

CLOSED SESSION Meeting Minutes

Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
915 Emmet Street, Administrative Building
May 8, 1999
9:00 a.m.

Reason for Closed Session: Legal

Closed Session Begins: 9:45 p.m.

Closed Session Ends:

Council Present: Rita Shananaquet, Dorothy Gasco, Frank Ettawageshik, George Anthony

Council Absent: Alice Yellowbank, Shirley Oldman, Barry Laughlin

Staff Present: Susan Keller

Guests Present: See attached list.

Mariana Shulstad provided Tribal Council with a summary of the Year 2000 Fishing Agreement. She provided the Council with an overview of how the negotiations are coming. Implications are problems between the Sault Sainte Marie Tribe and Grand Traverse Band. Bay Mills at the meeting on May 6, 1999, Jeff Parker at a point in the meeting stated that they have seen first hand what happened when a tribe tries to go alone. He stated that when a tribe works together as a common goal, rather than separating, he thought it would be the most beneficial to stick together. LTBB is unique that we are in middle ground, to the south two tribes, two to the north two tribes, they both want opposite things. With LTBB Chairman according to the state plan and plan presented we did get additional benefits just by Frank stating that we have a priority in this and the great lakes for our fisherman.

We will intervene the first two weeks in June. Would be ruled on the second of July. George Anthony questioned what is the real benefit for intervening in US vs. Michigan. It is a question of essential. LTBB is not going to be able to benefit from the judge's court orders. Whatever plan is negotiated LTBB has to be there to be a participant but they are not party to the litigation.

By intervening the judge will simply grant LTBB plaintiff intervener status, identical to the other four tribes. Whether you will be 1985 consent decree. The COFTMA is a third item. LTBB has not agreed to be a party to COFTMA. The consent decree emulates COFTMA very closely. Some waters are closed to us in Coftma but some are open to us. LTBB does not fish there much. If the order consent decree is issued LTBB will not be able to fish in this closed section.

NRC has been very active in this process. They have been more active than other tribes, Mariana stated that the fisheries biologist, Randy Clarmont, has done a fantastic job and has been essential to all tribes involved. Biologist has the respect of the other tribes, the state, and the feds.

INLAND FISHING

LRB filed claim without fuss from judge. Don't need feds to amend their complaint, although we should have them along with Bay Mills and GTB. LTBB and GTB have an expert retained to look at Article 13 of the treaty. Meeting with expert on May 11th with Bruce White, PhD Anthropologist. Chuck McClelland and Jim McClurken do not get along. Hired Bruce White as an impartial person.

LAND ISSUES

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Marianan = BIA has reviewed the trust applications put in in DEC. Given us a series of deficiencies and requirements that we have to address or meet before they agree to take the 11 parcels into trust. All of these need to be addressed and eliminated before they would publish notice in Federal Register. BIA said all the land had to be acquired, have title and ready to turn over to the BIA. More than 2 million + needed to be paid off before publication would occur. Frank, BIA, and Mariana met, was not practical, tentatively agreed, asked them to agree in writing which they have not done. Nancy Weeks, paralegal, is helping. Tentatively agreed prepare all documents, have BIA review and if all documents met approval, they would go ahead and publish. Two tax receipts on two of the properties, liquor license for Victories, and a couple of other things. Should be able to put them together and out of Mariana's office on Monday and Tuesday.

Escrow, deeds, and exhibits on Resolutions are complete. John Grudidario fax Maudrie and Mantai to AMI. The deeds to the US in trust and the mortgage releases have not been signed. In order to get these you have to pay off the property.

Mariana in regards to land in trust for gaming. Area office has moved. Will hand carry papers to Washington. St. Martin's Island was brought up.

Recess: Called at 10:40 a.m. Meeting called back to order at 10:57 a.m.

There is an agreement that when the liquor license is ours it will be sold by AMI and proceeds from the sale of these licenses go towards the debt to NORAM.

Liquor Control Statute revised version, was sent in for approval, needed couple changes, has been at BIA for two years. While it is our tribal law, there are still federal laws that pertain to the use or possession of alcohol. W/I the boundaries in Indian Country, unless we have an approved and published control statute, to operate, possess, sell or purchase in their homes.

It is the district attorneys time is wasted intervening if land in trust is imminent. If he tries to close us down we will be open legally. Michael Jacobson asked for a letter stating US Attorney is not going to do anything. He is sympathetic that this is about to go into trust. If we open a few weeks before it's not an issue.

Medusa Cement Plant

Dept. of Environmental Quality close door meeting with Medusa. Send a FOR A request. LTBB demands to be a party to these discussions. Would favor going ahead.

The \$37,500 + for attorneys fees. Need approval for paying this portion of these bills.

Recess: Recess was called at 12:04 p.m. Meeting called back to order at 12:17?

Interest has already been charged at 11%.

Assumed that payments were going in were going in part ... What determined interest was the type of payment made. Payments to the tribe are 0 % interest, all items listed in letter of intent. There were 9 addendums to it. They have been advancing money on the pre-development loan agreement in 1995 is what they thought. This was sent to Washington where it was disapproved. Adjustments were not made so it was not approved.

NORAM has a million dollar cap from the 1995 agreement. Frank operated under assumption that pre-development loan was at 0%. There would be interest at the time of acquisition cost relative to gaming parcel. Those were only parts at interest. The balance would be at 0 % with no cap.

7 – 10 months ago there was a discussion on using old documents and revise them. AT the meeting in March of 1997 we were going to get rid of management agreement and go with a lease lease/back agreement. At least for the last 2 months we have been operating on two different agreements.

They operating on old management agreement.

Forman and Shulstad state the Letter of Intent is the only legal document.

Which agreement do we operate by?
Which payments need to be in there?

Alan really needed some comfort level, his level was”

1. Are we happy, are we going to stand by our agreements
2. Yess LTBB can stand by agreement

2. Alan wants to be licensed.

Reminded him, asked, pleaded, reminded that since last July wanted applications in so they could become licensed by Gaming Regulatory. You asked me for something I can't do. What we can do reminding him is that he hasn't even applied for one.

During the break Frank Schnuck showed the Chairman things that could be done to rectify this situation. Chairman told him this was not acceptable.

We could write a letter stating that we could give you a license if you pass your background check.

Motion by Councilor Anthony and Supported by Councilor Anthony to go out of closed session at 12:53.

Vote: 4 YES _ NO ABSTAINED 3 ABSENT Motion Carried