

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting-Tribal Council Chambers
7500 Odawa Circle Harbor Springs, MI 49740
January 20, 2013

Closed Session: yes

Call to Order: Meeting was called to order at: 9:09 a.m.

Opening Ceremony: Bill A. Denemy

Council Present: Secretary Regina Gasco Bentley, Councilor John Keshick, Councilor Bill A. Denemy, Councilor Winnay Wemigwase, Councilor Aaron Otto, Councilor Kevin Gasco

Absent: Legislative Leader Melvin L. Kiogima, Treasurer John Bott, Councilor Belinda Bardwell

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

Executive Officials and Staff Present: Youth Coordinator Kristy Dayson, Elder Coordinator Tammy Okuly,

Odawa Fishery Inc., Corporate Charter: Ben Banfield, Daugherty Johnson II., Odawa Fishery Manager Brian Carver

Public: Doug Emery, Marvin Mulholland, John Kawegoma, Janice Shackelford, Vicky Lynn, Regina Brubaker-Carver, Kenny Dewey, Margaret Gasco, Jamie Dayson, Anna Gasco, Trenn Conant, Alexis Knapp, Andrew Stich, Bill Denemy Sr.

Invited Guests: none

Motion made by Councilor Denemy and supported by Councilor Gasco to adopt the agenda as amended for January 20, 2013.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Legislative Leader Kiogima, Treasurer Bott, Councilor Bardwell)

Motion carried.

Motion made by Councilor Otto and supported by Councilor Bardwell to approve the minutes of January 6, 2013 with corrections.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Legislative Leader Kiogima, Treasurer Bott, Councilor Bardwell)

Motion carried.

9:14 a.m. Councilor Bardwell arrived.

Elder Comments: no comments at this time.

9:17 a.m. Treasurer Bott arrived.

Waganakising Eshkiniigikik UNITY Council presentation report regarding the UNITY Mid-Year Meeting, Youth Leadership Retreat 2012, Youth Teaching Lodge Traditional Feast, Fundraisers, National UNITY Conference 2012, September 2012 Retreat, NCAI (National Congress of American Indians) National Convention, and the 4th Annual Honoring Our Veteran's Thanksgiving Feast.

Motion made by Councilor Bardwell and supported by Councilor Gasco to acknowledge receipt of the Waganakising Eshkiniigikik UNITY Council presentation report for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Secretary Gasco Bentley Secretary reported two phone polls: **January 08, 2013** To adopt Tribal Resolution, Authorization of Government Banking Accounts and Treasury Management Documents, Limited Waiver of Sovereign Immunity and Related Matters. The result of the phone poll was: 8 - yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Wemigwase) and the **January 11, 2013:** To Authorize and Approve Wesley L. Andrews, LTBB NAGPRA Representative, to execute on behalf of Little Traverse Bay Bands of Odawa Indian the Memorandum of Agreement among the Saginaw Chippewa Indian Tribe of Michigan, Michigan State Housing Development Authority, Genesee County Land Bank Authority, Michigan State Historic Preservation Officer, and City Of Flint, Pursuant To 36 CFR § 800.5(B) regarding the Neighborhood Stabilization Program 2 Activities At 612 West 2nd Avenue, 624 West 2nd Avenue, And 615 West University Avenue In Flint, Genesee County, Michigan. The result of the phone poll was: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent.

Motion made by Councilor Gasco supported by to Councilor Wemigwase to accept Secretary Gasco Bentley's verbal report for January 20 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to accept Treasurer Botts' verbal report for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Elder comments: John Kawegoma asked that postings for the Appropriations and Finance Committee budget meetings to be posted in the government building; the minutes of Tribal Council to contain all that is spoken by Citizens in public comment for benefit of youth and those who do not attend Council meetings; a legal description of what prior year funds are posted in the news letter explaining what and how they are identified/categorize; clarity of the Council meeting with

Mackinaw City officials and why it was a closed meeting; if the Annual Community Meeting set for May 4, will have the annual budget report. Council commented that the Executive is responsible for preparation of the annual report. John further asked for clarity on program parameters and Council authority. Tribal Council commented programs are an Executive function. Doug Emery spoke about the Community Meeting as he is working on it with the committee on all other concerns including the meeting date. Doug also mentioned his complaints to the Executive not being considered regarding the Regulatory; Legislative Leader Kiogima's lack of communication regarding constitutional questions; his inability to secure a job in the government to at least answer phones; and other Citizen rights. Council updated Doug on his Regulatory concerns. Doug further indicated that he has been constitutionally reporting Executive neglect to Council but seems to be getting nowhere. Janice Shackelford said there needs to be some kind of procedures other than airing dirty laundry in public.

10:18 a.m. Recess called.

10:38 a.m. Meeting reconvened.

Motion made by Councilor Denemy and supported by Councilor Wemigwase to amend the agenda to include Closed Session for Personnel.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

10:56 a.m. Motion made by Councilor Denemy and supported by Councilor Bardwell to go into closed session for personnel.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

11:32 a.m. Motion made by Councilor Bardwell and supported by Councilor Denemy to return to open session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Keshick and supported by Treasurer Bott to accept the Gaming Authority Committee report for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Land and Reservation Committee report: Tabled until the next regular Tribal Council meeting.

Motion made by Councilor Bardwell and supported by Councilor Gasco to accept the Legal and Legislative Committee verbal report provided by Committee Chairperson Secretary Gasco Bentley for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

11:52 a.m. Public Comment opened: Belinda Bardwell informed Tribal Council she went to the Governor's State of the State address and was present for "Idle No More".

11:54 a.m. Public Comment closed.

Ethics Committee reported no complaints received.

Motion made by Treasurer Bott and supported by Councilor Otto to accept the Agricultural Assessment Work Group update for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Legislative Leader Kiogima)

Motion carried.

11:59 a.m. Lunch recess called.

1:31 p.m. Meeting reconvened.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the Hearing Aid Assessment Work Group as presented by Councilor Wemigwase.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the Junior Tribal Council Ad-hoc Committee as presented by Councilor Wemigwase for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Treasury Director Garrow's verbal and written report for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to accept Legislative Services Attorney Budnick's verbal report for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Keshick to adopt Tribal Resolution: Authorization for Land Purchase and Appropriation. (Second Street in Harbor Springs, MI for \$10,000.00)

Roll call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-absent.

Motion Carried.

2:07 p.m. Recess called.

2:19 p.m. Meeting reconvened.

2:28 p.m. Motion made by Councilor Bardwell and supported by Councilor Wemigwase to go into closed session for legal matters.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

2:58 p.m. Motion made by Councilor Gasco and supported by Councilor Bardwell to return to open session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to accept General Counsel Bransky verbal report for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

3:00 p.m. Public Comment opened: Andrew Stich asked why Tribal Council gave \$150,000 to the fishery and asked why the Tribe is spending so much money on it. Vicky Lynn added to what Andrew Stich said only she is for the fishery and making it work.

3:03 p.m. Public Comment closed.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept the Odawa Fishery, Inc., Corporate Charter 4th Quarter Report for January 20, 2013.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to authorize General Counsel Bransky to execute the agreements with Michigan Indian Legal Services and Tribal Citizen Cheri Dominic for the Office of Citizen's Legal Assistance Attorney.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Gasco to appoint Trent Crable to Appellate Justice for a term expiring April 17, 2017.

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

Motion failed based on the need of 6-affirmative votes.

Motion made by Councilor Bardwell and supported by Councilor Wemigwase to re-post an updated draft version of Waganakising Odawak Statute Marriage.

Vote: 7 - Yes, 1 – No (Councilor Keshick), 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to designate the LTBB Treasury Director, Michael Garrow, as the Authorized Signatory on all expenditures from budget #2000-0-13 Indirect Cost Office of the Treasury and budget #1113-0-00 TGO Treasury for the LTBB Office of Treasury, including travel for Departmental staff; further, the Legislative Leader shall serve as the Approval Signature on all travel for the Treasury Director.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to designate General Counsel, James Bransky, as the Authorized Signatory on all expenditures from budget #1102-0-00 TGO Legal and the Indirect Cost Budget for the Enjinaaknegeng, LTBB Legal Department; further, the Legislative Leader shall be the Approval Signature on travel for the Legislative Services Attorney and to approve the payment of invoices submitted by General Counsel Bransky.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to amend the agenda for January 20, 2013 to include Certified Motions for the Basic Library Service and Fish Hatchery Maintenance.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Gasco 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 FY 2013 and FY 2014 Basic Library Services Grant.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to approve Certified Motion: Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs, Little Traverse Bay Bands of Odawa Indians, FY 2013 Fish Hatchery Maintenance Project.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

4:04 p.m. Motion made by Treasurer Bott and supported by Councilor Wemigwase to adjourn.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)

Motion carried.

Please contact the Legislative Office at 231-242-1403, 231-242-1404 or 231-242-1406 for additional updates and clarifications of these minutes as presented.

These Minutes have been read and approved as written:

Regina Gasco Bentley
Regina Gasco Bentley, Tribal Council Secretary

2-6-13
Date

