

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
October 5, 2008

Closed Session: yes

Call to Order: Meeting was called to order at: 9:40 a.m.

Opening Ceremony: Councilor Marvin Mulholland

Council Present: Legislative Leader Beatrice A. Law, Secretary Regina Gasco Bentley, Treasurer Gerald Chingwa, Councilor Dexter McNamara, Councilor Alice Yellowbank, Councilor Melvin L. Kiogima, Councilor Fred Harrington, Jr., Councilor Marvin Mulholland.

Absent: Councilor Shirley Oldman

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick

Executive Officials and Staff Present: none

Guests: Margaret Gasco, Eleanor Barber, Richard Wemigwase, Patrick Wemigwase, Sue Gasco, Roy Smithkey, Fred Kiogima, Tom Teuthorn

Motion made by Councilor Harrington, Jr., and supported by Councilor Kiogima to adopt the agenda with amendments for October 5, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)

Motion carries

Motion made by Councilor Yellowbank and supported by Treasurer Chingwa to approve the minutes of September 21, 2008 with corrections.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)

Motion carries

Elder Comment: 9:57 a.m. Richard Wemigwase spoke on getting jackets printed for the Elders Association, possibly using the Tribal Logo. Transportation of the Elders to different functions.

Motion made by Councilor McNamara and supported by Councilor Harrington Jr. to accept the Tribal Elders comments given by Richard Wemigwase.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent, (Councilor Oldman)

Motion carries

Motion made by Councilor Kiogima and supported by Councilor Mulholland to go into Closed Session for Land Parcels # 27 & 28 at 10:05 a.m.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)
Motion carries

Motion made by Councilor Kiogima and supported by Councilor Harrington, Jr., to go out of Closed Session at 10:35 a.m.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)
Motion carries

Motion made by Councilor Kiogima and supported by Councilor Mulholland to go into Closed Session for Land Item # 29 at 10:36 a.m.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)
Motion carries

Motion made by Councilor Kiogima and supported by Councilor Harrington, Jr., to go out of Closed Session at 10:41 a.m.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)
Motion carries

10:42 a.m. Recess called
10:47 a.m. Meeting reconvened

Motion made by Councilor Kiogima and supported by Treasurer Chingwa to accept the Legislative Leaders verbal and written report for October 5, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)
Motion carries

Motion made by Councilor Mulholland and supported by Councilor Harrington, Jr., to accept Appropriation and Finance Committee Chairperson Chingwa's verbal and written report for October 5, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)
Motion carries

Motion made by Councilor McNamara and supported by Councilor Yellowbank to accept Land and Reservation Committee Chairperson Kiogima's written and verbal report for October 5, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Oldman)
Motion carries

Public comment opened at 11:46 a.m.: Tom Teuthorn - Concerns about daycare and the rising cost for daycare and housing List of availability and qualifications for Tribal housing. Roy Smithkey - Concerns about employment at the Odawa Casino.

Public comment closed at 12:09 p.m.

12:09 p.m. Lunch recess
1:33 p.m. Meeting reconvened

Councilor Oldman arrives 1:30 p.m.

Motion made by Councilor McNamara and supported by Councilor Kiogima to accept Legislative Services Attorney Budnick's verbal report for October 5, 2008.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion made by Councilor Harrington, Jr., to accept the Tribal Chairman's written report and declare page 80 non-confidential.
Motion dies due to lack of support.

Motion made by Treasurer Chingwa and supported by Councilor Oldman to accept the Tribal Chairman's written report with confidential items therein.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carries

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve Enrollment List A - Eligible for Citizenship dated September 17, 2008 for a total of 9.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carries

Motion made by Secretary Gasco Bentley and supported by Councilor Yellowbank to approve Enrollment List B - Declination (Ineligible) dated September 17, 2008 for a total of 3.
Vote: 8 - Yes, 1 - No (Councilor Harrington), 0 - Abstained, 0 - Absent

Motion made by Treasurer Chingwa and supported by Councilor Mulholland to pass Waganakising Odawak Natural Resources Protection Statute.
Roll Call Vote: Councilor Harrington, Jr.-no, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Oldman-yes, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes
Motion carries

Motion made by Councilor McNamara and supported by Councilor Yellowbank to pass Waganakising Odawak Management and Labor Relations Statute.
Roll Call Vote: Councilor Harrington, Jr.-no, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-yes, Councilor Oldman-yes, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes
Motion carries

Public comment opened at 3:00 p.m.: Margaret Gasco - Concerns about reducing employees to 32 hours in government and daycare, Richard Wemigwase - Asked about (COLA) Cost of Living Allowance, Tom Teuthorn - Regarding hours and will it include salary staff as well and the extra spending

and waste in the Tribal government. Roy Smithkey - Concerns about Casino not using our Tribal gas station.

Public comment closed at 3:17 p.m.

3:17 p.m. Recess called

3:28 p.m. Meeting reconvened

Motion made by Councilor Kiogima and supported by Councilor McNamara to approve the Lapsing of Lease for 6901 Tim Buck Too Property and Relinquishment of Tribal interest:

TRIBAL COUNCIL MOTION # 100508-2008-001

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS The Tribe held land interest through a lease with the United States Department of Agriculture (USDA) in the property located at 6901 Tim Buck Too Trail, Topinabee, MI;

WHEREAS After a recommendation by the Tribal Housing Director on the cost and utilization of the property, the Tribal Council Land and Reservation Committee recommends to the Tribal Council that the lease on the property lapse and relinquish any interest that the Tribe may hold in the property.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through Constitutional duty, that allows for the “acquiring interest in land” for the benefit of the Tribe, no longer has a desire to hold a land interest in the property located at 6901 Tim Buck Too Trail, Topinabee, MI and authorizes and requests the Tribal Chairperson through his administrative oversight authority, to the extent necessary, ensure that the lease with the USDA be allowed to lapse and not be renewed.

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

Motion carries

3:45 p.m. Recess called

3:50 p.m. Meeting reconvened

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley to approve the Authorization and Allocation of Funding for the Purchase of Lands # 27 and # 28 to come from Prior Period Funds.

Vote: 4 - Yes, 4 - No (Legislative Leader Law, Treasurer Chingwa, Councilor Yellowbank, Councilor Mulholland) 1 - Abstained (Councilor Oldman), 0 - Absent
Motion fails

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to approve the Authorization and Allocation of funding for the Purchase of Land # 28 to come from Prior Period Funds:

TRIBAL COUNCIL MOTION # 100508-2008-002

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS The Land and Reservation Committee recommends to the Tribal Council for the purchase of land #28;

WHEREAS In accordance with the Constitution, the Tribal Council approves land use plans.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through Constitutional duty, that allows for the “purchase of land” which is deemed beneficial to the Tribe, requests and authorizes the Tribal Chairperson through his administrative oversight authority to purchase land #28 and the Tribal Chairperson shall administer his oversight authority to the extent necessary to ensure the purchase and the development of a land use plan for the acquired land and for such plan to be approved by Tribal Council.

FURTHER, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council allocates funding in the amount contained within a confidential memo sent by the Legislative Services Attorney to the Tribal Chairperson, and the funding to come from prior period funds.

Vote: 7 - Yes, 1 - No (Councilor Mulholland), 1 - Abstained (Councilor Oldman), 0 - Absent

Motion carries

Motion made by Treasurer Chingwa and supported by Councilor Harrington Jr., to approve Authorization and Allocation of Funding for McClurken and Associates for Historical Research in the amount of \$198,000.00 to come from Prior Period Funds.

LTBB Minutes of Tribal Council Meeting October 05, 2008

TRIBAL COUNCIL MOTION # 100508-2008-003

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS Dr. McClurken submitted a draft report to the Tribal Council of his work to date. While significant progress has been made on the project, the uncovering of vast numbers of previously undiscovered documents at the National Archives greatly expanded the time required to complete this project;

WHEREAS it is in the interest of the Tribe to thoroughly document its history, especially as it relates to its land and reservation from treaty times through the present.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through Constitutional duty, “authorizes the appropriation” of funding to a separate line-item under the Legal Department, for the purpose of payment to McClurken and Associates to provide historical research for the Tribe in the amount of \$198,000 to come from prior period funds and in accordance with the Constitution, the Tribal Chairperson shall administer his oversight authority to the extent necessary to ensure the appropriation of such funds.

Vote: 8 - Yes, 1 - No (Councilor Mulholland), 0 - Abstained, 0 - Absent
Motion carries

Motion made by Councilor McNamara and supported by Secretary Gasco Bentley to approve Tribal Government Priority Funding Allocation FY 2010.

TRIBAL COUNCIL MOTION #100508-2008-004

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS Waganakising Odawak Statute 2005-011 states that “By October 15 of each year the Tribal Council shall adopt the Tribal Government Priority Funding Allocation which shall set forth the

allocation of funds among the five divisions, (Executive, Legislative, Judicial, Prosecutor, and Election Board), for the fiscal period budgets that will begin 14 1/2 months from this date.

THEREFORE, BE IT FURTHER RESOLVED that the Tribal Council adopts the following priority funding allocation for fiscal year 2010: Tribal Government 22.3% Economic Development 20% General Welfare 41.9% Distributions 15.3% Donations 0.3%; and

BE IT FURTHER RESOLVED that the Tribal Council adopts the following Tribal Government allocation from the above for all divisions be split amongst the following: Legislative 3.8% Judicial 6.7% Election Board .7% Prosecutor 1.2% and Executive Branch 87.6%; and

FINALLY BE IT RESOLVED that the Finance and Appropriations Standing Committee shall use the approved Tribal Government Priority Funding Allocation in making determinations for FY 2010 Budget Formulation Process.

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

Motion carries

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to approve the Appropriation of Additional Funds for 2008 Per Capita Distribution Budget in the amount of \$94,500.00 to come from Prior Year funds.

TRIBAL COUNCIL MOTION #100508-2008-005

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Tribal Council has previously approved a revenue allocation plan that has been approved by the Bureau of Indians Affairs, Department of Interior; and

WHEREAS The Tribal Council budgeted within the 2008 budgets \$2,000,000 for the 2008 annual distribution of \$500 per Citizen; and

WHEREAS in the past year additional Citizens have been added to the Tribal rolls such that additional funds are needed to meet that obligation.

THEREFORE BE IT RESOLVED that the Tribal Council appropriates an additional sum of \$94,500 to the program for per capita distributions for 2008 with funds to come from Prior Period Funds and in accordance with the Constitution, LTBB Minutes of Tribal Council Meeting October 05, 2008

the Tribal Chairperson shall administer his oversight authority to the extent necessary to ensure the appropriation of such funds.

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

Motion carries

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to approve Supplemental Funding for the Executive Office Budget, Detention Line-item for FY 2008 in the amount of \$10,000.00 and FY 2009 in the amount of \$12,000.00 to come from Prior Period Funds.

TRIBAL COUNCIL MOTION # 100508-2008-006

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS that it is necessary from time to time for Tribal Law Enforcement, Natural Resources Department or the Judiciary to detain individuals;

WHEREAS the detention line-item held within the Executive budget is utilized by the Tribal Law Enforcement, the Natural Resources Department and the Judiciary;

WHEREAS that the Judiciary had an unexpected longer detention of a juvenile offender that was not anticipated in the FY 2008 budget which expending most of the line-item funding;

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through Constitutional duty, "authorizes the appropriation" of supplemental funding to the Executive Office Budget, Detention line-item for the purposes of detention cost for FY 2008 in the amount of \$10,000 with any remaining funds being rolled over into FY 2009 budget; and modifies and allocates to the FY 2009 budget, Executive Office, Detention line-item the amount of \$12,000 to come from prior period funds and in accordance with the Constitution, the Tribal Chairperson shall administer his oversight authority to the extent necessary to ensure the appropriation of such funds.

Vote: 7 - Yes, 2 - No (Councilor Oldman, Councilor Harrington Jr.), 0 - Abstained, 0 - Absent

Motion carries

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to recommend and request that the Tribal Chairperson provide for in the approved LTBB Minutes of Tribal Council Meeting October 05, 2008

FY 2009 Executive Office Budget a separate line-item for the Annual Community Meeting in the amount of \$7,000.00.

TRIBAL COUNCIL MOTION # 100508-2008-007

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Tribal Council approved the FY 2009 budget for the Executive Office with funding for the Annual Community Meeting;

WHEREAS that based on the past years the Annual Community Meeting cost approximately \$7,000.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council recommends and requests that the Tribal Chairperson establish a separate line-item with the FY 2009 Executive Budget for the Annual Community Meeting in the amount of \$7,000.00.

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

Motion carries

Motion made by Treasurer Chingwa and supported by Councilor Mulholland to approve borrowing from the Tribal Investment Fund to provide for Tribal Government Cash Flow for the FY 2008 4th Quarter in an amount not to exceed \$4.5 million.

TRIBAL COUNCIL MOTION # 100508-2008-008

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Annual Service Payments from the Odawa Casino Resort to the Tribe have been temporarily suspended;

WHEREAS that in order to continue the necessary services and benefits of programs for our Tribal Citizens the Tribal government is in need of a positive cash flow;

WHEREAS the Executive Department through the Tribal Chairperson requests and recommends that the Tribal Council authorize the borrowing of investment funds of the Tribal government to create a positive cash flow Tribal Government operations for the 4th quarter of FY 2008 in an amount not to exceed \$4.5 Million;

WHEREAS as the Annual Service Payments resume and arrearage payments are made from the Odawa Casino Resort and cash flow recommences and is stabilized, the funds borrowed from the tribal investment funds shall be redeposit into the investment accounts

WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council, through statutory duty, WOS 2007-003, "authorizes the Tribal Council to borrow money to cover such appropriations" where there is short fall in projected revenues.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through Statutory duty, WOS 2007-003, authorizes the Tribal Chairperson to borrow the investment funds in an amount not to exceed \$4.5 million dollars to allow for cash flow for Tribal government operations for the 4th quarter of FY 2008, the Tribal Chairperson shall administer his oversight authority to the extent necessary to ensure that such funds adequately administered.

Vote: 7 - Yes, 1 - No (Councilor Harrington Jr.), 1 - Abstained (Councilor Oldman), 0 - Absent

Motion carries

Motion made by Councilor McNamara and supported by Councilor Kiogima to host an Informational Session for the Tribal Citizens to ask questions and address concerns for FY 2008 and FY 2009 governmental Budget and the Suspension of Cash Flow from the Odawa Casino Resort, Saturday, October 18, 2008 from 3:00 p.m. to 5:00 p.m. in the Tribal Court Room at LTBB Tribal Government Complex, 7500 Odawa Circle, Harbor Springs, MI and further request that Tribal Chairperson Ettawageshik, Chief Financial Officer Tweedie, Odawa Casino Resort General Manager Barnard, and the Gaming Board Members attend and address questions.

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

Motion carries

Motion made by Treasurer Chingwa and supported by Councilor Oldman to request the Legislative Office to prepare a Financial Reduction Plan for the remainder of FY 2008 and FY 2009 to be submitted to the Tribal Council for approval at next regular meeting and include such items as reduction on non-LTBB Minutes of Tribal Council Meeting October 05, 2008

essential travel, equipment, supplies, publication, subscriptions, consultants, trainings, copy costs, mailing/postage, Prior Period Funds and any other reduction costs.

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

Motion carries

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley to approve the McClurken Report Review Work Group be established and requests of the executive that the following members participate: Tribal Chairperson and the Tribal Vice-Chairperson, Enjinaaknegeng, G.I.S. Department, Planning Department, Tribal Council Legislative Leader, Tribal Council Land and Reservation Committee members, and the Legislative Services Attorney. The Lead Person of the Work Group will be General Counsel Jim Bransky.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor McNamara)

Motion carries

Motion made by Councilor Kiogima and supported by Councilor Yellowbank to request the Executive Branch begin a facility study for the construction of a building for Head Start, Daycare and other programs.

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

Motion carries

Motion made by Councilor Kiogima and supported by Councilor McNamara that a Land and Reservation Committee member or designee attend the Murray Road Work Group meetings.

Motion withdrawn

Motion made by Councilor Harrington, Jr., and supported by Councilor Yellowbank to adjourn at 5:43 p.m.

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

Motion carries

These Minutes have been read and approved as corrected:

Regina Gasco Bentley, Tribal Council Secretary

Date