

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
July 10, 2005
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 9:56 a.m.

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

Absent: none

Legal Staff Present: Matt Lesky

Staff Present: Michele LaCount-Executive Assistant, Deleta Gasco Smith-Acting Tribal Administrator/Housing Director, Heidi Yapple-Grant Writer

Commission, Boards and Committees: none

Guests: William Denemy, Sr., John Kawegoma, Mel Kiogima, Sr.

Opening Ceremony: Deleta Smith

Motion made by Councilor Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt the agenda for July 10, 2005 in memory of Elizabeth Shangle (Smitty), Elmer Keshick Behrens, Frank Compo and Bedassige, (Ignatius Petoskey).

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve the Minutes of June 26, 2005 as presented.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington Jr., to accept the Tribal Treasurer's verbal and written report for July 10, 2005 as presented by Valerie Tweedie, Chief Financial Officer.

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to place on the Legislative Calendar, an Amendment to the Budget Formulation Process in order to comply with the new Constitution.

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 revised Capital Acquisition and Disposition Policy A110-01 to be effective on September 11, 2005.

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 Policy for Management of the Capital Project Funds Related to the Casino Development Project C100-0 to be effective July 10, 2005.

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

Motion Carried

Motion made by Councilor Fred Harrington Jr., and supported by Vice-Chairperson Beatrice A. Law to accept the Tribal Administrator's verbal and written report for June 10, 2005 as presented by Acting Tribal Administrator Deleta Gasco Smith.

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to place the Wetlands Protection Statute on the Legislative Calendar as sponsored by Tribal Member, Meredith Henry.

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

Motion Carried

10:49 a.m. Recess called

11:16 a.m. Meeting reconvened

Motion made by Councilor Fred Harrington and supported by Councilor Regina Gasco Bentley to accept the Tribal Chairman's written report for July 10, 2005.

Vote: 3 Yes, 4 No (Beatrice A. Law, Alice Yellowbank, Frank Ettawageshik, Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion Failed

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to accept the Tribal Chairman's verbal and written report for July 10, 2005.

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 for Tribal Council to attend the August 4, 2005 meeting regarding the Water Accord in Petoskey and Taimi Hoag dedication and August 5, 2005 the Economic Development Accord meeting at Grand Traverse Band and the Tribal Summit at Grand Traverse Band to include, stipend, mileage and per diem.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Legal Department's verbal report as presented by Matt Lesky for July 10, 2005.

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

Motion Carried

11:46 a.m. Public Comment opened, John Kawegoma, William Denemy

11:50 a.m. Public Comment closed

11:59 p.m. Lunch recess called

1:45 p.m. Meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to accept the resignation letter with regret from Kelly A. Sprague from the Natural Resource Commission effective July 7, 2005, to declare the seat vacant and post the position for the remainder of the term.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington Jr., to adopt Resolution #071005-01 Request for funding from the Natural Fish and Wildlife Foundation in partnership with the Plant Conservation Alliance 2005 Native Plant Conservation Initiative; Little Traverse Bay Bands of Odawa Indians Native Plant Conservation Project.

Roll Call Vote: Tribal Chairman Frank Ettawageshik –yes, Vice Chairperson Beatrice A. Law –yes, 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 Vice-Chairperson Beatrice A. Law to adopt Resolution #071005-02 Request for funding from the U.S. Department of Health and Human Services, Indian Health Service Fiscal Year 2006 Tribal Management Grants; Little Traverse Bay Bands of Odawa Indians Tribal Health Management Project.

Roll Call Vote:

Tribal Chairman Frank Ettawageshik –yes, Vice-Chairperson Beatrice A. Law –yes, 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 Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt Resolution #071005-03 Little Traverse Bay Bands of Odawa Indians Supports the Reopening of Spirit Lake, Also Known As Wycamp Lake.

2:03 p.m. Recess called

2:20 p.m. Meeting resumed

Roll Call Vote: Tribal Chairman Frank Ettawageshik –yes, Vice-Chairperson Beatrice A. Law –yes, 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 Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt Resolution #071005-04 To Join the Amicus Brief Drafted by the Little River Band of Ottawa Indians in Litigation to Block the United States Environmental Protection Agency's "Cap and Trade" Mercury Regulation and Regulation De-Listing Mercury as a Hazardous Air Pollutant in State of New Jersey et al v. Environmental Protection Agency.

Roll Call Vote: Tribal Chairman Ettawageshik –yes, Vice-Chairperson Beatrice A. Law –yes, 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 Rita Shananaquet and supported by Treasurer Alice Yellowbank for Tribal Council to add Little Traverse Bay Bands of Odawa Indians to the Supreme Court Project Amicus Brief in the Richards v. Prairie Band of Potawatomi Nation.

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

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law that Little Traverse Bay Bands of Odawa Indians co-sponsor a resolution at the Midwest Alliance of Sovereign Tribes meeting on July 21, 2005 consistent with Resolution #071005-04 Regarding Mercury Pollution Passed on this day.

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to adopt Resolution #071005-05 Little Traverse Bay Bands of Odawa Indians Waiver of Conflict of Interest with the law firm of Shearman and Sterling Regarding Bonding and Loan Activities for New Casino Development.

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

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to adopt Waganakising Odawak Statute Amendment to Zoning Statute Regarding Minimum Front Set Back as sponsored by the Housing Commission.

Roll Call Vote: Tribal Chairman Frank Ettawageshik –yes, Vice-Chairperson Beatrice A. Law –yes, 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 Regina Gasco Bentley and supported by Councilor Fred Harrington, Jr. to amend the previous motion to say enact instead of adopt.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Enrollment List “A” Eligible for Membership dated June 23, 2005.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Treasurer Alice Yellowbank to approve Enrollment List “B” Declination Ineligible dated June 23, 2005.
Vote: 4 Yes, 3 No (Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Councilor Fred Harrington, Jr., 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve Burial Request #A0108 in the amount of \$6,028.41.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to add to the Legislative Calendar the Amendment to Legislative Procedures Statute.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to amend the previous motion to include the sponsor as Frank Ettawageshik.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

4:00 p.m. Public Comment opened, John Kawegoma
4:01 p.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to authorize Tribal Council Special Work Session for the 2006

Budget and other issues on July 25, 2005 at 10:00 a.m. to include, stipend, mileage, per diem and lodging.

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

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Beatrice A. Law to sponsor a resolution at the Midwest Alliance of Sovereign Tribes meeting on July 21-22, 2005 consistent with Little Traverse Bay Bands of Odawa Indians Resolution # 051505-01 adoption of Kyoto Protocol and Renewable Energy Standards.

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

Motion Carried

4:19 p.m. Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to Adjourn.

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

Motion Carried

These Minutes have been read and approved as written:

Approved:

Secretary Dexter McNamara, Tribal Secretary

Date