

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Special and Regular Meeting
Tribal Court Room
7500 Odawa Circle
Harbor Springs, MI 49740
September 23, 2012

Closed Session: yes
Call to Order: 9:11 a.m.
Opening Ceremony: Melvin L. Kiogima

Council Present: Councilor Bill A. Denemy, Councilor Aaron Otto, Treasurer John Bott, Secretary Regina Gasco Bentley, Legislative Leader Melvin Kiogima, Councilor John Keshick, Councilor Belinda Bardwell, Councilor Kevin Gasco

Absent: Councilor Winnay Wemigwase

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount, Treasury Director Michael Garrow

Executive Officials and Staff Present: Tribal Chairman Dexter McNamara, Vice-Chairperson Julie Shananaquet, Planning Director Bryan Gillett, Elder's Coordinator Tammy Okuly

Public: Marty VanDeCar, Sarah VanDeCar, Rose Smalley, Annette VanDeCar, Ray Kiogima, Mary Jane Kiogima, Virginia Lewis, Jim Naganashe, Arlene Naganashe, Sam Shenoskey, Bill Denemy, Sr., Andrew Stich, Debra Smithkey-Browne, Terry Samuels, Sharon Sierzputowski, John Kawegoma, John Gasco, Carol Quinones, Aaron Wemigwase, Doug Wemigwase, Thomas Naganashe, Dianna Naganashe, Cathy Gibson, Pat Naganashe, Fred Kiogima, Jake Boyd, Alan Proctor, Gerald Chingwa, Shawna Wemigwase, George Pamp, Frank Bernard, Angel Bernard, Sheri Patton, Ken Harrington, Richard Wemigwase, Beverly Wemigwase, Sarah Proctor, Shawana Wemigwase, Dorothy Boda, Robert Hadley, Rick Neumann, Stephen Billings, Michael Roberson, John Kenoshmeg, Jr., Emery A. Iliff, Ricky Norberg II, Jennie Heeres, Linda R. Gasco, Sam Shenoskey, Glenna Kimbell, Margaret Ortner, Stephanie Bartley, Terry Samuels, M.D., Nathaniel Chingwa, Marc Pamp, Trisha James, Bedassige Adassa James,

Invited Guests: Casino: General Manager Dave Wolf, Finance Director Roger Borton

Motion made by Councilor Gasco and supported by Councilor Bardwell to adopt the agenda for September 23, 2012 as amended.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

9:25 a.m. Recess called.

9:30 a.m. Councilor Wemigwase arrived.

9:36 a.m. Meeting reconvened.

9:36 a.m. Public Comment opened: Junior Baker-asked if the current water wells adequate for the Mackinaw Casino project. Rose Smalley-said Citizens should have been informed of this meeting 30-days ago, should have been better informed regarding another casino and should consult Tribal Citizens regarding finances. Rose also spoke of other tribal fund purchases. Rose additionally spoke for and read a letter from Bea Law who could not be here regarding opposition to another casino. Gerald Chingwa spoke regarding in favor of the Mackinaw casino. Doug Emery spoke in favor of the Mackinaw casino for additional revenue, and Tribal preference in hiring. John Kawegoma spoke regarding lack of communication with Tribal Citizens with regard to closed sessions, requested full disclosure and detailed Citizens' comments in the minutes. Debra Smithkey-Browne spoke in favor of the Mackinaw casino as long as we do not over build ourselves and watch spending. Debra also requested Tribal Council to stop buying property. John Gasco spoke in opposition to the Mackinaw casino and would like to see the Odawa Casino Resort become a resort with an attached hotel. John also asked for a referendum in order to build the Mackinaw casino. John additionally asked what the mentoring program is at the casino and human resource policies with regard to rehiring Tribal Citizens who go on medical leave and are let go in accordance with policy, not ability. Annette VanDeCar spoke regarding the late arrival of the letter, need for Tribal Citizen in-put, need to pay off current loan, current economic development need, low per cap, daycare and spending money in general. Annette also asked for assisted living, and other Tribal Citizen needs. Patty Dyer Deckrow spoke in opposition to a new casino and the need to build other economic development. Patty also spoke regarding training for higher paying jobs for Citizens and more services for the people. Arlene Naganashe spoke regarding the purpose of the meeting and if Tribal Council is just having this meeting to tell her what to do, or do they want her opinion? Julie Shananaquet read a letter from Mildred Shomin in opposition to a Mackinaw casino but in support of other health, education and welfare needs. Mildred also asked for professionals to be hired. Julie additionally spoke as a former Tribal Council member and in opposition to the Mackinaw casino project and the need for 8-A contracts. Sheri Patton asked about the water park purchase and whether the Tribe owns the water park equipment or if the Tribe can pair with the owners of the equipment. Sheri also spoke in support for the Odawa Casino to have an adjoining hotel. Ken Harrington spoke regarding the current bonds and the \$3.6 million per year in interest payments and asked Tribal Chairman Dexter McNamara to comment regarding his opinion. Ken also spoke in concern with regard to other people telling the Tribe how to

spend their money. Tammy Okuly spoke regarding the casino policy opposing Elder employment opportunities. Tammy also spoke regarding Elder and Citizens in general housing need to move forward. Emily Proctor spoke in support of having another casino but not at this time, but what our area offers in other venues. Emily also spoke with concern regarding the Mackinaw wetlands, and how the casino would impact it. Dianne Naganashe spoke in opposition to the Mackinaw casino due to poor economy. Dianne would like to see a hotel added to the existing Odawa Casino and asked where the mentoring project went. James Fisher asked who Pro Forma Advisors are and how much did we paid them for the feasibility study. James also asked where we are at with the current debt pay off and asked Tribal Council to be careful in their decision making. Junior Baker spoke in opposition to borrowing money instead of using current funds; keep the Mackinaw casino small. Andrew stich asked if we spoke to the other area Tribes regarding a Mackinaw casino. John Kawegoma spoke in support of full disclosure and asked if the Tribe combines 2-casinos in 1-debt, would both default? John spoke regarding the payment plan and previous information he was provided compared to information he received today. John further spoke regard information contained in the annual accounting report. Sherri Patton thanked Citizens for coming here. Jake Boyd spoke regarding casino employment. Doug Emery spoke regarding good leadership, commodities supplements needed and economic diversity. Julie Shananaquet spoke regarding lucrative development longevity. Cathy Gibson spoke regarding the tribal debt and the casino only being a stepping stone before we do different things. Cathy also spoke with regard to the Tribe needing to budget. Sarah VanDeCar asked if any of the consultants thought it would be a bad idea for the Mackinaw casino. James Fisher commented about the condition of the land around the Mackinaw project. Arlene Naganashe commented that she heard others ask for Tribal Council opinions to be heard. Jerry Chingwa spoke support of not creating obstacles when trying to diversify. Jerry also spoke in support of Tribal Council saving programs for Citizens to be able to enjoy and the need to make money to be able to spend money on what the people want. George Pamp spoke in support of the Tribal Council and the need for finances to come first, and the need for the Odawa water tower to say: CASINO. George said we need to go out there and say "let's make money". George additionally said we need to trust Tribal Council and we will make mistakes, but we need to do it together. Marty VanDeCar spoke in support of Tribal Council's due diligence and support of the Mackinaw casino if the numbers support it. Aaron Wemigwase asked the Treasury Director if he would stake his family's future on future casino debt. Fred Kiogima spoke in support of buying back the land but need to spend wisely. Fred also commented that if we have a casino we should not need commodities, the need for better casino mentoring of Tribal Citizens, and high turnover rate at the casino. John Kawegoma asked Tribal Council to bring back a second proposal with regard to use of existing equipment. Doug Emery spoke in support of a value system and helping people in need. Pat Naganashe spoke in support of a traveling casino on the lake using the docking facilities at the fishery.

1:38 p.m. Public Comment closed.

1:38 p.m. Lunch recess called.

2:31 p.m. Meeting reconvened.

Motion made by Councilor Gasco and supported by Councilor Denemy to go into closed session for Confidential Business matters.

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

Motion carried.

2:58 p.m. Councilor Wemigwase arrived.

3:59 p.m. Motion made by Treasurer Bott and supported by Councilor Wemigwase to return to open session.

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

Motion carried.

4:00 p.m. Recess called.

4:16 p.m. Meeting reconvened.

Motion made by Councilor Gasco and supported by Councilor Bardwell to approve: Amendment to Tribal Minimum Internal Control Standards: TMICS REG-WOS 2005-06 091412-012.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Gasco to disapprove: Addendum to Gaming Regulatory Commission Regulations REG-WOS 2005-06 091012-011.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Gasco to approve Certified Motion: Request for Funding from the Robert Wood Johnson Foundation (RWJF), Forward Promise Innovation Grants, Promoting Opportunities for the Health & Success of Young Men of Color.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to approve Certified Motion: Request for Funding from the United States Department of Health & Human Services, Office on Women's Health, Project Connect 2.0: A Coordinated Public Health Initiative to Prevent and Respond to Violence Against Women.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to approve Certified Motion: Request for Funding from the W.K. Kellogg Foundation Little Traverse Bay Bands of Odawa Indians Honoring Our Children Initiative.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to approve 2013 Reservation Natural Resources Rules and Regulations REG-WOS 2008-012 102010-003.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to approve: 2013 1836 Ceded Territory Natural Resources Rules and Regulations REG-WOS 2008-012 102710-003.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to acknowledge the receipt of Citizenship List C - Voluntary Relinquishments dated September 19, 2012 for total of 2.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to approve the minute of September 9, 2012 as presented.

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

Motion carried. As presented.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve Tribal Council Emergency Meeting Minutes of September 10, 2012 as presented.

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

Motion carried.

5:30 p.m. recess called.

5:44 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Councilor Keshick to acknowledge receipt of the Executive oversight report for September 23, 2012.

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

Motion carried.

6:05 p.m. Public Comment opened: no comments.

LTBB Minutes of Tribal Council Meeting dated: September 23, 2012 Secretary Gasco Bentley RAB

6:06 p.m. Public Comment closed.

6:07 p.m. Motion made by Councilor Gasco and supported by Councilor Bardwell to go into closed session for Confidential Business Matters.

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

Motion carried.

7:27 p.m. Motion made by Councilor Bardwell and supported by Councilor Gasco to return to open session.

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

Motion carried.

7:27 p.m. Recess called. Councilor Bardwell left the meeting.

Meeting reconvened.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept Legislative Leader Kiogima's report for September 23, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Secretary Gasco Bentley verbal report for September 23, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept Treasurer Bott's verbal report for September 23, 2012.

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

Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Bott to accept the Gaming Authority Committee reports as presented by Kevin Gasco Committee Chairperson.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept Legal and Legislative Committee report from Committee Chairperson Secretary Gasco Bentley for September 23, 2012.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to accept Secretary Gasco Bentley Tribal Council member travel report to the Michigan Response Hate Crimes Conference for September 23, 2012.

LTBB Minutes of Tribal Council Meeting dated: September 23, 2012 Secretary Gasco Bentley RSB

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to accept Legislative Services Attorney Budnick report for September 23, 2012.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Councilor Keshick and supported by Councilor Denemy to approve and appropriate \$970,000 to the Capital Project Fund (2315-0-01) for preconstruction costs and consultant fees, through March 2013, for the proposed Mackinaw Casino, to come from Prior Period Funds.
Vote: 6- Yes, 2 – No (Secretary Gasco Bentley, Councilor Wemigwase), 0 - Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Bott to authorize and approve the letter to the Village of Mackinaw City dated September 24, 2012, and approve the Tribal Chair and Legislative Leader sign such letter to be submitted on behalf of the Tribe.
Vote: 6- Yes, 2 – No (Secretary Gasco Bentley, Councilor Wemigwase), 0 – Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to appoint to the Citizenship Commission: Dorothy Boda to a 3-year Term ending September 2014, Carol McFall to a 3-year Term ending September 2014, Alice Hughes to a 3- year term ending September 2013 and Sharon Sierzputowski to a 3-year term ending September 2013.
Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Otto to appoint Marcia Sutton to the Citizenship Commission to a 3-year Term 2013.
Vote: 7 - Yes, 0 - No, 1 – Abstained (Secretary Gasco Bentley), 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to Establish an Ad-hoc Agricultural Assessment Work-group.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Councilor Denemy and supported by Councilor Gasco to appoint Ben Banfield to the Odawa Fishery, Inc., Corporate Charter for a 3-yr term ending May 2015.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to appoint Yvonne McShane to the Odawa Fishery, Inc., for a 3-yr term ending May 2015.

Motion Withdrawn.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to table the appointment of Yvonne McShane for the Odawa Fishery Corporate Charter Inc., until Tribal Council receives a complete background report from the Human Resources Department.

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

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Gasco to post the Request for Removal of the Prosecutor, Policy and Procedure to the Legislative Calendar and assign it to the Legal and Legislative Committee.

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

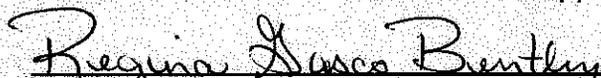
Motion carried.

9:47 p.m. Motion made by Councilor Gasco and supported by Treasurer Boff to adjourn.

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

Motion carried.

These Minutes have been read and approved as corrected.


Regina Gasco Bentley, Tribal Council Secretary

10-7-12
Date