

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
July 24, 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 10:10 a.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

Absent: none

Legal Staff Present: James Bransky-General Counsel

Staff Present: Michele LaCount-Executive Assistant, Deleta Gasco Smith-Acting Tribal Administrator/Housing Director, Valerie Tweedie-Chief Financial Officer, John Espinosa-General Manager Casino/Hotel, Heidi Yaple-Grant Writer, Alan Proctor-GIS, Winnay Wemigwase-Archives and Records

Commission, Boards and Committees: Carol McFall-Enrollment, Margaret Gasco-Indian Child Welfare, Rochelle Ettawageshik-Indian Child Welfare Commission, Judy Pierzynowski-Gaming Board, Sheron Patton-Gaming Board, Alice Hughes-Enrollment. Dorothy Boda-Enrollment, Marcia Sutton-Enrollment

Guests: Melvin Kiogima, Harvey Gibson, Theresa Henry, Edith Teuthorn, Rosemary Knapp, Andrew Stich, Carol Quinones

Opening Ceremony: Frank Ettawageshik

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to adopt the agenda for July 24, 2005.

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 July 10, 2005 as corrected.

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 Tribal Treasurer's report by Valerie Tweedie-Chief Financial Officer, verbal and written, for July 24, 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 authorize final payment to Christman/Kraus-Anderson for pre-construction services for the new casino hotel project rendered to date not to exceed the amount approved under the Notice To Precede which expired April 15, 2005, and to authorize the Tribal Chairman and legal counsel to notify Christman/Kraus-Anderson in writing that the Tribe will not pursue further construction contract negotiations.

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 proceed with construction contract negotiations for the new casino hotel project with Clark Construction Company and Shingobee Builders

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

Motion Carried

11:30 a.m. Councilor Rita Shananaquet leaves

11:34 a.m. Councilor Rita Shananaquet returns

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve the payment of the employer and employee portion of social security and Medicare tax for stipends paid year-to-date for the effected Commissions, Committees and Boards to come from fringe pool fund balance and effective August 1, 2005 the employee portion is to be withheld from the member and the employer match will be paid from the fringe pool fund balance thru December 31, 2005. Thereafter the employers match will be paid from the respective Commission, Committees and Board's budget.

11:45 a.m. Public Comment: Harvey Gibson

11:52 a.m. Public Comment closed

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

Motion Carried

11:59 a.m. Lunch recess called

1:40 p.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution # 072405-01 Request for Funding from the U.S. Environmental Protection Agency Region 5, Little Traverse Bay Bands of Odawa Indians Support Agency Cooperative Agreement (SACA) Grant

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 Secretary Dexter McNamara to adopt Resolution # 072405-02 Inter-Tribal Council of Michigan, Inc., application for funding: U.S. Department of Health and Human Services Office of Community Services Low Income Energy Assistance Program. Roll Call Vote: Tribal Chairman Frank Ettawageshik, 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 Councilor Regina Gasco Bentley to adopt Resolution #072405-03 Inter-Tribal Council of Michigan, Inc. application for funding: U.S. Department of Health and Human Services Office of Community Services Community Services Block Grant Emergency Assistance Program. 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 Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to approve increase in the amount of \$5,900 to the budget modification # FY2005 1103-0-35-01 Indian Child Welfare Commission to come from prior period fund.
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 Gaming Board of Director's report for July 24, 2005 as presented by Chairperson Sheri Patton.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

2:23 p.m. Recess called
2:34 p.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Tribal Administrator's verbal report as presented by Acting Tribal Administrator Deleta Gasco Smith for July 24, 2005.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

3:00 p.m. Councilor Rita Shananaquet leaves
3:03 p.m. Councilor Rita Shananaquet returns

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to accept the verbal and written report for July 24, 2005 as presented by Tribal Chairman Frank Ettawageshik.

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

Motion Carried

3:32 p.m. Councilor Rita Shananaquet leaves

3:34 p.m. Councilor Rita Shananaquet returns

3:47 p.m. Vice-Chairperson Beatrice A. Law leaves

3:48 p.m. Vice-chairperson Beatrice A. Law returns

3:51 p.m. Councilor Rita Shananaquet leaves

3:55 p.m. Councilor Rita Shananaquet returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the marked up version of the Little Traverse Bay Bands of Odawa Indians revised legislative procedures statute, composite draft dated July 23, 2005.

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 approve the mediation team for the purpose of problem resolution with the City of Petoskey and authorize the Tribal Chairman to appoint team members.

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

Motion Carried

4:02 p.m. Public Comment opened: Andrew Stich, Rosemary Knapp, Harvey Gibson

4:10 p.m. Public Comment closed

4:27 p.m. Recess called

4:46 p.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to place on the Legislative Calendar the 2005 Third Draft Proposed Revision of the Little Traverse Bay Bands of Odawa Indians Enrollment Statute 3.0, 07-21-05.

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

Motion Carried

5:02 Councilor Rita Shananaquet leaves

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve Burial request # A0109 in the amount of \$8,000.

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 approve Burial request # A0112 in the amount of \$5,941.90.

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

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to approve Burial request # A0110 in the amount of \$6,971.13.

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

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Burial request # A0111 in the amount of \$7,492.54.

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 Treasurer Alice Yellowbank to approve Burial request # A0113 in the amount of \$4,879.15.

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 for a work session on August 19, 2005 for Legislative review and mark up to include, mileage, lodging, stipend and per diem.

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 to authorize Tribal Council attendance at the Economic Develop Accord meeting that is hosted by Grand Traverse Band on August 3, 2005 and on the same day the Tribal Summit meeting also hosted by Grand Traverse Band to include, mileage, stipend, per diem and lodging.

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 accept the Legal Department's verbal report as presented by James Bransky, General Counsel for July 24, 2005.

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 Councilor Fred Harrington, Jr., to authorize the Legal Department to pursue settlement negotiations in United States v. Michigan, No. 2:73 CV 26 (WD Mich.), and to authorize the Tribal Chairman and Chairman of the Natural Resources Commission, and such other officials or staff as they find necessary, to participate in the negotiations.

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 Councilor Fred Harrington, Jr., to retain the law firm of Faegre and Benson to represent the Tribe in its New Casino Hotel Project financing, with fees considered project expenses to be paid as loan closing costs and not to exceed \$250,000 to come from the New Casino/Hotel Development Capital Project fund.

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

6:46 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to adjourn.

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

These Minutes have been read and approved as written:

Approved:

Secretary Dexter McNamara, Tribal Secretary

Date