

1 The Little Traverse Bay Bands of Odawa Indians  
2 Tribal Council Meeting  
3 Tribal Court Room  
4 7500 Odawa Circle Harbor Springs, MI 49740  
5 August 17, 2008  
6  
7

8 Closed Session: Beatrice A. Law

9 Call to Order: Meeting was called to order at: 9:37 a.m.

10 Opening Ceremony: Beatrice A. Law  
11

12 Council Present: Legislative Leader Beatrice A. Law, Secretary Regina Gasco  
13 Bentley, Treasurer Gerald Chingwa, Councilor Dexter McNamara, Councilor  
14 Alice Yellowbank, Councilor Melvin L. Kiogima, Councilor Marvin Mulholland,  
15 Absent: Councilor Fred Harrington, Jr., Councilor Shirley Oldman  
16

17 Legislative Office Staff Present: Legislative Services Attorney Donna Budnick,  
18 Office Manager Michele LaCount  
19

20 Executive Officials and Staff Present: Tribal Chairman Frank Ettawageshik, Chief  
21 Financial Officer Valerie Tweedie, Executive Assistant Rebecca, Vice-Chairman  
22 William Denemy, Gaming Board of Director Chairperson Carol Mcfall, Gaming  
23 Board of Directors Dollie Keway, Gaming Board of Directors Judy Pierznowski,  
24 Gaming Board of Directors Sheran Patton, Gaming Board of Directors Executive  
25 Assistant Cathy Portman, Casino General Manager Sean Barnard, Casino  
26 Director of Hospitality Mike Bodjiak, Information Technology Director Paul  
27 Scheelk, Director Frank Kersh, Casino Facilities Director Barry Laughlin,  
28 Casino Table Games Director Susan Foster, Casino Human Resource Director  
29 Denise White, Casino Finance Director Barry Crowell, Tribal Police Sergeant  
30 Mike Givens  
31

32 Guests: Fred Kiogima, Virginia von der Lippe, Sarah Van De Car, Eleanor  
33 Barber, Harvey Gibson, Kenneth Gablow, Roger Emery, Warren Petoskey, Barb  
34 Petoskey, Andrew Stich, April Kaghee, Rich Gasco, Bob Petoskey, John  
35 Kenoshmeg Sr., Ralph Boslu,  
36

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37  
38 Motion made by Treasurer Chingwa and supported by Councilor Mulholland to  
39 adopt the agenda for August 17, 2008 with amendments.

40 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Harrington, Jr.,  
41 Councilor Oldman)  
42

43 Motion made by Councilor Yellowbank and supported by Councilor McNamara to  
44 approve the minutes of August 3, 2008 with corrections.

45 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Harrington, Jr.,  
46 Councilor Oldman)  
47

1 Tribal Elder's Comments: Warren Petoskey spoke regarding Northern Shores  
2 Loan Fund and why it is in place and not functional yet.

3  
4 Casino General Manager spoke regarding the recent casino reorganization.  
5 Casino Human Resource Denise White spoke regarding the casino  
6 reorganization.

7  
8 11:09 .a.m. Recess called.

9 11:20 a.m. Meeting reconvened.

10  
11 Motion made by Councilor McNamara and supported by Councilor Yellowbank to  
12 accept the Legislative Leader's report with confidential items contained therein.

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

15 Motion carried.

16  
17 11:45 a.m. Public Comment opened: Eleanor Barber spoke regarding the casino  
18 reorganization and communication with the Elders. Fred Kiogima spoke  
19 regarding Commission, Boards and Committees letter of interest and  
20 communication regarding of receipt of such as well as securing employment  
21 within the casino and casino operating management's training of Tribal Citizens  
22 for advancement into management positions. Fred Also spoke regarding the  
23 Petoskey News Review reporting of the Casino General Manager's interview  
24 comments. John Kawegoma spoke regarding the Casino being a Tribal business,  
25 the honor associated with running it and the request for full disclosure of the  
26 running of the Casino to Tribal Citizens. John also spoke regarding the Petoskey  
27 News Review's printing of the Casino General Manager's interview. Barry  
28 Laughlin spoke regarding the Casino General Manager's miss quote in the  
29 Petoskey News Review. John further spoke regarding the Annual Community  
30 Meeting with regard to Mother's Day weekend.

31  
32 12:15 p.m. Lunch recess called.

33 1:38 p.m. Meeting reconvened. Councilor Oldman arrived.

34  
35 Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to  
36 accept Treasurer Chingwa's verbal report.

37 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

38 Motion carried.

39  
40 Motion made by Councilor McNamara and supported by Councilor Oldman to  
41 Councilor Kiogima Land and Reservation report and Tribal Council member  
42 verbal and written report.

43 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

44 Motion carried.

45  
46 Motion made by Councilor Oldman and supported by Councilor Kiogima to  
47 accept Legislative Services Attorney Budnick's verbal and written report.

48 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

1 Motion carried.

2  
3 2:25 p.m. recess called.

4 2:37 p.m. meeting reconvened.

5  
6 Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to  
7 acknowledge receipt of the Tribal Chairman Addendum report.

8 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

9 Motion carried.

10  
11 Motion made by Secretary Gasco Bentley and supported by Councilor  
12 McNamara to approve Execution of Trust Deed for 915 Emmet St Parcel:

13 **LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS**  
14 **7500 Odawa Circle**  
15 **Harbor Springs, MI 49740**

16  
17 **TRIBAL MOTION # 081708-2008-2**

18  
19 Execution of Trust Deed for "915 Emmet Street" Parcel

20  
21 **WHEREAS** the Little Traverse Bay Bands of Odawa Indians holds title, by  
22 virtue of the warranty deed recorded at Liber 589 Page 80, Emmet  
23 County Register of Deeds, to the parcel described in that deed as:

24  
25 Situated in the City of Petoskey, County of Emmet,  
26 State of Michigan:

27  
28 Lot 3, Block 2, Loveless Blaney's addition to the  
29 Village (now City) of Petoskey, according to the plat  
30 thereof as recorded in Liber 1, Page 13 of Plats,  
31 Emmet County Records, T34N, R5W.

32  
33 Commonly known as: 915 Emmet Street  
34 Tax ID: 52-19-06-402-040

35  
36 which the Tribe requested be accepted into trust by the Secretary  
37 of the Interior for the Tribe;

38  
39 **WHEREAS** the Department of the Interior is mandated to accept this parcel into  
40 trust under 25 U.S.C. § 1300k-4(a);

41  
42 **THEREFORE BE IT RESOLVED** that Tribal Treasurer Gerald V. Chingwa is  
43 authorized, by and on behalf of the Little Traverse Bay Bands of Odawa Indians,  
44 to execute a warranty deed for the parcel described above transferring title from  
45 the Tribe to the United States of America in trust for the Little Traverse Bay  
46 Bands of Odawa Indians, and to execute any other documents that may be  
47 necessary to complete the trust acquisition.

48 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

1 Motion carried.

2  
3 3:03 p.m. Public Comment opened: Andrew Stich spoke regarding housing  
4 concerns and limits to the extent on what the Tribe can offer everyone as a whole  
5 as well as the responsibility of Tribal Citizens to help them. Donna Budnick spoke  
6 regarding budgetary limits for Tribal Council opposed to the twenty six duties of  
7 Tribal Council under the Constitution. Fred Kiogima spoke regarding his resume'.  
8 Fred also spoke regarding the Tribal Council budget with regard to how the  
9 expenditures need to benefit the Tribe.

10 3:16 p.m. Public Comment closed.

11  
12 Motion made by Councilor Oldman and supported by Councilor McNamara to  
13 approve the supplemental funding for Legislative Branch Budget in the amount of  
14 \$129,000 to come from Prior Period Funds:

15 LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS  
16 7500 Odawa Circle  
17 Harbor Springs, MI 49740  
18

19 **TRIBAL MOTION # 081708-2008-3**

20  
21 Supplemental Funding for Legislative Branch Budget in the amount of \$129,000  
22 to come from Prior Period Funds  
23

24 **WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse  
25 Bay Bands of Odawa Indians, and its citizens are vested with  
26 inherent sovereignty and right to self-governance;  
27

28 **WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally  
29 recognized Indian Tribe under Public Law 103-324, and is a party  
30 to numerous Treaties with the United States the most recent of  
31 which being the Treaty of Washington of March 28, 1836 (7 Stat.  
32 491) and the Treaty of Detroit of 1855 (11 Stat. 621);  
33

34 **WHEREAS** the Constitution states that the Tribal Council shall "Establish and  
35 maintain government offices";  
36

37 **WHEREAS** the Legislative Office staff assist the Tribal Council in carrying out  
38 its Constitutionally mandated powers and duties;  
39

40 **WHEREAS** the Legislative Branch budget was submitted in October of 2006,  
41 without the known anticipation of the amount of increased workload  
42 and activities of the Tribal Council and its committees;  
43

44 **WHEREAS** the increase of Tribal Council workload and activities has led to a  
45 shortage in the Legislative Branch budget in the areas of travel,  
46 training, office staff salary and fringes.  
47

1 **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa  
2 Indians Tribal Council through Constitutional duty “authorizes the appropriation”  
3 of supplemental funding to the Legislative Branch budgets 1101-0 00 and 2000-0  
4 01 in the amount of \$129,000 to come from prior period funds and in accordance  
5 with the Constitution, the Tribal Chairman shall administer his oversight authority  
6 to the extent necessary to ensure the appropriation of such funds.

7 Vote: 6 - Yes, 2 – No (Secretary Gasco Bentley, Councilor Kiogima), 0 -  
8 Abstained, 1 - Absent (Councilor Harrington, Jr.)

9 Motion carried.

10  
11 Motion made by Councilor Yellowbank and supported by Councilor Oldman to  
12 Supplemental Funding for Elders Program for hosting the Michigan Indian Elders  
13 Association (MIEA) Conference in the amount of \$20,000 to come from Prior  
14 Period Funds:

15 LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS  
16 7500 Odawa Circle  
17 Harbor Springs, MI 49740  
18

19 **TRIBAL MOTION # 081708-2008-4**

20  
21 Supplemental Funding for Elders Program for hosting the Michigan Indian Elders  
22 Association (MIEA) Conference in the amount of \$20,000 to come from Prior  
23 Period Funds  
24

25 **WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse  
26 Bay Bands of Odawa Indians, and its citizens are vested with  
27 inherent sovereignty and right to self-governance;  
28

29 **WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally  
30 recognized Indian Tribe under Public Law 103-324, and is a party  
31 to numerous Treaties with the United States the most recent of  
32 which being the Treaty of Washington of March 28, 1836 (7 Stat.  
33 491) and the Treaty of Detroit of 1855 (11 Stat. 621);  
34

35 **WHEREAS** the Michigan Indian Elders Association (MIEA) was formed in 1997  
36 to address the varied needs for the Elders in the state of Michigan  
37 including aid and assist in the improvement of the economic, social,  
38 healthful and spiritual well-being of Michigan Indian Elders;  
39

40 **WHEREAS** the MIEA conference provides a forum where an Elder may speak,  
41 learn, grow and exercise control over their environment;  
42

43 **WHEREAS** the conference will have presenters that promote prevention  
44 training and advocacy updates on issues that may impact Elders  
45 and Elder services.  
46

1 **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa  
2 Indians Tribal Council, through Constitutional duty, “authorizes the appropriation”  
3 of supplemental funding to the Elders program budget 2107-2-7005-00, for the  
4 purposes of hosting the MIEA Conference in October, 2008, in the amount of  
5 \$20,000 to come from prior period funds and in accordance with the Constitution,  
6 the Tribal Chairman shall administer his oversight authority to the extent  
7 necessary to ensure the appropriation of such funds.

8 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)  
9 Motion carried.

10  
11 Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to  
12 approve filing of an Amicus Brief on behalf of the Tribe for the lawsuit of the  
13 Ottawa Tribe of Oklahoma vs. Samuel Speck:

14 LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS  
15 7500 Odawa Circle  
16 Harbor Springs, MI 49740  
17

18 **TRIBAL MOTION # 081708-2008-5**

19  
20 Filing of an Amicus Brief on behalf of the Tribe for the lawsuit of the *Ottawa Tribe*  
21 *of Oklahoma vs. Samuel Speck*  
22

23 **WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse  
24 Bay Bands of Odawa Indians, and its citizens are vested with  
25 inherent sovereignty and right to self-governance;  
26

27 **WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally  
28 recognized Indian Tribe under Public Law 103-324, and is a party  
29 to numerous Treaties with the United States the most recent of  
30 which being the Treaty of Washington of March 28, 1836 (7 Stat.  
31 491) and the Treaty of Detroit of 1855 (11 Stat. 621);  
32

33 **WHEREAS** the Tribal Constitution provides for the Tribal Council to approve the  
34 filing of lawsuits in the name of the Tribe as proposed by the  
35 Executive, provided, the Tribal Council may approve the filing of a  
36 lawsuit in the name of the Tribe without Executive concurrence by  
37 an affirmative vote of six (6) members of Tribal Council;  
38

39 **WHEREAS** the Executive has provided the Tribal Council with a proposal to  
40 submit an amicus brief for the *Ottawa Tribe of Oklahoma vs.*  
41 *Samuel Speck* either individually or collectively with other Tribes;  
42

43 **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa  
44 Indians Tribal Council, through Constitutional duty, authorizes the filing of an  
45 amicus brief in the name of the Tribe for the lawsuit of the *Ottawa Tribe of*  
46 *Oklahoma vs. Samuel Speck* and not to exceed the payment in the amount of

1 \$5,000.00, provided that a copy of the brief will be submitted to Tribal Council  
2 prior to the submission of such brief.

3 Vote: 7 - Yes, 1 - No (Councilor Mulholland), 0 - Abstained, 1 – Absent (Councilor  
4 Harrington, Jr.)

5  
6 Motion made by Treasurer Chingwa and supported by Secretary Gasco Bentley  
7 to approve to pursue the Klas Robinson Q.E.D. full feasibility study for a gas  
8 station/C-store/service station and retail development for the former Victories  
9 Casino site for potential land use plan approval:

10 LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS  
11 7500 Odawa Circle  
12 Harbor Springs, MI 49740

13  
14 **TRIBAL MOTION # 081708-2008-6**

15  
16 To Pursue the Klas Robinson Q.E.D. Full Feasibility Study for a Gas Station/C-  
17 Store/Service Station and Retail Development for the former Victories Casino site  
18 for Potential Land Use Plan Approval

19  
20 **WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse  
21 Bay Bands of Odawa Indians, and its citizens are vested with  
22 inherent sovereignty and right to self-governance;

23  
24 **WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally  
25 recognized Indian Tribe under Public Law 103-324, and is a party  
26 to numerous Treaties with the United States the most recent of  
27 which being the Treaty of Washington of March 28, 1836 (7 Stat.  
28 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

29  
30 **WHEREAS** the former Victories Casino site has been vacant and is no longer  
31 being used as a designated approved land use;

32  
33 **WHEREAS** the Tribal Constitution provides for the Tribal Council to approve  
34 land use plans, Article VII D (11);

35  
36 **THEREFORE, BE IT RESOLVED** that the Little Traverse Bay Bands of Odawa  
37 Indians Tribal Council, through Constitutional duty, authorizes the pursuit of Klas  
38 Robinson QED to complete the full feasibility Study for Gas Station/C-  
39 Store/Service Station and Retail Development at the former Victories Casino site  
40 for potential land use plan approval.

41 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

42 Motion carried.

43  
44 Motion made by Treasurer Chingwa and supported by Councilor Oldman to  
45 approve the Hotline Policy and Procedures as recommended by the  
46 Appropriations and Finance Committee.

47 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

1 Motion carried.

2

3 Motion made by Councilor McNamara and supported by Secretary Gasco  
4 Bentley to move the Indian Preference in Tribal Employment Statute to the next  
5 Tribal Council work session on September 6, 2008.

6 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

7 Motion carried.

8

9 Motion made by Councilor Kiogima and supported by Councilor McNamara to  
10 table the Commission, Boards and Committees Policy to the next Tribal Council  
11 work session.

12 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

13 Motion carried.

14

15 Motion made by Councilor Oldman and supported by Councilor Yellowbank to  
16 remove the Legal and Law Committee and Economic Development Committee  
17 from the agenda.

18 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

19 Motion carried.

20

21 Motion made by Secretary Gasco Bentley and supported by Councilor  
22 McNamara to move the Tribal Treasurer's Reporting Responsibility to the Tribal  
23 Citizens to the next Tribal Council work session agenda.

24 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

25 Motion carried.

26

27 Motion made by Councilor Yellowbank and supported by Councilor McNamara to  
28 move the Management and Labor Relations Statute and the Land Use, Building  
29 Regulation, and Zoning Statute to the next Tribal Council work session agenda.

30 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

31 Motion carried.

32

33 Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley  
34 for Little Traverse Bay Bands of Odawa Indians to make a monetary contribution  
35 of \$15,000 which will come from the General Fund Prior Period Fund Account, to  
36 partially fund "The Native American Journey" project that is to be produced by  
37 Audrey Geyer with Guidance from Tribal Citizen Warren Petoskey.

38 Vote: 3 - Yes, 5 - No (Councilor Mulholland, Treasurer Chingwa, Legislative  
39 Leader Law, Councilor Yellowbank, Councilor Oldman), 0 - Abstained, 1 - Absent  
40 (Councilor Harrington, Jr.)

41 Motion carried.

42

43 Motion made by Treasurer Chingwa and supported by Councilor Yellowbank for  
44 Tribal Council attendance at the September 18/19, 2008 Understanding the  
45 Constitution training in Harbor Springs, Michigan.

46 Vote: 6 - Yes, 2 - No (Councilor Kiogima, Councilor Oldman), 0 - Abstained, 1 -  
47 Absent (Councilor Harrington, Jr.)

48 Motion carried.

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Motion made by Councilor McNamara and supported by Treasurer Chingwa to adjourn at 5:02 p.m.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 - Absent (Councilor Harrington, Jr.)

Motion carried.

These Minutes have been read and approved as written (or) corrected: (delete either the word “written” or “corrected” as pertains to how the minutes were approved.)

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Regina Gasco Bentley, Tribal Council Secretary Date