

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
March 21, 2004  
Tribal Court Room 7500 Odawa Circle  
Smudging 9:15 a.m.  
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 9:42 p.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount, Albert Colby, Valerie Tweedie, Deleta Gasco Smith, Ken Fegan, Marcia Sutton, Winnay Wemigwase, Barry Crowell, Angie Woodin, Shann Davenport, John Espinosa, Bryan Gillett, Vince Cook, Julie Shananaquet, Jaime Barrientoz, Melissa Laughlin, Marci Reyes

Guests: Brittany Bentley, Thomas Teuthorn, Matt Davis, Brian Matrious, Billy McNamara, Carol McFall, YaLynn Nanegos, Sheran Patton, Megan Olds, Terry Franklin, Genevieve Bear, Anthony Bear, Nicole Laughlin

---

Opening Ceremony: Brian Matrious-Tribal Member

Motion made by Fred Harrington, Jr., and supported by Regina Gasco Bentley to adopt the agenda with additions for March 21, 2004 in honor of PFC Lewis Edwin Fisher III 101<sup>st</sup> Airborne Screaming Eagles 3-327<sup>th</sup> Infantry just home from Iraq.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the minutes of March 7, 2004 with corrections.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to accept the Treasurer's report as reported by Valerie Tweedie Chief Financial Officer for March 21, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the payment of the costs of meetings for the Charettes to come from the Capital Projects fund established for Victories II and to add \$25,000 of additional funds to be funded from the 50% retained for Capital

Improvement by the Gaming Administration under Resolution #012002-02 to the Victories II Capital Project fund to pay for the utility and marketing studies.

Vote: 4 Yes, 3 No, (Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley, Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to clarify the source of funds for the purchase of land parcel #1 to come from the Consent Decree fund.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to increase the Cultural Line item by \$50,000 to come from the General Fund.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve the Indirect Accounting Budget Modification FY 2004-2000-09-01 by \$83,000 to come from Indirect Costs.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to approve the Tribal Government Operations (TGO)-Chief Financial Officer Budget Modification FY 2004-1105-0-01 by \$70,430, to come from the Enterprise Funds.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve the costs for Lynn Rapp to do the Investment Training for the Trust Fund Board and Tribal Council members, not to exceed \$1,500 to come from the Committees and Boards training line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:08 a.m. recess called

11:23 p.m. meeting reconvened

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to authorize the Tribal Chairman to sign the Housing Annual Performance Report FY 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:48 a.m. Public Comment opened: no comments.

11:49 a.m. Public Comment closed

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the verbal and written report given by the Tribal Administrator, March 21, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to approve the Elder's advisory request for \$3,000 to support activities associated with the Return Supper at the Holy Childhood Hall on April 17, 2004. Funding to come from the General Fund – Cultural line Item with check requestor to consist of Albert Colby, Jr., or Harriet Booth.

12:04 lunch recess called

1:42 p.m. meeting reconvened

Vote: 4 Yes, 3 No (Councilor Regina Bentley, Councilor Rita Shananaquet, Tribal Chairman Frank Ettawageshik), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., that we donate \$500 to YaLynn Nanegos for her trip to Hawaii with Petoskey High School for Technical Education.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., that we donate \$2,000 for Jonathon Mulholland to attend the National Team Sports Tour U.S.A in the Dominican Republic in July 2004, to come from the Donations line item.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to approve \$3,500 donation to the M-119 Heritage Route Committee Care of Northwest Michigan Council of Governments, to come from the Donations line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve \$4,000 increase in the Cultural Preservation Department budget for extra expenses associated with the duties of Little Traverse Bay Bands of Odawa Indians Native American Graves Protection and Repatriation Act (NAGPRA), National Historic Preservation Act (NHPA) implementation to come from the Cultural line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to fire the Education Director for failing to administer the Michelle Chingwa Education Assistance Act with the intent of it's enactment and be provided the same severance package that was offered the last Tribal Member that was fired.

Motion Withdrawn

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to direct the Tribal Administrator to ensure all students who have applied for the Michelle Chingwa Education Assistance Act Scholarship are contacted to determine if any students have not received their scholarship through no fault of their own and ensure they are properly serviced.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., support withdrawn by Vice-Chairperson Beatrice A. Law and then supported by Treasurer Alice Yellowbank to postpone action on the Michelle Chingwa Education Policy until after Tribal Council meets with the Education Commission.

3:00 p.m. recess called

3:11 p.m. meeting reconvened

Vote: 3 Yes, 4 No (Councilor Rita Shananaquet, Vice-Chairperson Beatrice A. Law, Tribal Chairman Frank Ettawageshik, Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion Failed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the funding of \$9,700 to support the 2004 Annual Little Traverse Bay Bands of Odawa Indians Community Meeting, funding to come from the General Fund-Cultural line item.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve Michelle Chingwa Education Assistance Scholarship Policy.

Vote: 4Yes, 3 No (Councilor Fred Harrington, Jr., Councilor Regina Bentley, Treasurer Alice Yellowbank), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Bentley to approve the allocation of \$10,000 in additional funding to the operation budget for the Kings Inn Motel in Mackinaw City. Funding to come from the Prior Period Fund balances.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Regina Bentley and supported by Vice-Chairperson Beatrice A. Law to accept the Tribal Chairman's verbal and written report for March 21, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., to apologize to the Elders who were required to stay in the hotel remote from the Critical Issues Conference.

Motion Dies due to lack of support

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve the sum not to exceed \$30,000 in support funds for United Tribes Against Racinos to be funded from the 50% retained for Capital Improvement by the Gaming Administration under Resolution #012002-02.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

4:20 p.m. Public Comment opened: no comment

4:20 p.m. Public Comment closed

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara that we move the Tribal Council meeting on May 16, 2004 to May 23<sup>rd</sup>.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to schedule a work session for May 8<sup>th</sup> for Victories II and authorize travel, stipend and per diem for those Tribal Council people attending.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the proposed FY-04 Administrative Contract with Chippewa Ottawa Resource Authority (CORA) in the amount of \$69,000 to come from the Consent Decree funds and authorize the Tribal Chairman to sign.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to approve \$15,824 for the 2004 Youth Basketball program, to come from Cultural line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the verbal report from the Legal Department's Jim Bransky, March 21, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to modify the directive given the Legal Department by motion of January 18, 2004. Rather than filing an amicus brief in the appeal of Michigan Citizens for Water Conservation v Nestle Waters North America, Inc, Mecosta County Circuit Court Case No. 01-14563-CE, the Legal Department is directed to develop legislative and legal strategies, coordinating with other interested tribes and entities, to prevent removal of waters from the Great Lakes Watershed with an immediate focus on Nestle's efforts to expand its Michigan operations.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

5:24 p.m. Vice Chairperson Beatrice A. Law and Tribal Council Executive Assistant Michele LaCount leave.

5:24 p.m. recess called

5:37 p.m. reconvened

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to move the \$2,000 earmarked for Senator Campbell's reelection campaign in the lobbying plan to a \$1,000 contribution for Senator Kerry's presidential campaign and \$1,000 to Senator Daschle's campaign fund.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to complete the Army Corp of Engineers/Michigan Department of Environmental Quality permit process for the Tribe's dock improvements on Beaver Island.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Dexter McNamara to accept the verbal and written Gaming Administration report from Gaming Administration Chairperson Sheri Patton.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to approve stipend, travel and per diem for all Tribal Council Members and Gaming Administration members to attend the Victories Employee Recognition Day March 29, 2004.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained  
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank for Tribal Council in conjunction with the Gaming Administration to review all applications for the General Manager of the Victories Casino Enterprise.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained  
Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to approve the maintenance services and product support agreement between Asset Protection Specialist LLC, NICE Systems, Inc. and the Gaming Regulatory Commission and authorize the Tribal Chairman to sign the agreement.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained  
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank to place the amended Gaming Regulatory Ordinance on the Legislative calendar.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained  
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to issue a license for the sale of liquor for off premises consumption at the Biindigen store located at 2169 US 31 North, Petoskey, Michigan 49770, to expire on December 31, 2004 and authorize the Tribal Chairman to sign.

Vote: 5 Yes, 1 No (Treasurer Alice Yellowbank) 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained  
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to authorize the Tribal Chairman to sign the liquor license issued by the Michigan Liquor Control Commission for Biindigen.

Vote: 4 Yes, 2 No (Councilor Fred Harrington, Jr., Treasurer Alice Yellowbank) 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained  
Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to adopt resolution #032104-01 Request for Funding from the US Department of Education Office of Indian Children: Demonstration Grants for Indian Children.

Roll Call: Chairman Frank Ettawageshik – yes, Vice Chairperson Beatrice A. Law – absent, Treasurer Alice Yellowbank – yes, Secretary Dexter McNamara – yes, Councilor Rita Shananaquet – yes, Councilor Fred Harrington, Jr. – yes, Councilor Regina Gasco Bentley – yes.

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Dexter McNamara to adopt resolution #032104-02 Authorization to apply for nsn.gov domain suffix.

Roll Call: Chairman Frank Ettawageshik – yes, Vice Chairperson Beatrice A. Law – absent, Treasurer Alice Yellowbank – yes, Secretary Dexter McNamara – yes, Councilor Rita Shananaquet – yes, Councilor Fred Harrington, Jr. – yes, Councilor Regina Gasco Bentley – yes.

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr. to approve the line item budget in the amount of \$45,000 for the 2004 Odawa Homecoming Powwow and approve Tina Sutton and Theresa Chingwa as co-chairs, furthermore approve check requestors as Tina Sutton, Theresa Chingwa and Albert Colby, Jr.

Vote: 5 Yes, 1 No (Councilor Rita Shananaquet), 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank to approve the Odawa Language Program Proposal as presented by the Language Committee. Line item budget as presented in the amount of \$100,000.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to approve the Indirect Archives and Records Budget Modification FY2004 2000-0-06-01 to come from Indirect line item.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to approve the Health Department budget increase request for \$12,000 to support the server upgrade for the RPMS System. Funding to come from the Indian Health Service carryover funds.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr. to approve burial request #A0068 for \$5,000.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to approve burial request #A0069 for \$5,000.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Dexter McNamara to approve the contract with Aanimkii Miknaaz to paint murals in the Administration Building not to exceed \$33,000 to come from the Capital Improvements line item and authorize the Tribal Chairman or his designee to sign the contract.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to adjourn meeting at 7:56 p.m.

Vote: 6 Yes, 0 No, 1 Absent (Vice Chairperson Beatrice A. Law), 0 Abstained

Motion carried

These Minutes have been read and approved as written:

Approved:

---

Dexter McNamara, Tribal Secretary

Date