

1 The Little Traverse Bay Bands of Odawa Indians
2 Tribal Council Meeting
3 June 27, 2004
4 Tribal Court Room 7500 Odawa Circle
5 Smudging 9:15 a.m.
6 9:30 a.m.
7

8 Executive Session: yes

9 Call to Order: Meeting was called to order at 9:50 a.m.

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

14 Legal Staff Present: Jim Bransky, General Counsel

15
16 Staff Present: Al Colby, Jr., Su Lantz, Matthew Lesky, Trent Crable, Karole Kohl,
17 Barry Crowell, Heidi Yaple, Carol Kiogima, Andrea Cowles, Valerie Tweedie

18
19 Commission Boards and Committee members: Julie Shananaquet, Beverly
20 Wemigwase, Marcie Reyes, Tina Sutton, Tim LaCroix

21
22 Guests: Melissa Laughlin, Nicole Laughlin, Josephine Laughlin, Rochelle
23 Ettawageshik, Shann Davenport, Marcia Sutton, Winnay Wemigwase, Paul
24 Eames,
25

26
27 Opening Ceremony: Chairman Frank Ettawageshik

28
29 Motion made by Secretary Dexter McNamara and supported by Councilor Fred
30 Harrington, Jr. to adopt the agenda for June 27, 2004, with amendments in honor
31 of college student Joe Lucier who has been named as the American Indian
32 Higher Education Consortium Congress Student for the Year of 2004.

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

34 Motion carried

35
36 Motion made by Secretary Dexter McNamara and supported by Treasurer Alice
37 Yellowbank to approve the minutes of June 6, 2004, as corrected.

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

39 Motion carried

40
41 Motion made by Councilor Rita Shananaquet and supported by Vice Chairperson
42 Beatrice A. Law to ratify the phone poll of June 17, 2004, "To hire outside legal
43 assistance for the purpose of dealing with legal issues related to the Bear River
44 Health Park and further to allow the Tribal Chairman to sign and enter into a
45 contract for said legal assistance and to direct such legal assistance. This phone
46 poll is deemed necessary to protect the vital interests of the Tribe from
47 detrimental actions taken by Dare Development at the Bear River Health Park

1 potentially causing the Tribe severe damage and requiring immediate emergency
2 action prior to a regular or special meeting. Funding to come from legal
3 department consultant line item“, the phone poll passed 6 – yes, 1 – No
4 (Councilor Rita Shananaquet), 0 Absent, 0 Abstained.

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

6 Motion carried

7
8 Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor
9 Fred Harrington, Jr. to accept the Treasurer’s report as presented by CFO,
10 Valerie Tweedie for June 27, 2004.

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

12 Motion carried

13
14 Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer
15 Alice Yellowbank to approve the 2005 Operating budgets as presented with
16 revenues of \$23,360,719: (\$8,233,499 from Grants, \$3,127,270 from cost
17 recovery programs and \$12,000,000 to come from casino net earnings) and
18 governmental operating program expenditure budgets totaling \$23,245,909.

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

20 Motion carried

21
22 Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor
23 Regina Gasco Bentley to approve the 2004 Health Park Budget as presented
24 with rental revenues of \$146,525 and expenditures of \$113,690.

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

26 Motion carried

27
28 Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred
29 Harrington, Jr. to approve the FY2004 Indirect Cost Rate proposal as drafted and
30 authorize the Tribal Chairman to sign the proposal and other necessary
31 documents.

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

33 Motion carried

34
35 10:26 a.m. recess called

36 10:38 a.m. meeting reconvened

37
38 Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor
39 Fred Harrington, Jr. to amend the 2005 budgets to be modified to include a
40 medical reimbursement program in the amount of \$250.00 dollars per Tribal
41 member including administrative costs for a total of \$1.1 million dollars pending
42 availability of funds.

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

44 Motion carried

45
46 Motion made by Councilor Fred Harrington, Jr. and supported by Secretary
47 Dexter McNamara to accept the Tribal Administrator’s verbal and written report
48 for June 27, 2004.

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

2 Motion carried

3

4 Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson
5 Beatrice A. Law to approve a total not to exceed \$25,000 for work needed to
6 convert the 2nd Floor Conference Room into LTBB Governmental Office Space.
7 Funding to come from the General Fund, Economic Development – Capital
8 Improvements line item.

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

10 Motion carried

11

12 Motion made by Councilor Fred Harrington, Jr. and supported by Vice
13 Chairperson Beatrice A. Law to direct the Tribal Administrator to implement a
14 work release program consistent with the program used by the Emmet County
15 Jail provided that the Tribal Police shall be responsible for conducting
16 verifications at work sites in Indian Country.

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

18 Motion carried

19

20 Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer
21 Alice Yellowbank to approve a contract with Advantage Electric for the amount
22 not to exceed \$37,980 to establish power requirements for the arena and vendor
23 area, install light poles with sound features and other electrical needs for the Pow
24 Wow Grounds Improvement project and authorize the Chairman to sign.
25 Furthermore, authorize payment of all contract related invoices submitted after
26 the signing of the contract.

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

28 Motion carried

29

30 Motion made by Councilor Fred Harrington, Jr. and supported by Vice
31 Chairperson Beatrice A. Law to direct the Legal Department to develop
32 confidential information sharing agreements for Tribal programs to assist
33 program benefits for Tribal Members ensuring that confidentiality laws are not
34 violated, the final approval of the plan shall be by Tribal Council.

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

36 Motion carried

37

38 Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary
39 Dexter McNamara to approve \$10,000 in funding to support the Professional
40 Development Program for LTBB Governmental employees. The funding to come
41 from prior year fund balance and expenditures will be approved by the Tribal
42 Administrator.

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

44 Motion carried

45

46 11:48 a.m. Public comment open: Andrew Stich, Shann Davenport

47 11:51 a.m. Public comment closed

48

1 Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter
2 McNamara to approve the camping area plan for the Pow Wow Grounds
3 Improvement project and authorize the Tribal Chairman to sign all documents
4 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained
5 Motion carried

6
7 11:55 a.m. Councilor Fred Harrington, Jr. leaves
8 11:56 a.m. Councilor Fred Harrington, Jr. returns

9
10 12:03 p.m. lunch recess called
11 1:47 p.m. meeting reconvened

12
13 Motion made by Councilor Fred Harrington, Jr. and supported by Secretary
14 Dexter McNamara to accept the Tribal Chairman's verbal and written report for
15 June 27, 2004.
16 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
17 Motion carried

18
19 Motion made by Vice Chairperson Beatrice A. Law to authorize the Tribal
20 Chairman to sign the letter dated June 15, 2004 to Ann Belleau, ITC Head Start
21 Director at 2956 Ashmun Street in Sault St. Marie, MI.
22 Motion dies due to lack of support

23
24 Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor
25 Fred Harrington, Jr. to authorize the Tribal Chairman to sign the letter dated June
26 15, 2004 to Ann Belleau, ITC Head Start Director at 2956 Ashmun Street in Sault
27 St. Marie, MI.
28 Vote: 4 Yes, 3 No (Councilor Rita Shananaquet, Treasurer Alice Yellowbank,
29 Councilor Regina Gasco Bentley), 0 Absent, 0 Abstained
30 Motion carried

31
32 Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary
33 Dexter McNamara to sign the contract with Great Lakes Inter-Tribal Council, Inc.
34 for Bioterrorism/Emergency Public Health Preparedness services in the amount
35 of \$27,849.04.
36 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained
37 Motion carried

38
39 2:49 p.m. recess called
40 3:03 p.m. meeting reconvened

41
42 Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina
43 Gasco Bentley to approve any Tribal Council member to attend the Governors'
44 Interstate Indian Council Conference on August 11th ~ 13th to include all travel
45 expenses, stipend and registration fees.
46 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
47 Motion carried

48

1 Motion made by Councilor Fred Harrington, Jr. and supported by Vice
2 Chairperson Beatrice A. Law to direct the Tribal Chair to develop a plan for
3 wholesale fish distribution for review at the next regularly scheduled meeting.

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

5 Motion carried

6

7 Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor
8 Fred Harrington, Jr. to accept the report of the Gaming Administration for May
9 2004 given on June 27, 2004, by Chairperson Sherry Patton.

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

11 Motion carried

12

13 Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson
14 Beatrice A. Law to approve burial request # A0078 in the amount of \$3,821.29

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

16 Motion carried

17

18 3:40 p.m. Councilor Rita Shananaquet leaves

19 3:43 p.m. Councilor Rita Shananaquet returns

20 3:45 p.m. recess called

21 3:52 p.m. meeting reconvened

22

23 Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor
24 Rita Shananaquet to fund Michigan Indian Family Olympics in the amount of
25 \$4,485.25. Funded from the cultural line item to the Community Health Outreach
26 Program.

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

28 Motion carried

29

30 Motion made by Councilor Fred Harrington, Jr. and supported by Vice
31 Chairperson Beatrice A. Law to approve the Little Traverse Bay Bands of Odawa
32 Indians Gaming Regulatory Employee Handbook, furthermore this document
33 repeals and replaces all other Gaming Regulatory Employee Personnel Policies
34 and motions regarding implementation of these policies, effective July 3, 2004.

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

36 Motion carried

37

38 4:05 p.m. Public Comment open

39 4:05 p.m. Public Comment closed

40

41 Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor
42 Regina Gasco Bentley to adopt resolution #062704-01, Request for Funding from
43 the Bureau of Justice Statistics, Office of Justice Programs, United States
44 Department of Justice, Tribal Criminal History Record Improvement Pilot Project.

45 Roll Call Vote: Chairman Frank Ettawageshik – yes, Vice Chairperson Beatrice
46 A. Law – yes, Treasurer Alice Yellowbank – yes, Secretary Dexter McNamara –
47 yes, Councilor Rita Shananaquet – no, Councilor Fred Harrington, Jr. – no,
48 Councilor Regina Gasco Bentley – yes

1 Motion carried

2

3 4:31 p.m. Councilor Rita Shananaquet leaves

4 4:44 p.m. Councilor Rita Shananaquet returns

5

6 Motion made by Councilor Fred Harrington, Jr. and supported by Vice
7 Chairperson Beatrice A. Law to adopt resolution #062704-02, Six Tribe
8 Consortium Application and Memorandum of Agreement for: Special Diabetes
9 Program for Indians Competitive Grant Program From the U.S. Department of
10 Health and Human Services, Indian Health Service.

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

15 Motion carried

16

17 Motion made by Councilor Fred Harrington, Jr. and supported by Secretary
18 Dexter McNamara to adopt resolution #062704-03, Request for Funding from the
19 U.S. Department of Health and Human Services, Indian Health Service,
20 Administration on Children, Youth and Families: Little Traverse Bay Bands of
21 Odawa Indians Domestic Violence Demonstration Project.

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

26 Motion carried

27

28 Motion made by Councilor Fred Harrington, Jr. and supported by Vice
29 Chairperson Beatrice A. Law to adopt resolution #062704-04, Request for
30 Funding from the U.S. Department of Health and Human Services,
31 Administration for Children and Families, Administration on Children, Youth and
32 Families: Little Traverse Bay Bands of Odawa Indians Child Care and
33 Development Fund Program

34 Roll Call Vote: Chairman Frank Ettawageshik – yes, Vice Chairperson Beatrice
35 A. Law – yes, Treasurer Alice Yellowbank – yes, Secretary Dexter McNamara –
36 yes, Councilor Rita Shananaquet – no, Councilor Fred Harrington, Jr. – yes,
37 Councilor Regina Gasco Bentley – yes

38 Motion carried

39

40 Motion made by Councilor Fred Harrington, Jr. and supported by Vice
41 Chairperson Beatrice A. Law to adopt resolution #062704-05, Request for
42 Funding from the United States Department of Commerce, Economic
43 Development Administration, for a Little Traverse Bay Bands of Odawa Indians
44 Economic Development Planning Assistance Project.

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

1 Motion carried

2

3 Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice
4 Yellowbank to authorize the Gaming Administration's donations to the Home
5 Coming Jiingtamok.

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

7 Motion carried

8

9 5:09 p.m. recess called

10 5:18 meeting reconvened

11

12 Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor
13 Fred Harrington, Jr. to accept the verbal and written Legal Department report
14 given by Jim Bransky on June 27, 2004.

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

16 Motion carried

17

18 Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer
19 Alice Yellowbank to authorize the Tribal Chairman to execute the contract not to
20 exceed \$260,000 with McClurken & Associates for historic research, report and
21 documentation

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

23 Motion carried

24

25 Motion made by Councilor Fred Harrington, Jr. and supported by Councilor
26 Regina Gasco Bentley to authorize the Tribal Chairman to make the Legal
27 Department's recommended modifications to and sign the Historic Preservation
28 Covenant for the St. Martins Island parcel.

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

30 Motion carried

31

32 Motion made by Councilor Fred Harrington, Jr. and supported by Vice
33 Chairperson Beatrice A. Law to authorize the Tribal Chairman to execute the
34 Payment in Lieu of Taxes Agreement with West Traverse Township for fire
35 protection services at the Heynig Road housing parcel.

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

37 Motion carried

38

39 Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor
40 Regina Gasco Bentley to adopt resolution #062704-06, Choice of Forum
41 Regarding Old Republic Title Insurance Company.

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

46 Motion carried

47

1 Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita
2 Shananaquet to cease making the gaming compact 8% payments to the State of
3 Michigan upon the Racino Bill becoming law if it authorizes the use of Video
4 Lottery Terminals and establish a fund to hold a like amount in escrow until the
5 Tribe determines how to legally distribute these funds.

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

7 Motion carried

8

9 Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice
10 Yellowbank to place the amendment to the Criminal Statute, Right to Trial by
11 Jury on the Legislative agenda.

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

13 Motion carried

14

15 Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita
16 Shananaquet to adopt resolution #062704-07, Renewal of Tribal Revenue
17 Allocation Plan.

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

22 Motion carried

23

24 6:12 p.m. recess called

25 6:20 p.m. meeting reconvened

26

27 6:23 p.m. Motion made by Vice Chairperson Beatrice A. Law and supported by
28 Councilor Regina Gasco Bentley to go into personnel executive session with
29 Gaming Regulatory.

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

31 Motion carried

32

33 6:47 p.m. Motion made by Councilor Fred Harrington, Jr. and supported by Vice
34 Chairperson Beatrice A. Law to return to open session.

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

36 Motion carried

37

38 Motion made by Councilor Rita Shananaquet to go into personnel executive
39 session.

40 Motion dies due to lack of support

41

42 Motion made by Vice Chairperson Beatrice A. Law to go into closed session for
43 legal.

44 Motion dies due to lack of support

45

46 7:10 p.m. Councilor Rita Shananaquet leaves

47 7:12 p.m. Councilor Rita Shananaquet returns

48

1 Motion made by Councilor Fred Harrington, Jr. and supported by Vice
2 Chairperson Beatrice A. Law to authorize the Legal Department to contract with
3 Kanji & Katzen for gaming compact advice not to exceed \$5,000.

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

5 Motion carried

6

7 Motion made by Vice Chairperson Beatrice A. Law to into closed session for
8 Tribal operations.

9 Motion withdrawn

10

11 Motion made by Councilor Rita Shananaquet to begin an investigation into the
12 publication of confidential background information through email and discussion
13 at the Victories Casino to other employees for Paul Eames.

14 Motion dies due to lack of support

15

16 7:50 p.m. Motion made by Vice Chairperson Beatrice A. Law and supported by
17 Councilor Regina Gasco Bentley to into executive session for Government
18 Operations personnel.

19 Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Fred Harrington, Jr.),
20 0 Absent, 0 Abstained

21 Motion carried

22

23 8:03 p.m. Motion made by Vice Chairperson Beatrice A. Law and supported by
24 Councilor Fred Harrington, Jr. to resume to open session.

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

26 Motion carried

27

28 8:04 p.m. Motion made by Councilor Fred Harrington, Jr. and supported by
29 Councilor Regina Gasco Bentley to adjourn.

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

31

32

33

34 These Minutes have been read and approved as written:

35 Approved:

36

37

38

39

40

41 _____
Dexter McNamara, Tribal Secretary

_____ Date

42

43

44

45