

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 December 6, 2009
6
7

8 Closed Session: yes

9 Call to Order: Meeting was called to order at: 9:45 a.m.

10 Opening Ceremony: Julie Shananaquet
11

12 Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco
13 Bentley, Councilor Gerald Chingwa, Councilor Belinda Bardwell, Councilor
14 Marvin Mulholland

15 Absent: Treasurer John Bott, Councilor Melvin L. Kiogima, Councilor Aaron Otto,
16 Councilor Rita Shananaquet
17

18 Legislative Office Staff Present: Legislative Services Attorney Donna Budnick,
19 Office Manager Michele LaCount
20

21 Executive Officials and Staff Present: Tribal Chairman Ken Harrington, Vice-
22 Chairman Dexter McNamara
23

24 Guests: Christina Rohn, Marcia Sutton, Lisa McComb, Laura LaCroix Blumberg,
25 Bea Law, Carol McFall, Tootsie Keshick, Page Bardwell
26

27
28 9:50 a.m. Treasurer John Bott and Councilor Melvin L. Kiogima arrived.
29

30 Motion made by Councilor Bardwell and supported by Councilor Mulholland to
31 adopt the agenda with additions for December 6, 2009.

32 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
33 Councilor Otto)

34 Motion carried.
35

36 Motion made by Treasurer Bott and supported by Councilor Kiogima to approve
37 the minutes of November 22, 2009 with corrections.

38 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
39 Councilor Otto)

40 Motion carried.
41

42 Motion made by Councilor Bardwell and supported by Councilor Chingwa to
43 accept Legislative Leader Julie Shananaquet's verbal and written report for
44 December 6, 2009 with confidential items contained therein.

45 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
46 Councilor Otto)

47 Motion carried.

1
2 Mystic Lake Climate Change Declaration signed by present Tribal Council.

3
4 Federal Tax Exemption discussed.

5
6 Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa
7 to accept Treasurer Bott's verbal Treasurer and Appropriations and Finance
8 Committee reports for December 6, 2009.

9 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
10 Councilor Otto)

11 Motion carried.

12
13 Motion made by Councilor Kiogima and supported by Councilor Mulholland to
14 amend the agenda for December 6, 2009 to include a closed session for legal
15 purposes.

16 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
17 Councilor Otto)

18 Motion carried.

19
20 11:04 a.m. Recess called.

21 11:16 a.m. Meeting reconvened.

22
23 11:17 a.m. Motion made by Treasurer Bott and supported by Councilor Kiogima
24 to go into closed session for legal.

25 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
26 Councilor Otto)

27 Motion carried.

28
29 12:13 p.m. Motion made by Treasurer Bott and supported by Councilor Bardwell
30 to return to open session.

31 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
32 Councilor Otto)

33 Motion carried.

34
35 12:13 p.m. Public Comment opened: no comments.

36 12:13 p.m. Public Comment closed.

37
38 12:13 p.m. Lunch recess called.

39 1:35 p.m. Meeting reconvened.

40
41 DRAFT Non-Gaming Employment Benefits on hold.

42
43 Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell
44 to adopt Tribal Resolution National City Bank Loan Refinancing.

45 Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor
46 Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-absent,
47 Councilor Otto-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes,
48 Legislative Leader Julie Shananaquet-yes

1 Motion carried.

2

3 Motion made by Treasurer Bott and supported by Councilor Bardwell to place
4 Indian Preference in Tribal Employment Draft Statute on the Legislative
5 Calendar.

6 Vote: 5 - Yes, 2 – No (Councilor Kiogima, Councilor Chingwa), 0 - Abstained, 2 –
7 Absent (Councilor R. Shananaquet, Councilor Otto)

8 Motion carried.

9

10 Motion made by Councilor Kiogima and supported by Councilor Bardwell to
11 accept the Legislative Services Attorney Budnick's verbal and written reports for
12 December 6, 2009.

13 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
14 Councilor Otto)

15 Motion carried.

16

17 Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to
18 amend the agenda for December 6, 2009.

19 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
20 Councilor Otto)

21 Motion carried.

22

23 Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to
24 approve the December 5, 2009 Special Meeting Minutes.

25 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
26 Councilor Otto)

27 Motion carried.

28

29 Action Request-suspended: Tribal Resolution Suspension of Odawa Casino
30 Resort General Manager Hiring Process.

31

32 3:00 p.m. Public Comment opened: Bea Law spoke regarding the previous
33 Casino General Manager, Establishment and Structure of Executive
34 Departments and Legislative Offices, the Gaming Delegation Authority Statute
35 and Indian Preference in Tribal Employment Draft Statute

36 3:07 p.m. Public Comment closed.

37

38 3:08 p.m. Recess called.

39 3:35 p.m. Meeting reconvened.

40

41 Motion made by Treasurer Bott and supported by Legislative Leader Julie
42 Shananaquet to adopt Tribal Resolution Repeal Tribal Resolution #071209-08
43 Regarding Tribal Government Budget Revision for Fiscal Year 2009.

44 Roll Call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor
45 Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-absent,
46 Councilor Otto-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes,
47 Legislative Leader Julie Shananaquet-yes,

48 Motion carried.

1
2 Motion made by Councilor Bardwell and supported by Treasurer Bott to approve
3 Compensation, Stipend and Travel Policy for the Tribal Council dated December
4 6, 2009 to allow Tribal Council members to receive their salary in bi-monthly
5 installments instead of once a month payment as currently receiving.

6 Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet,
7 Councilor Otto)

8 Motion carried.

9
10 Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell
11 that Tribal Council approves an extension for the Forbearance Agreement
12 between Little Traverse Bay Bands of Odawa Indians and MFC Global
13 Investment Management (US) LLC, BlackRock Financial Management Inc.,
14 Regiment Capital Advisors, and Pioneer Investment Management Inc., for a
15 period of 45-days with the same terms contained within the original agreement to
16 be negotiated by the Executive.

17 Vote: 6 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 2 – Absent (Councilor R.
18 Shananaquet, Councilor Otto)

19 Motion carried.

20
21 Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima
22 that Tribal Council approves the issuance of a liquor license for sale of alcoholic
23 beverages for consumption on the premises at Odawa Casino Resort, which is
24 located on land held in trust for the Tribe by the United States at 1760 Lears
25 Road, Petoskey, MI 49770, and an “off-premises” license for wine sales at the
26 Gourmet 2 Go gift shop at the same address, until the date of approval of WOS
27 2009-019 *Liquor and Tobacco Licensing Board Statute* by the Bureau of Indian
28 Affairs and authorizes the Tribal Chairman to sign the license.

29 Vote: 6 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 2 – Absent (Councilor R.
30 Shananaquet, Councilor Otto)

31 Motion carried.

32
33 Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley
34 that Tribal Council approves the issuance of a liquor license for sale of alcoholic
35 beverages solely for consumption on the premises at the Odawa Hotel, which is
36 located on land held in trust for the Tribe by the United States at 1444 US 131 S,
37 Petoskey, MI 49770, until the date of approval of WOS 2009-019 *Liquor and
38 Tobacco Licensing Board Statute* by the Bureau of Indian Affairs and authorizes
39 the Tribal Chairman to sign the license.

40 Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet,
41 Councilor Otto)

42 Motion carried.

43
44 Motion made by Treasurer Bott and supported by Councilor Kiogima that Tribal
45 Council approves a liquor license for Biindigen for “off-premises” license to sell
46 alcohol at 2169 US 31 North, Petoskey, MI 49770 until the date of approval of
47 WOS 2009-019 *Liquor and Tobacco Licensing Board Statute* by the Bureau of
48 Indian Affairs and authorizes the Tribal Chairman to sign the license.

1 Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet,
2 Councilor Otto)
3 Motion carried.

4
5 Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima
6 that the Waganakising Odawa Development, Inc. (WOD) that was created to
7 formulate a partnerships with the Northwest Band Shoshone Nation (Shoshone
8 Nation), and has formed such partnership known as Nimkee Technologies, LLC
9 (Nimkee) wherein 2 of the Board members of the Nimkee have been suspended
10 by the Shoshone Nation. Tribal Council is requesting a plan of action from the
11 WOD Board to address the suspension of Nimkee Board members, the impact it
12 has on the partnership and any potential liability for WOD and report such
13 requested information to Tribal Council by its next regularly scheduled meeting,
14 December 20, 2009.

15 Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet,
16 Councilor Otto)
17 Motion carried.

18
19 Acknowledgement of letters from Citizen Warren Petoskey regarding hunting and
20 fishing right and health needs.

21
22 Motion made by Councilor Kiogima and supported by Treasurer Bott that Tribal
23 Council authorizes the payment of COLA that was previously suspended for
24 Legislative staff for FY '09 provided that Tribal Resolution "To Repeal Tribal
25 Resolution #071209-08 Regarding Tribal Government Budget Revision for Fiscal
26 Year 2009" is enacted into law and the Executive shall administer his oversight
27 authority to the extent necessary to ensure that funds are adequately
28 administered.

29 Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet,
30 Councilor Otto)
31 Motion carried.

32
33 Motion made by Councilor Kiogima and supported by Councilor Bardwell to
34 rescind the Addendum to Contract for Employment for the Legislative Services
35 Attorney, Donna L. Budnick that was approved on January 25, 2009 and directs
36 the Legislative Leader Shananaquet to sign such rescission and authorizes the
37 payment of COLA for FY'09 provided that Tribal Resolution "To Repeal Tribal
38 Resolution #071209-08 Regarding Tribal Government Budget Revision for Fiscal
39 Year 2009" is enacted into law and the Executive shall administer his oversight
40 authority to the extent necessary to ensure that funds are adequately
41 administered.

42 Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet,
43 Councilor Otto)
44 Motion carried.

45
46 The following were tabled to the next agenda:
47 Gaming Authority Statute – Proposed Legislation (RS)
48 Whistle Blower Protection DRAFT Statute (posted 11/8/09)

- 1 Health Department DRAFT Statute (posted 11/8/09)
- 2 Treasurer's Responsibilities DRAFT Statute (posted 11/8/09)
- 3 Tribal Burial Grounds DRAFT Statute (posted 09/16/09)
- 4 Department of Education and Cultural Learning Center DRAFT Statute (posted
- 5 9/16/09)
- 6 Civil Traffic DRAFT Statute – (posted 09/16/09)
- 7 Probate Code for Small Estates DRAFT Statute (posted 11/22/09)
- 8 Establishment and Structure of Executive Departments and Legislative Office
- 9 DRAFT Statute Offices (Posted 11/22/09)
- 10 Odawa Economic Development Inc., Corporate Charter.-DRAFT (RS)
- 11 Contempt of Court DRAFT Statute – (posted 10/27/09)
- 12 Gaming Regulatory Statute (Discussion)

13
14 5:03 p.m. Motion made by Councilor Bott and supported by Councilor Bardwell to
15 adjourn.
16 Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet,
17 Councilor Otto)
18 Motion carried.

19
20
21 These Minutes have been read and approved as written (or) corrected: (delete
22 either the word “written” or “corrected” as pertains to how the minutes were
23 approved.)

24
25
26
27 _____
28 Regina Gasco Bentley, Tribal Council Secretary Date