

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740
July 21, 2013

Closed Session: yes

Call to Order: Meeting was called to order at: 9:01 a.m.

Opening Ceremony: Melvin L. Kiogima

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

Absent: Councilor Winnay Wemigwase, Councilor Kevin Gasco

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

Odawa Fishery Corporate Charter: Ben Banfield, Yvonne McShane

Executive Officials and Staff Present: Tribal Chairman Dexter McNamara

Public: Andrew Stich, Annette VanDeCar, Denise Petoskey

Invited Guests: Envirotech: John Irving and Levi Rickert, OHM: Al Frost, Dewberry: Bill Word.

Motion made by Councilor Keshick and supported by Councilor Bardwell to adopt the agenda as amended for July 21, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Wemigwase, Councilor Gasco)

Motion carried.

Motion made by Councilor Keshick and supported by Treasurer Bott to approve the minutes of July 7, 2013 as presented.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Wemigwase, Councilor Gasco)

Motion carried.

9:21 a.m. Councilor Gasco arrived.

Elder comment: no comments at this time.

Executive monthly report for June 2013 was not received at this time on the agenda.

Motion made by Councilor Bardwell and supported by Treasurer Bott to accept Legislative Leader Kiogima verbal report for July 21, 2013.

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

Secretary Gasco Bentley read into the minutes two phone polls:

July 11, 2013 Phone Poll: Motion to authorize and approve the Tribal Treasurer to execute the Great American Insurance Group, Fidelity Insurance Policy in the amount of \$10,000.00 to come from the investment account that LTBB be reimbursed through a reduction of annual investment management fees charged by Merrill Lynch in the amount of \$10,000.00. The Phone Poll passed 7 - yes, 0 - no, 0- Abstained, 1- Absent (Councilor Otto-responded via e-mail voting "no" after the phone poll was complete at 7:17 p.m.), (Comment: From: Melvin L. Kiogima Sent: Thursday, July 11, 2013 4:38 p.m. "Due to the phone poll being considered to be insufficient to address the requested action I am electing to not cast a vote at this time.")

July 11, 2013 Phone Poll: Motion to authorize LTBB to join the tribal amicus brief, along with the Navajo Nation, the Nottawaseppi Huron Band of Potawatomi, et al., in Little River Band of Ottawa Indians -v- National Labor Relations Board, 6th Circuit Court Case Nos. 13-1464, 13-1583. The Phone Poll passed 9 - yes, 0 - no, 0 - Abstained, 0 – Absent.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the verbal report from Secretary Gasco Bentley for July 21, 2013.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Wemigwase)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to accept the verbal report for Treasurer Bott for July 21, 2013.
Motion carried.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Wemigwase)
Motion carried.

Motion made by Councilor Keshick and supported by Councilor Gasco to accept Councilor Keshick and Councilor Bardwell verbal reports for July 21, 2013.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Wemigwase)
Motion carried.

9:50 a.m. Recess called.

10:04 a.m. Meeting reconvened.

10:32 p.m. Motion made by Councilor Gasco and supported by Councilor Bardwell to go into closed session for confidential business matter.

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

Motion carried.

11:00 a.m. Motion made by Councilor Bardwell and supported by Councilor Gasco to return to open session.

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

Motion carried.

11:05 a.m. Recess called.

11:20 a.m. Meeting reconvened.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Legislative Leader Kiogima verbal report for July 21, 2013.

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

Motion carried.

11:44 a.m. Public Comment opened.

Andrew Stich: Asked if Tribal Council was going to file in Court against the Election Board.

11:59 a.m. Public Comment closed.

12:00 p.m. Lunch Recess called.

1:30 p.m. Meeting reconvened. Councilor Wemigwase arrived.

1:39 p.m. Councilor Bardwell arrived.

2:06 p.m. Councilor Gasco arrived.

2:08 p.m. Treasurer Bott arrived.

Barbara Bencini: FY2011 Annual Performance for the Merrill Lynch Investment Account and First-Half Performance for FY2013 as required by the Investment Statute.

2:12 p.m. Recess called.

2:18 p.m. Meeting reconvened.

Motion made by Councilor Keshick and supported by Councilor Denemy to approve the Merrill Lynch Entity Authorization Form and the Authorized Representatives Designation Form as presented by Merrill Lynch for the Tribe's investment accounts and authorize the seated Tribal Councilors to execute the forms.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to approve and authorize the Tribal Treasurer and Legislative Leader to execute the transfer of funds to consolidate the Merrill Lynch Investment funds from LTBB accounts to the Merrill Lynch Investment 63P-04156 fund.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the verbal report from Secretary Gasco Bentley Legal and Legislative Committee Chairperson for July 21, 2013.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the verbal report from Councilor Wemigwase for the temporarily seated Ethics Committee for July 21, 2013.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Treasury Director Garrow's verbal and written report for July 21, 2013.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept the verbal and written report from Legislative Services Attorney Budnick for July 21, 2013.

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

Motion carried.

3:01 p.m. Public Comment opened. No comments.

3:02 p.m. Public Comment closed.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept verbal and written report from Legislative Office Manager LaCount for July 21, 2013.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to acknowledge receipt of the Odawa Fishery, Inc. 2nd Quarterly Report provided by Chair Banfield for July 21, 2013.

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

Motion carried.

3:31 p.m. Recess called.

3:43 p.m. Meeting reconvened.

Motion made by Councilor Gasco and supported by Treasurer Bott to table the approval and authorization of Legislative Services Attorney Budnick to file an Extraordinary Writ for Declaratory and Injunctive Relief in Tribal Court on behalf of Tribal Council.

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

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Wemigwase to approve the Tribal Council Officer Elections Procedure.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Keshick to pass Amendment to Waganakising Odawak Statute 2005-010 Legislative Procedures.

Roll call: 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-yes

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Bardwell to authorize and approve the Legislative Office staff to send an invitation to the certified candidates from the General Election to attend upcoming events of Tribal Council along with closed session matters upon having executed a confidentiality agreement.

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

Motion carried.

4:41 p.m. Motion made by Councilor Gasco and supported by Councilor Bardwell to go into Closed Session for Confidential Business Matters.

Vote: 7 - Yes, 1 - No (Secretary Gasco Bentley), (1 - Abstained (Councilor Wemigwase), 0 - Absent

Motion carried. (Secretary Gasco Bentley comment: "I do not think that Mackinaw is closed session material. The citizens deserve the right to know what is going on with Mackinaw")

6:07 p.m. Motion made by Treasurer Bott and supported by Councilor Otto to return to open session.

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

Motion carried.

6:08 p.m. Recess called.

Motion made by Treasurer Bott and supported by Councilor Gasco to table Economic Development Statute

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to table the Gaming Delegation and Authority statute.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to table the Land and Reservation Committee statute.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to table the Comment Policy.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to acknowledge receipt of Corporate Charter 2nd Quarter Reports for 2013.

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

Motion carried.

No 2nd Quarter Report received from Waganakising Odawa Development, Inc. Corporate Charter.

Motion made by Councilor Bardwell and supported by Treasurer Bott to accept Odawa Economic Development Management, Inc. 2nd Quarter Report.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to approve Enrollment List A – Eligible for Citizenship dated July 16, 2013 for a total of 03.

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

Motion carried.

Motion made by Councilor Bardwell and supported by to Councilor Gasco to approve Enrollment List B – Declination (Ineligible) dated July 16, 2013 for a total of 04.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to approve Certified Motion: Request for Funding from the United States Fish and

Wildlife Service, Little Traverse Bay Bands of Odawa Indians Natural Resources Department 2014 Tribal Wildlife Grant Fisheries Enhancement.

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 Funds from Enterprise Community Partners, Inc. Section 4 – National Rural and Native American Initiative, Little Traverse Bay Bands of Odawa Indians, Section 4 Supportive Housing Planning Grant.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to approve Donation from New Covenant Christian School in the amount of \$2,500.00.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to approve Memo regarding Tribal Council disapproval of Shirley Naganashe Oldman Secondary Education Completion Award Regulations REG-WOS 2011-016 051413-001.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to approve Letter of Support for President Obama's Nomination of Patricia Ann Millett to the D.C. Circuit Court of Appeals and authorize the Legislative Leader to sign the letter.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Keshick to approve an engagement with Dorsey & Witney in the amount of \$10,000 to come from Enjinaaknegeng and authorize the Legislative Leader to execute such agreement.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to table to waive sovereign immunity of the Tribe and its subordinate entity, the Election Board, to allow the Tribal Council to file an action in Tribal Court for a Request of Declaratory and Injunctive Relief.

Vote: 8 - Yes, 1 - No (Secretary Gasco Bentley), 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to approve Special Meeting Minutes of July 19, 2013.

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 State of Michigan - Child Care.

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

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Gasco to post Amendment to the Tribal Treasurer Responsibilities, Waganakising Odawak Statute 2010-003.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Bardwell to approve the Tribal Treasurer send a memo to the Tribal Chairman requesting the Executive to submit a new 2013 budget plan within the next 30 days that considers the Bureau of Indian Affairs (BIA)/Indian Health Service (HIS) spending reductions in the amount of \$376,600.

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

Motion carried.

6:43 p.m. Motion made by Treasurer Bott and supported by Councilor Gasco to adjourn.

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

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 presented:



Regina Gasco Bentley, Tribal Council Secretary

8-18-13

Date