

**Cross Village Township, Readmond Township, & Friendship Township
Special Meeting Minutes**

Date: 12-09-2015

Present:

Cross Village Township - Supervisor Gene Reck, Treasurer Donna Wood, Trustee Howard Wood, Clerk John Keller, Trustee Lynn Ribits

Readmond Township – Supervisor Gordon Kruskie, Clerk Sarah Krupa, Trustee Roland Krause

Friendship Township – Supervisor Frederick Troup, Trustee Marty Macgregor

Advisory/Legal Presentation – James Ramer

Call to Order: A Special meeting of the Cross Village Township Board was called to order by Reck at 6:00 p.m.

Pledge of Allegiance: The Pledge of Allegiance was said by all present.

Opening Remarks: Cross Village Supervisor Gene Reck gave a brief overview of the form the meeting would take, including:

- No action will be taken at the meeting; discussion and information-gathering only.
- Mr. Ramer will present information on the lawsuit brought against Michigan Governor by the Little Traverse Bay Bands of Odawa Indians.
- Questions may be asked by township board members.
- There will be a public comment period.

Presentation by James Ramer: Mr. James Ramer outlined information regarding the abovementioned lawsuit, which seeks to establish an Odawa reservation in an extensive area that includes/affects areas in Charlevoix, Emmet, and Cheboygan counties. Much of Mr. Ramer's observations were stated as possible outcomes of the lawsuit, and not certainties. He stated that the term "Indian country", which is used in the lawsuit's wording, *could* mean the Tribe would be a sovereign nation of sorts, holding governmental and jurisdictional powers superseding local powers. Mr. Ramer noted he believes the complaint as written asks for more than what the Tribe states they are seeking. He said the Tribe says they want tribal domestic law enforcement, social system abilities, and tribal control of 'ancestral' Indian remains.

Ramer stated the Michigan Attorneys General have said they believe the State can win the case, regardless. However, should a settlement happen, municipalities would want a 'voice at the table' during that process. A Motion to Intervene must be filed by January 29, 2016, or a municipality won't be involved (have a voice) during litigation.

Potential ramifications of which Mr. Ramer spoke included:

- Tribal members in the area would not be subject to zoning, ordinances, building permits, code restrictions, licensing, etc.
- Members would not be subject to property taxation, resulting in a

- substantial loss to local revenues.
- Gaming on tribal reservation lands would be unregulated.
 - Crimes committed by a tribal member on tribal land would not be subject to local authority. Only Tribal court or Federal court would be used.
 - On environmental issues the Tribe would supersede the DEQ on the issuing of permits for everyone in the area (tribal and non-tribal members).
 - An example was presented of a business selling alcohol, which would be subject to both tribal and state laws.

Mr. Ramer stated that a single law firm would represent all the municipalities involved should settlement intervention happen. Payment for this representation would be decided locally by January 29, 2016. He noted that costs for the actual lawsuit are solely the responsibility of the State.

Questions from Township Boards and Public Comments:

Questions were asked by the public and by board members, and were answered by Mr. Ramer.

Q: The actual suit doesn't list possible repercussions. Where did the list of potential repercussions come from?

A: The list was compiled from the experiences of other areas where a similar action occurred.

Q: Can an agreement with the Tribe on things they say then want be reached, avoiding lawyer costs?

A: When asked, a lawyer from the Tribe said no (This was answered by Supervisor Reck).

Q: Does Plunkett and Cooney (probably the law firm that would represent the municipalities) have experience in this sort of matter?

A: Yes.

Q: How would this affect Fire/Rescue services, which are presently taxpayer funded?

A: We don't know.

Rachel Smolinski, formerly Environmental Director for the Tribe, stated that the Tribe does have some regulations already, such as building code regulations, and that she doesn't believe the Tribe would necessarily abdicate enforcement or code restrictions, etc., simply because they gained control of such.

She noted that gaming would still be subject to the Gaming Compact, which regulates gaming by class. Class 1 gaming (big casinos) cannot be built "just anywhere". Class 2 (Slot machines) could be put anywhere.

Supervisor Reck noted that the Tribe brings in a lot of money to the area.

A community member stated it was 'scary. Like a revolution'. Another noted that this affects everyone.

Treasurer Wood said she wasn't impressed with the infrastructure of tribal areas she passed

through on a recent trip west, stating that lack of regulation could be a bad thing.

A citizen noted, in agreement with an earlier comment, that the path of negotiation was preferable to litigation.

Several expressed concerns about the Federal government stepping in either during or after the process, possibly siding with the Tribe.

Adjourn Meeting: The meeting was adjourned by Reck at 7:10 p.m.

DRAFT

John F. Keller, Cross Village Township Clerk

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