

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle
Harbor Springs, MI 49740
February 19, 2012

Closed Session: yes

Call to Order: Meeting was called to order at: 9:00 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader Melvin L. Kiogima, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor John Keshick, Councilor Kevin Gasco, Councilor Bill A. Denemy, Councilor Winnay Wemigwase

Absent: Councilor Aaron Otto, Councilor Belinda Bardwell

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

Executive Branch: Tribal Chairman Dexter McNamara, Vice-Chair Julie Shananaquet

Public: Yvonne McShane, Arlene Naganashe

Invited Guests: none

9:09 a.m. Councilor Otto arrived.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to adopt the agenda as amended for February 19, 2012.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to approve the minutes of February 5, 2012 as corrected.

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

Motion carried.

Elder Comments: no comments.

Motion made by Councilor Denemy and supported by Secretary Gasco Bentley to approve the Special Minutes of February 18, 2012 as corrected.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Keshick to ratify into the record the Phone Poll dated February 07, 2012. The reason for Phone Poll: Motion to approve the action item contained within the Confidential Memo submitted from Legislative Services Attorney Budnick. The Phone Poll passed. Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Councilor Keshick and supported by Councilor Denemy to ratify into the record the Phone Poll dated February 10, 2012. The reason for the Phone Poll: to rescind the February 5, 2012 motion made by Treasurer Bott and supported by Councilor Denemy to approve purchase of land parcel #48, in the amount of \$200,000 to come from prior period funds for a day care and Head-start program contingent upon the Executive obtaining operation funding through the U.S. Department of Health and Human Services. And, further: "This Phone Poll is being conducted to approve the purchase of land parcel #48, in the amount of \$200,000 to come from prior period funds for a day care and Head-start program. Vote: 5 - Yes, 3- No (Councilor Wemigwase, Treasurer Bott, Secretary Gasco Bentley), 0 - Abstained, 1– Absent (Councilor Bardwell)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to acknowledge receipt of the Executive report for February 19, 2012. Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

10:00 a.m. Councilor Bardwell arrived.

Motion made by Councilor Otto and supported by Councilor Denemy to table the motion to approve the agreement with the State of Michigan. Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Councilor Otto and supported by Councilor Wemigwase to approve Certified Motion: Request for Funding from the Office of Justice Programs, United States Department of Justice, Bureau of Justice Assistance, Little Traverse Bay Bands of Odawa Indians Fiscal Year 2012 Adult Drug Court Enhancement Grant. Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to approve the contract between LTBB and Charter Communication LLC as presented and recognize the provision contained therein that expressly provides for a limited waiver of Sovereign immunity. Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Wemigwase to approve Certified Motion: Request for Funding from the Institute of Museum and Library Services, Little Traverse Bay Bands of Odawa Indians 2012 Basic Library Services Grant.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Keshick to recommend that the Executive continue to pursue the Totem Technology opportunity and authorize and approve the Executive to sign non-binding docs.

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

Motion carried.

11:19 a.m. Motion made by Councilor Gasco and supported by Treasurer Bott to go into closed session for legal purposes.

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

Motion carried.

11:34 a.m. Motion made by Legislative Leader Kiogima and supported by Treasurer Bott return to open session.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Wemigwase to accept Legislative Leader Kiogima's report for February 19, 2012.

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

Motion carried.

11:47 a.m. Public comment opened: Yvonne McShane spoke in support of Council not holding fundraisers for individuals when running for office. Arlene Naganashe asked Council to not mirror the federal government.

11:51 a.m. Public Comment closed.

Motion made by Councilor Denemy and supported by Councilor Keshick to appoint James Genia to Associate Judge for a four (4) year term.

Roll call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gascono, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-no, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Denemy approve the Legislative Leader to negotiate a contract with the Associate Judge James Genia that contains a provision for actual travel expenses up to the amount of \$24,000 for FY 2012 and FY 2013, and the contract will be brought back for Tribal Council approval.

Vote: 5 - Yes, 4 - No (Councilor Gasco, Councilor Wemigwase, Treasurer Bott, Councilor Otto), 0 - Abstained, 0 - Absent
Motion carried.

12:42 p.m. Lunch recess called.

1:30 p.m. Meeting reconvened. Councilor Bardwell absent.

Motion made by Councilor Wemigwase and supported by Secretary Gasco Bentley to accept Treasurer Bott's report for February 19, 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 table the supplemental funding request for the Judicial Branch.

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

Motion carried.

2:21 p.m. Motion made by Councilor Keshick and supported by Treasurer Bott to go into closed session for confidential business matters.

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

Motion carried.

3:05 p.m. Motion made by Treasurer Bott and supported by Councilor Keshick to return to open session.

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

Motion carried.

3:05 p.m. Public Comment opened. No comments.

3:05 p.m. Public Comment closed.

3:06 p.m. Recess called.

3:19 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Councilor Denemy to accept Legislative Services Attorney Budnick's report for February 19, 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 approve the action step contained within the confidential memo #021912-01 by Legislative Services Attorney Budnick.

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

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Wemigwase to approve the Kenyon & Kenyon letter of Engagement and authorize General Counsel Bransky to sign such agreement.

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

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Keshick to approve the travel expenses for Kip Ritchie's attendance to the Economic Development session being held March 17, 2012.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Denemy to accept the Gaming Authority Committee Report as presented by Councilor Gasco Committee Chairperson.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to accept the Land and Reservation Committee report as presented by Legislative Leader Kiogima, Committee Chairperson.

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

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to accept the Legal and Legislative Committee report as presented by Secretary Gasco Bentley, Committee Chairperson.

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

Motion carried.

4:03 p.m. Recess called.

4:30 p.m. Meeting reconvened.

Motion made by Councilor Keshick and supported by Secretary Gasco Bentley to post the proposed amendment to the Legislative Calendar the Amendment to the Natural Resource Commission Statute.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to accept Tribal Council member John Keshick's report regarding the Natural Resource Commission Statute Amendment. And Secretary Gasco Bentley Tribal Council member report regarding Midwest Alliance of Sovereign Tribes host Health and Human Services Meeting for February 19, 2012.

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

Motion carried.

5:06pm Councilor Wemigwase departs

Motion made by Treasurer Bott and supported by Councilor Denemy to approve Certified Motion: Execution of Trust Deed for "Second Street" Parcel.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Councilor Wemigwase, Councilor Bardwell)
Motion carried.

Motion made by Councilor Keshick and supported by Secretary Gasco Bentley to approve Certified Motion: Execution of Trust Deed for "Mill Street" Parcel.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

Motion made by Councilor Denemy and supported by Councilor Keshick to approve Certified Motion: Execution of Trust Deed for "Pond Street" Parcel
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

Motion made by Councilor Keshick and supported by Treasurer Bott to approve Certified Motion: Execution of Trust Deed for "Borowy" Parcel.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

Motion made by Councilor Keshick and supported by Treasurer Bott to accept the Enjinaaknegeng Report as presented by General Counsel Bransky for February 19, 2012.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

5:18 p.m. Motion made by Councilor Denemy and supported by Treasurer Bott to adjourn.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

These Minutes have been read and approved as written:

Regina Gasco Bentley, Tribal Council Secretary

3-18-12
Date