at the same time and we may want to attend the other event.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to approve two representatives of the Tribe to attend the US Presidential Inauguration. Funds to come from Tribal Council travel if Shirley Oldman attends, and if Marilyn Williams attends, funds could come from the Development Account.

Vote: 6 Yes 0 No 0 Abstained.

Comments: Frank Ettawageshik & Shirley Oldman will attend w/Marilyn Williams as an alternate.

The Chairman stated that the benefit in this trip would be to take the opportunity to bend ears on all issues that need to be touched while they are out there.

Accounting

Janet Shomin handed out information on what Tribal Council needs to sign to bring the Tribal financial account into control. She instructed them to sign all the information in the folders she presented. This would bring their documentation up to date. Janet Shomin also requested approval for lodging and meals for her to assist in the Accounting Department until from December 8, 1996 to December 23, 1996 to assist the staff.

Motion was made by **Barry Laughlin** and was **Seconded** by Patti Dyer-Deckrow to approve the lodging and meals from 12-8-96 to 12-23 96 for Janet Shomin to work in the Accounting Department.

Vote: 5 Yes (1) Alice Yellowbank No 0 ABSTAINED

Council Departs: Patti Dyer-Deckrow left at 4:40 p.m.

Temporary Help

Temporary help was discussed again and getting Theresa Keshick into the Accounting Department until the end of the year. This change would occur when the person is on board from the temporary help agency who will take over the receptionist responsibilities. Temporary help would be paid from the Development Fund.

A new form was introduced and this form is to be used by Tribal Council Members only to record mileage & compensation, and In-Kind.

Motion was made by **Alice Yellowbank** and was **Seconded** by **Barry Laughlin** to allow development funds to be used for temporary help for the Receptionist for the remainder of this fiscal year per availability of funds.

Vote: 5 Yes 0 No 0 Abstained.

Janet Sagataw is asking permission to allow her to purchase a computer for the food commodity program. \$2798.98. This money would come from Development and be reimbursed back to Development. From this same account \$14,100.00 has been used for the truck. Bay Mills will also reimburse LTBB for the purchase of this truck.

Motion was made by **George Anthony** and was **Seconded** by **Alice Yellowbank** to approve the request for the computer and the truck from Development for the Food Commodity Program.

Vote: 5 Yes 0 No 0 Abstained.

Janet Shomin passed out a memo informing Council of her decision to resign from her position as Treasurer six months from this date, if steps are not taken to assure that Council is attempting to move in a positive direction in regards to the Accounting Office..

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to accept the Tribal Accountant's and Treasurer's written and verbal reports.

Vote: 5 Yes 0 No 0 Abstained.

Tribal Chairman's Report Continued

Judgment funds were discussed again at this time. Governor Engler's Administration is very interested in the 8% of the compact.

Gaming

Chairman Ettawageshik spent time in Lansing working on the compact last week. Bob Guenhardt, Mike Jacobson, and Frank Shunook, had a meeting on their own. Additionally a series of meetings were conducted with different officials. Out of the series of meetings Chairman Ettawageshik feels that LTBB stands a good chance of movement on the compact. Proposal E passed and the obligation for Tribes to pay 8% to the state has ceased at some point which is being negotiated. The strategic fund is going to run dry. By LTBB offering to pay the 8% we may get the right to do gaming. Three tribes are offering the state 15-25 million a year for the next 25 years. This is a small price to pay for having our compact. One of the things that is helping the compact along is that people didn't believe that Babbitt wouldn't make us pay to the state. They realize now that they wont get money from Tribes or from us. This has changed some representatives minds who now support us.

Motion was made by **Barry Laughlin** and was **Seconded** by **Janet Shomin** approve **Resolution #12089602** pertaining to the judgment funds as presented by LRB and modified by LTBB Tribal Council.

Vote: 5 Yes 0 No 0 Abstained.

Motion was made by **George Anthony** and was **Seconded** by **Alice Yellowbank** to hold resolution and not transmit resolution until Marianna Shulstead has reviewed the documentation that Patti Dyer Deckrow will provide. Upon Marianna's recommendation the Resolution may or may not be transmitted.

We need determination from Marianna Shulstead no later than 12:00 noon or 1:00 EST on the 10th of December on the relevance of Patti's material.

Vote: 5 Yes 0 No 0 Abstained.

Comments: Barry Laughlin will contact Patti Dyer-Deckrow on Monday a.m. to inform her of this time restraint for the information to be obtained.

Upcoming Grievance

Chairman Ettawageshik informed Council of an upcoming grievance to be conducted at 3:00 p.m. on Sunday, December 22, 1996

Litigation Support Request

Motion was made by **Janet Shomin** and was **Seconded** by **George Anthony** in support of **Resolution #12089603** for Litigation support for Land Acquisition

Vote: 5 Yes 0 No 0 Abstained.

It was stated that a Resolution needs to be obtained for Inland Off Reservation Hunting and Fishing and Gathering.

Motion was made by **Janet Shomin** and was **Seconded** by **George Anthony** in support of **Resolution #12089604** for Inland Code.

Vote: 5 Yes 0 No 0 Abstained.

New Office Lease

New office lease has been signed located on 924 Emmet Street.

Oneida Trip

Chairman Ettawageshik stated that this was a great trip. He met with Vice-Chairperson and the Planner.

NRC Meeting

The Chairman stated that the Inland Code has been passed by NRC. This will be forthcoming to Council.

Blackbird Museum:

City of Harbor Springs voted not to renew our old lease for the A.J. Blackbird Museum. Chairman Ettawageshik is working on a general plan on a new lease.

Motion was made by **George Anthony** and was **Seconded** by **Alice Yellowbank** to accept Tribal Chairman's written and verbal report.

Vote: 5 Yes 0 No 0 Abstained.

Tribal Administrator's Report

Michelle handed out job descriptions and Council proceeded to review and make recommendations. Much discussion was held on the requirements for certain positions and whether they should have certain levels of qualifications.

Staff Depart: Susan departed at 7:30 p.m.

Motion was made by **George Anthony** and was **Seconded** by **Janet Shomin** to adopt job descriptions as amended.

Vote: 5 Yes 0 No 0 Abstained.

Motion was made by **Barry Laughlin** and was **Seconded** by **Alice Yellobank** to provide the increase in Marcia Sutton's salary from the Development Fund Account based on the availability of funds.

Vote: 4 Yes (1) Janet Shomin No 0 Abstained.

Motion was made by **George Anthony** and was **Seconded** by **Janet Shomin** to accept the Tribal Administrator's verbal and written report.

Vote: 5 Yes 0 No 0 Abstained.

Motion was made by **Barry Laughlin** and was **Seconded** by **Janet Shomin** to go ahead with Enrollment Computer equipment lease.

Vote: 5 Yes 0 No 0 Abstained.

Motion was made by **Barry Laughlin** and was **Seconded** by **Janet Shomin** to approve NRC Request to purchase ATV up to \$5000.00.

Vote: 5 Yes 0 No 0 Abstained.

Council Departs: Alice Yellowbank departed at 9:06 p.m.

Motion was made by **Barry Laughlin** and was **Seconded** by **George Anthony** to accept written report from Substance Abuse Director.

Vote: 4 Yes 0 No 0 Abstained.

Motion was made by **Janet Shomin** and was **Seconded** by **George Anthony** to accept the Health Director's written report.

Vote: 4 Yes 0 No 0 Abstained.

Motion was made by **Janet Shomin** and was **Seconded** by **Barry Laughlin** to accept verbal report on facilities.

Vote: 4 Yes 0 No 0 Abstained.

Public Comment: Public comment opened and closed at 9:12 p.m.

Motion was made by **George Anthony** and was **Seconded** by **Barry Laughlin** to adjourn the Tribal Council meeting at 9:14 p.m.

Vote: 4 Yes 0 No 0 Abstained.

The above minutes have been read and approved as written:

Barry Laughlin, Tribal Council Secretary