

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
November 21, 2010

Closed Session: yes

Call to Order: Meeting was called to order at: 9:05 a.m.

Opening Ceremony: Melvin L. Kiogima

Physical Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Councilor Belinda Bardwell, Councilor Aaron Otto, Councilor Melvin L. Kiogima, Councilor Rita Shananaquet, Councilor Marvin Mulholland

Absent: Councilor Gerald V. Chingwa, Treasurer John Bott

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

Executive Officials and Staff Present: Tribal Chairman Ken Harrington, Vice-Chairman Dexter McNamara, General Counsel James Bransky, Gaming Board of Directors: Secretary/Treasurer Sheran Patton, Casino: General Manager David Wolf, Director of Human Resource Melissa Richards, Director of Finance Roger Borton, Facility Operations Manager Barry Laughlin, Director of Marketing Phil Gonzales, Director of Table Games Susan Foster, Director of Hospitality Mike Bodjiak, Director of Slots Frank Kirsch

Guests: Bill Denemy, Sr., Bea Law, Marcia Sutton, Carla Steingold, Andrew Stich, Bernadece Kiogima, Howard Martell, Joe Lucier, Carol Kiogima, Rick Norberg, Jane Martell, Jeanie Norris, Starr Behrens, Melissa Massey, Eva Oldman, Rochelle Ettawageshik, Carrie Horn, Sunrise Granados, Lila Bertrom, Raymond Martell

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to adopt the agenda for November 21, 2010 with additions.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Chingwa, Treasurer Bott)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to approve the minutes of November 7, 2010 with corrections.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Chingwa, Treasurer Bott)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Kiogima to approve the minutes of November 10, 2010 with corrections.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Chingwa, Treasurer Bott)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to ratify into the Record the Phone Poll Dated November 10, 2010 “Motion to approve the Confidential Supplemental of Disclosure Statement as submitted by Legislative Services Attorney Budnick on November 10, 2010, and to authorize its use in the bond restructuring to meet an immediate deadline.” The Phone Poll passed 8-yes, 0-no, 0-Abstained, 1-Absent
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Chingwa, Treasurer Bott)
Motion carried.

Motion made by Councilor Mulholland and supported by Councilor Bardwell to Ratify into the Record the Phone Poll Dated November 12, 2010 “Motion to Approve the Attached Letter Addressed to the State of Michigan Clarifying the Tribe’s Position on the 6% Payment to the State, to meet an Immediate Deadline.” The Phone Poll passed 6-yes, 3-No, 0-Abstained, 0-Absent
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Chingwa, Treasurer Bott)
Motion carried.

9:24 a.m. Tribal Elder Comments: Bill Denemy Sr., spoke regarding the vacancy for Chief Judge in support of the Executive nomination for Chief Judge.

9:48 a.m. Councilor Chingwa arrived.

10:13 a.m. Recess called.

10:22 a.m. Meeting reconvened.

10:26 a.m. Motion made by Councilor Bardwell and supported by Councilor Kiogima to go into closed session for legal.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)
Motion carried.

11:30 a.m. Motion made by Councilor Mulholland and supported by Councilor R. Shananaquet to return to open session.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)
Motion carried.

11:31 a.m. Recess called.

11:36 a.m. Meeting reconvened.

LTBB TRIBAL COUNCIL PHONE POLL

Reason for Phone Poll:

Motion to approve the confidential Supplemental of Disclosure Statement as submitted by Legislative Services Attorney Budnick on November 10, 2010, and to authorize its use in the bond restructuring to meet an immediate deadline.

Authorization: Legislative Leader Julie Shananaquet

Phone Poll Conducted by: Administrative Assistant Michael Smith

Council Members:

Marvin Mulholland	Yes	<u>X</u>	No	_____	Date/Time Called:	<u>11/10/10 4:40 PM</u>
					# of attempts:	<u>1</u>
Belinda Bardwell	Yes	<u>X</u>	No	_____	Date/Time Called:	<u>11/10/10 4:44 PM</u>
					# of attempts:	<u>1</u>
Melvin L. Kiogima	Yes	<u>X</u>	No	_____	Date/Time Called:	<u>11/10/10 4:48 PM</u>
					# of attempts:	<u>1</u>
Gerald V. Chingwa	Yes	<u>X</u>	No	_____	Date/Time Called:	<u>11/10/10 4:20 PM</u>
					# of attempts:	<u>1</u>
Rita Shananaquet	Yes	<u>X</u>	No	_____	Date/Time Called:	<u>11/10/10 4:37 PM</u>
					# of attempts:	<u>1</u>
Aaron Otto	Yes	<u>X</u>	No	_____	Date/Time Called:	<u>11/10/10 4:21 PM</u>
					# of attempts:	<u>1</u>
John Bott (Absent)	Yes	_____	No	_____	Date/Time Called:	<u>11/10/10 4:49 PM</u> <u>4:59 PM tried E-mail</u>
					# of attempts:	<u>2</u>
Regina G. Bentley	Yes	<u>X</u>	No	_____	Date/Time Called:	<u>11/10/10 4:57 PM</u>
					# of attempts:	<u>1</u>
Julie Shananaquet	Yes	<u>X</u>	No	_____	Date/Time Called:	<u>11/10/10 4:52 PM</u>
					# of attempts:	<u>1</u>

Phone Poll Vote:

VOTE: 8 Yes 0 No 0 Abstained 1 Absent

Comments:

Marvin Mulholland _____

Belinda Bardwell _____

Melvin L. Kiogima _____

Gerald V. Chingwa _____

Rita Shananaquet _____

Aaron Otto _____

John Bott (Absent) _____

Regina G. Bentley _____

Julie Shananaquet _____

This poll was ratified by Tribal Council and recorded in the minutes. Date: 11-21-10

VOTE: 7 Yes 0 No 0 Abstained 2 Absent

Approved by Tribal Council:
Regina G. Bentley, Tribal Council Secretary' _____

Date: November 12, 2010

LTBB TRIBAL COUNCIL PHONE POLL

Reason for Phone Poll:

Motion to Approve the Attached Letter Addressed to the State of Michigan Clarifying the Tribe's Position
On the 6 % Payment to the State, to meet an Immediate Deadline.

Authorization: Legislative Leader Julie Shananaquet

Phone Poll Conducted by: Administrative Assistant Michael Smith

Council Members:

Marvin Mulholland	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Date/Time Called:	<u>11/12/10 2:13 PM</u>
					# of attempts:	<u>1</u>
Belinda Bardwell	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Date/Time Called:	<u>11/12/10 2:21 PM</u> <u>2:25 PM</u>
					# of attempts:	<u>1</u>
Melvin L. Kiogima	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Date/Time Called:	<u>11/12/10 2:24 PM</u>
					# of attempts:	<u>1</u>
Gerald V. Chingwa	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Date/Time Called:	<u>11/12/10 2:06 PM</u>
					# of attempts:	<u>1</u>
Rita Shananaquet	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Date/Time Called:	<u>11/12/10 10:13 AM</u>
					# of attempts:	<u>1 (Email response)</u>
Aaron Otto	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Date/Time Called:	<u>11/12/10 2:26 PM</u> <u>2:49 PM</u>
					# of attempts:	<u>1</u>
John Bott	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Date/Time Called:	<u>11/12/10 2:27 PM</u>
					# of attempts:	<u>1</u>
Regina G. Bentley	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Date/Time Called:	<u>11/12/10 2:28 PM</u> <u>2:29 PM</u>
					# of attempts:	<u>2</u>
Julie Shananaquet	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Date/Time Called:	<u>11/12/10 2:32 PM</u>
					# of attempts:	<u>1</u>

Phone Poll Vote:

VOTE: 6 Yes 3 No 0 Abstained 0 Absent

Comments:

Marvin Mulholland _____

Belinda Bardwell _____

Melvin L. Kiogima _____

Gerald V. Chingwa _____

Rita Shananaquet _____

Aaron Otto _____

John Bott _____

Regina G. Bentley _____

Julie Shananaquet _____

This poll was ratified by Tribal Council and recorded in the minutes.

Date: 11-21-10

VOTE: 7 Yes 0 No 0 Abstained 2 Absent

Approved by Tribal Council:

Regina G. Bentley, Tribal Council Secretary

The Appropriations and Finance Committee acknowledges receipt of the 2012 Election Board Budget.

11:45 a.m. Public Comment opened: Carla Steingold Rick Nordberg, Joe Lucier, Starleigh Behrens, Jeanie Norris, Melissa Massey, Andrew Stich and Jane Martell spoke in support of the Executive nomination of Bernadece Kiogima for Chief Judge. Bea Law spoke regarding the Tribal Chairman's Odawa Trails article and an email sent by the Tribal Chairman.

12:00 p.m. Public Comment closed.

12:01 p.m. Lunch recess called.

1:28 p.m. Meeting reconvened.

1:35 p.m. Councilor Otto arrived.

2:17 p.m. Recess called.

2:29 p.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept Land and Reservation Committee Chairperson Kiogima's verbal report for November 21, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

3:00 p.m. Public Comment opened: Michele LaCount spoke supporting the need for on site hotel security and support for removal of the provision for casino employees to wear employment badges while on site, during off-work hours. Joe Lucier shared with Tribal Council the Tribal Court's increased services offered and future presentation to Tribal Council.

3:08 p.m. Public Comment closed.

Motion made by Councilor Kiogima and supported by Councilor Mulholland to accept the verbal report from Legal and Legislative Committee Chairperson Chingwa for November 21, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to accept Councilor R. Shananaquet's verbal Tribal Council member report regarding Constitutional interpretation for November 21, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Kiogima to accept Legislative Services Attorney Budnick's verbal for November 21, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

Recd from
Bl. 11/21/10

November 21, 2010

Elders Public Comment

Tribal Council

November 11, 2010 Email sent by LTBB Tribal Chairperson Ken Harrington.

1. Regarding the email from Fred Harrington, Jr. sent November 10, 2010; it appears to advise to use "cessation" on payment to the state and has been used by KH without consultation with legal or Tribal Council input or knowledge also when speaking with the press or TV when commenting on the opening of Bay Mills Casino at Vanderbilt, Michigan. The email also suggests using FH advice as a legal opinion instead of that of a qualified attorney. By doing so would truly be unjustified.
2. Mr. K. Harrington in his email dated November 11, 2010, clearly shows the misuse of his position in trying to manipulate certain council members. Mr. K. Harrington clearly states how he is using his position to intimidate and use employees to use their positions to do his bidding and assisting in breaking the law.
3. It is clear Mr. K. Harrington by using his influences as stated in the attached email. KH is trying to justify breaking the law, procedures, government handbook chain of command and implicate those employees and council members of wrong doing.
4. SEE ATTACHED EMAIL DATED THU 11/11/2010 7:40 AM WITH PREVIOUS EMAILS SENT 11/ 07:06:35 2010 AND 11/04:14:44 2010.
 - a. Mr. K. Harrington's call to Rita Shanquet and RS agreeing to withdraw a vote already cast not to send withdraw letter to the State. Is the separation of powers respected in this instance?
 - b. Where is Mr. K. Harrington unification when he accuses the council of an illegal act in sending a letter countering the letter sent by him without consultation with council? He is accusing council of an illegal act.
 - c. Being new to Politics is no justification for wrong doing. Nor is being ignorant of the law.

- d. How can Mr. K Harrington ask Councilor Belinda Bardwell to interfere with other Tribal governments and influence their decision making? Violates code of conduct and ethics.
- e. Mr. K. Harrington admits a wrongful action by asking Jodie Warner HR Director and Vince Cook Regulatory Director to commit a “sting” because he got a call of an employee sleeping on the job. Questions; 1. What authority does the Chairperson have in the day- to -day of an employee? 2. The uses of the word “sting” implies asking these two people to commit an unlawful act and interfering with day -to -day operations of the surveillance department personnel, Which clearly comes under their director/supervisor. The chain of command should be applies in this instance.
- f. Page two (2) 7th paragraphs, Mr. K. Harrington states, “John and Aaron both know we were voted in to put a stop to corruption like this. Remember our talks in my living room? Your voters are counting on you,,,,,, now more than ever. Get the facts for yourself. Consult with Chief Cobe, ask Rita or Fred, two of our most experience Tribal Council members. Do not let your voters down. They are counting on you to make informed decisions. Question; 1. Question is there collusion and conspiracy between KH, certain Council members and Chief Cobe? This statement requires investigation.
- g. This statement requires investigating, 6th paragraph page two. “You guys remember all the informal talks we had in my living room? Before we got sworn in? Was it all bullshit or was there real deception and conspiracies? I want to see the leadership your voters confided in you.” This statement clearly shows there were deceptions and conspiracies going on amongst these folk prior to being sworn. KH is demanding conformity to his demands from council members. How is this in keeping with the Standards of Conduct and Ethics and separation of power? How can ~~the~~ Mr. K. Harrington demand of council?
- h. The rest of page 2 and all of page 3 is clearly an attempt to intimidate and encourage an unlawful act and to act in an unethical way. Mr. K. Harrington is trying intimidation and Mr. Harrington is interfering with

separations of powers as outlined in the LTBB Constitution and through intimidation.

OPINION;

I believe the statement written by Mr. Ken Harrington himself warrant an investigation by an outside independent attorney or prosecutor.

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Bea Law 0860

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to acknowledge Tribal Chairman Harrington's verbal and written report with confidential items contained therein.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to approve Enrollment List A – Eligible for Citizenship dated November 15, 2010 for a total of 15.

Vote: 7 - Yes, 1 – No (Councilor Chingwa), 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to Enrollment List B – In-Eligible for Citizenship dated November 15, 2010 for a total of 4.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to table the BIA (Bureau of Indian Affairs) Wildland Fire Management Cooperative Agreement.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Mulholland to approve the issuance of a liquor license for sale of alcoholic beverages for consumption on the premises at Odawa Casino Resort, which is located on land held in trust for the Tribe by the United States at 1760 Lears Road, Petoskey, MI 49770, and an "off-premises" license for wine sales at the Gourmet 2 Go gift shop at the same address, until the date of approval of WOS 2009-019 Liquor and Tobacco Licensing Board Statute by the Bureau of Indian Affairs and authorizes the Tribal Chairman to sign the license.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to approve the issuance of a liquor license for sale of alcoholic beverages solely for consumption on the premises at the Odawa Hotel, which is located on land held in trust for the Tribe by the United States at 1444 US 131 S, Petoskey, MI 49770, until the date of approval of WOS 2009-019 Liquor and Tobacco Licensing Board Statute by the Bureau of Indian Affairs and authorizes the Tribal Chairman to sign the license.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to approve a liquor license for Biindigen for "off-premises" license to sell alcohol at 2169 US 31 North, Petoskey, MI 49770 until the date of approval of WOS 2009-019 Liquor and Tobacco Licensing Board Statute by the Bureau of Indian Affairs and authorizes the Tribal Chairman to sign the license.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Mulholland to adopt Tribal Resolution Authorization of Action in November 21, 2010 Confidential Memo.

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

Motion carried.

Motion made by Councilor Mulholland and supported by Councilor R. Shananaquet to rescind the October 24, 2010 motion made by Legislative Leader J. Shananaquet and supported by Councilor Mulholland to table the nomination for Chief Judge until Tribal Council receives all petitions and applications for the position.

Vote: 3 - Yes, 4 – No (Councilor Bardwell, Councilor Chingwa, Legislative Leader Julie Shananaquet, Secretary Gasco Bentley), 1 – Abstained (Councilor Kiogima), 1 – Absent (Treasurer Bott)

Motion failed.

Motion made by Councilor R. Shananaquet to not accept the Executive nomination for Chief Judge and the executive to bring fourth other nominations. Motion dies due to lack of support.

Motion made by Legislative Leader J. Shananaquet supported by Secretary Gasco Bentley to post the Governmental Accounting Office draft Statute to the Legislative Calendar.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Treasurer Bott)

Motion carried.

4:42 p.m. Motion made by Legislative Leader J. Shananaquet and supported by Councilor Bardwell to go into closed session for confidential business matters casino.

Vote: 7 - Yes, 0 – No, 0 - Abstained, 2 – Absent (Treasurer Bott, Councilor Otto)

Motion carried.

4:50 p.m. Motion made by Legislative Leader J. Shananaquet and supported by Councilor Otto to return to open session.

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

Motion carried.

Motion made by Legislative Leader Julie Shananaquet and supported by Councilor Bardwell to designate the Tribal Chair and Tribal Treasurer as the designated Officers that shall have the authority to extend the Tender Offer and closing for up to one additional week in the event that less than \$116 million of Notes are tendered to the Exchange Officer and that any other conditions to the consummation of the Tender Offer have not occurred prior to such dates.

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

Motion carried.

5:00 p.m. Motion made by Legislative Leader J. Shananaquet and supported by Councilor Bardwell to adjourn.

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

Motion carried.

These Minutes have been read and approved as corrected:

Regina Gasco Bentley, Tribal Council Secretary

12-7-10

Date