

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
June 6, 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 9:32 a.m.

Council Present: Vice-Chairperson Beatrice A. Law, Treasurer Alice Yellowbank, Secretary Dexter McNamara, Councilor Regina Gasco Bentley

Council Absent (excused): Chairman Frank Ettawageshik, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr.

Legal Staff Present: Allie Maldonado, Assistant General Counsel

Staff Present: Albert Colby, Jr., Su Lantz, Valerie Tweedie, Julie Shananaquet, Beverly Wemigwase

Guests: Carol McFall, Rochelle Ettawageshik, Tim LaCroix, Dianne Naganashe, Grace Zerbe

Opening Ceremony: Vice Chairperson Beatrice A. Law

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to adopt the agenda for June 6, 2004 with amendments in observation of D-Day and in honor of our Tribal Members with their achievements and accomplishments by successfully graduating from High School and College and to those who are still pursuing their education.

Vote: 4 Yes, 0 No, 3 Absent (Chairman Frank Ettawageshik, Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Councilor Regina Gasco Bentley and supported by Treasurer Alice Yellowbank to approve the minutes of May 23, 2004 as corrected.

Vote: 4 Yes, 0 No, 3 Absent (Chairman Frank Ettawageshik, Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

10:09 a.m. recess called

10:13 a.m. meeting reconvened

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to accept the Treasurer's report both written and verbal as presented by CFO, Valerie Tweedie for June 6, 2004.

Vote: 4 Yes, 0 No, 3 Absent (Chairman Frank Ettawageshik, Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara that we enter into a contract with Ethics Point for a Tribal Hotline and authorize the Tribal Chairman to sign all necessary documents, 50% funding to come from the Accounting budgets and the remaining 50% to come from the Casino budget.

Vote: 4 Yes, 0 No, 3 Absent (Chairman Frank Ettawageshik, Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to approve an increase to the Victories capital project fund of \$9,502,630 to complete Phase I, II and III of the expansion project, (parking lot, slot accounting system, relocation of offices, add 65 slot machines and upgrade HVAC system, add 26 feet to side of building and 225 slot machines); funds to come from the casino's 50% capital retainage and possibly financing up to \$4,000,000 and authorize all contracts and necessary documents to be approved by the Gaming Administration and signed by Tribal Chairman. All payments for services shall be processed through the Tribal Accounting Offices and the CFO.

Vote: 4 Yes, 0 No, 3 Absent (Chairman Frank Ettawageshik, Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve an increase in the Victories II capital project fund of \$500,000 to begin the schematic design phase of the Victories II development. Funds to come from the casino's 50% capital retainage and authorize the chairman to sign all the contractual agreements necessary. (Contractual agreements will be with Fishbeck, Kevin Kane, Leo Daly, Christman and several other smaller agreements) All payments for services shall be processed through Kevin Kane and then the CFO and Tribal Accounting Offices.

Vote: 4 Yes, 0 No, 3 Absent (Chairman Frank Ettawageshik, Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

Motion made by Councilor Regina Gasco Bentley and supported by Treasurer Alice Yellowbank to accept the Tribal Administrator's verbal and written report as presented on June 6, 2004

Vote: 4 Yes, 0 No, 3 Absent (Chairman Frank Ettawageshik, Councilor Fred Harrington, Jr., Councilor Rita Shananaquet), 0 Abstained

Motion carried

10:55 a.m. Chairman Frank Ettawageshik arrives

11:00 a.m. Councilor Fred Harrington, Jr. arrives

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to accept the Legal Department's report for June 6, 2004 presented by Allie Maldonado.

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

11:08 a.m. recess called
11:24 a.m. meeting reconvened

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt resolution 060604-01 Opposition to Any Legislation Allowing for Settlement of Sault Ste. Marie Tribe's Upper Peninsula "Land Claims" with Land in the Lower Peninsula.

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

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to require the following due diligence before closing on any property purchased henceforth by LTBB: 1) A survey of the property; 2) An archaeological study of the property; 3) An environmental Phase I assessment of the property; 4) If the land has any structures on it that might be used, a professional inspector will be hired to provide an inspection of the structure; and 5) A member of Tribal Council or its designee must look at the property and report back to Tribal Council.

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

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara authorizing Legal Department to draft a letter to the House Judiciary Committee and U.S. Congress on the HR 3266 bill, "The Faster and Smarter Funding for First Responder's Act of 2003" and have the Tribal Chairman sign.

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

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to direct the Legal Department to determine if the expansion of keno in Michigan has violated the exclusivity clause of our compact.

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

11:52 a.m. Public comment open: Andrew Stich
11:53 a.m. Public comment closed

Motion made by Councilor Regina Gasco Bentley and supported by Vice Chairperson Beatrice A. Law to accept the Tribal Chairman's written report for June 6, 2004.

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

Motion carried

12:04 p.m. lunch recess called

1:44 p.m. meeting reconvened

1:44 p.m. Secretary Dexter McNamara absent (excused) during lunch recess

1:44 p.m. Tribal Administrator absent (excused) during lunch recess

Motion made by Vice Chairperson Beatrice A. Law and supported by to schedule a work session regarding the Gaming Regulatory Ordinance.

Vote: Yes, No, Absent, Abstained

Motion withdrawn

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt the LTBB Tribal Government Personnel Policies Draft dated 5/28/2004 with the exception of reformatting to be consistent throughout, effective July 4, 2004.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve burial request # A0076 in the amount of \$5,000.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve burial request # A0077 in the amount of \$5,000.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion carried

3:23 p.m. recess called

3:42 p.m. meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to adopt resolution # 060604-02 Bureau of Indian Affairs Agreement to Fund Odawa Circle Drive.

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

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to place Waganakising Odawak Statute, "Check, Draft or

Order for Payment of Money” sponsored by Tribal Member Mel Kiogima II on the Legislative Calendar.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve List “A” Eligible for Membership dated May 18, 2004

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve List “B” Ineligible for Membership dated May 18, 2004.

Vote: 4 Yes, 1 No (Councilor Fred Harrington, Jr.), 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion carried

4:12 p.m. Public comment opened

4:12 p.m. Public comment closed

4:25 p.m. Secretary Dexter McNamara arrives

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley for stipend, per diem, travel and lodging to attend Special FY 2005 Budget Work Sessions for June 16 and June 17, 2004.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve stipend, per diem, travel and lodging to attend a Special Work Session with Jim Bransky and Jim McClurken on June 25, 2004.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to appoint Rita Gasco Shepard to the position of Appellate Justice for the six-year term commencing on May 17, 2004 and ending on May 17, 2010, providing that this appointment shall remain in effect until a replacement is appointed.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Regina Gasco Bentley to adjourn at 4:40 p.m.
Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion carried

These Minutes have been read and approved as written:
Approved:

Dexter McNamara, Tribal Secretary

Date