

FIREKEEPERS LOCAL REVENUE SHARING BOARD MEETING MINUTES JANUARY 22, 2010

Present: Gene Adkins, Emmett Charter Township; Ken Tsuchiyama, City of Battle Creek; Greg Moore, Athens Township; Mike Rae, Calhoun County; Jim Dyer, City of Marshall; Jamie Stuck, Nottawaseppi Band of Huron Potawatomi

Also present: Kelli Scott, Calhoun County Administrator/Controller; Richard Lindsey, Calhoun County Corporation Counsel; Bill Brooks, Attorney for Nottawaseppi Band of Huron Potawatomi; Jim Norlander, Counsel for Athens Township; John MacFarlane, Counsel for Emmett Charter Township

1. The meeting of the FireKeepers Local Revenue Sharing Board was called to order at 9:00 a.m.
2. Roll call – all Board members present.
3. Discussion of Draft Bylaws of the FireKeepers Local Revenue Sharing Board

Calhoun County Corporation Counsel Richard Lindsey stated the draft Bylaws were sent out to the Board as a summary from the discussion at the January 15 meeting. The Board reviewed each section of the draft Bylaws with Lindsey facilitating the discussion. Results are summarized below:

Article 1: Definitions

C. Casino. Lindsey inquired if the proper designation for the Nottawaseppi Band was “Tribe” or “Band”. Brooks stated it was not relevant, but suggested they be referred to as “Tribe” throughout the Bylaws for consistency purposes.

F. Immediate Vicinity. The Board discussed whether to define “immediate vicinity” as it relates to various sections of the compact and Bylaws for purposes of disbursing funding. John MacFarlane commented that not defining who is eligible for the designation of funds leaves it open for anyone to request, and that an easier system would be to define who is eligible for distribution. It is needed to simplify the administration of the Board. There was agreement among the Board members that the list of eligible governmental units needed to be defined.

The Board discussed the language in the Compact referring to distribution of funding for specific actual costs incurred. The Compact refers to reimbursements to surrounding governmental units for costs incurred because of the development of the Class III gaming facility. There was question as to whether immediate vicinity referred to the area around just the casino or if that included the Pine Creek Reservation also. It was decided that the Compact intends to include economic impacts caused by both the casino’s presence and that

of the Pine Creek Reservation. It was decided that the Board could be receptive to requests but still needs to have guidelines so communities will understand that not everyone will be reimbursed. It needs to be understood that the Board will require clear evidence that the costs to be reimbursed are as a direct result of the development and operation of the casino.

The Board agreed that reimbursements for specific actual costs would be limited to specific local governmental units that were deemed to be “in the immediate vicinity” and thus most likely to be impacted by the casino and the reservation. The units agreed upon by the board are all within Calhoun County and roughly based on a 5 mile radius of the casino and the reservation. The complete list of those to be reimbursed is: Emmett Charter Twp., City of Battle Creek, City of Marshall, Calhoun County, Athens Twp., Calhoun County Road Commission, Calhoun County Consolidated Dispatch Authority, Newton Twp., Pennfield Twp., Fredonia Twp., Marshall Twp., Convis Twp.; Harper Creek Schools, Battle Creek Schools, Pennfield Schools, Marshall Public Schools, Lakeview Schools, Calhoun ISD, KCC, Union City Schools, Athens Schools, Burlington Township, Village of Athens, and Leroy Township.

G. Interlocal Agreement. Member Stuck requested that the name FireKeepers be corrected throughout the bylaws to reflect the capital K in the name. A lower case K has been used.

Article III: Board Members

A. Alternate Members. After discussion on the definition of who an alternate LRSB member is and how many a Board representative can have, the language stating only one alternate can be appointed was removed.

B. Reimbursement of Expenses. Member Stuck inquired as to whether the language in the bylaws prohibits reimbursement to Board members from their own governmental units, as the Tribe does reimburse him for his mileage to attend LRSB meetings. The response was that the language was not intended to preclude expense reimbursement from any local government to their representatives, but rather to preclude reimbursements from the LRSB. Therefore the language was changed to clarify that Board members would receive no payment from the LRSB but would be reimbursed for actual expenses incurred on behalf of the LRSB.

C. Conflict of Interest. Member Stuck requested confirmation of a definition of an unauthorized person and confidential information, as the bylaws state that confidential information should not be shared with unauthorized persons. After Board discussion, it was clarified that confidential information was any information exempt from disclosure under the Open Meetings Act or FOIA. The board concluded that an unauthorized person would be anyone not on the immediate governing board the LRSB member represents.

Article V: Meetings

M. Storage of Records. The Board discussed where meetings would be held and where records would be kept. It was agreed that meetings could be move to the various representative locations but the records should be kept at one location for ease of

accessibility for members and for FOIA requests. The location was not determined.

Article VI: Distribution of Tribal Payments

C. Formula for Distribution. The Board held extensive discussion on distributions of funding as specified in Section 18(B)(4) of the Compact, mostly surrounding the category (referred to at the meeting as category three or third tier) of the 20% remaining disbursements after specific actual cost reimbursement. Absent Compact language to the contrary, it was noted that third tier funds can be distributed by a percentage or by other means, such as a grant process. The Compact does not state the funds need to be distributed in a certain way, only that they must be used for lawful local governmental purposes. The philosophy yet to be agreed upon is if the Board should operate as a conduit to distribute the funds or an entity which decides who gets funds for projects and how much follow up can be invested in a grant type process. This will also be further discussed at the next meeting.

The Board decided that the allocation method for this third category (20% remaining after actual cost reimbursement) will be decided by resolution at its annual meeting each year instead of being delineated within the bylaws. Richard Lindsey will work on sample resolutions for review at the next meeting.

The board discussed timing of the need to determine funding allocation formulas or methods, noting that the first distribution from the casino to the LRSB will be on or before February 15. The Board agreed that there would be some reasonable time after February 15 to actually disburse the funds to local governmental units but noted that they do not want to put off making decisions for too long, because the decisions will be more difficult after the money is received. The Board will need to decide where the funds will be kept and who will handle the accounting functions for the LRSB.

4. The next meeting was tentatively set for Friday, February 12 at 9:00 a.m. in the Commission Chambers at the County Building in Marshall.
5. Public Comments - NONE

The meeting was adjourned at 12:10 p.m.

Respectfully Submitted,

Christine Zuidema, Executive Assistant, Calhoun County Administration