

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740
September 11, 2014

Closed Session: Yes
Call to Order: 9:00 a.m.
Opening Ceremony: Bill A. Denemy

Council Present: Legislative Leader Regina Gasco Bentley, Secretary Julia Shananaquet, Treasurer Marcella Reyes, Councilor Bill A. Denemy, Councilor John Keshick III, Councilor Beatrice A. Law, Councilor Michael Naganashe, Councilor Aaron Otto

Absent: Councilor Winnay Wemigwase

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

Executive Officials and Staff Present: Vice-Chair Deb DeLeon, Tribal Administrator Albert Colby, Jr., Chief Financial Officer Carrie Carlson

Public: Patrick Wemigwase

Invited Guests: none

9:06 a.m. Councilor Winnay Wemigwase arrives.

Motion made by Secretary Shananaquet and supported by Treasurer Reyes to adopt the agenda of September 11, 2014, as amended.

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

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Wemigwase to approve the minutes of August 21, 2014 as presented.

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

Motion carried.

9:14 a.m.: Elder comments – No comments at this time.

Executive Updates

Discussion Items: Housing Commission, Local Meet and Greet Scheduled for September 11, 2014. Veteran's Memorial, Condition of Monroe Street Property, Confidentiality Issues with the Health Clinic Set up, Recommendation Letter submitted from Executive in support of BDO for Audit.

Motion made by Councilor Law and supported by Councilor Otto to acknowledge the verbal report of the Executive Department including the Housing Commission Report as presented on September 11, 2014.

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

Motion carried.

Legislative Leader Report

Discussion Items: Ethics Points Hotline and system discrepancies, Native American Women Domestic Violence Day, Special Prosecutor Contract, Personnel Issues, Election Board 915 Emmet Street Issues and 2015 Budget, Motion made by Secretary Shananaquet and supported by Councilor Law to accept Legislative Leader Gasco Bentley's verbal report as presented on September 11, 2014.

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

Motion carried.

Secretary Report

The following Tribal Council approved/adopted documents were delivered to the Executive which require Chairman's approval and signature: None to report.

Vetoes: None to Report.

Phone Polls: None to Report.

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to accept Secretary Shananaquet's verbal report as presented on September 11, 2014.

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

Motion carried.

Treasurer Report

Motion made by Secretary Shananaquet and supported by Councilor Wemigwase to accept Treasurer Reyes' verbal report as presented on September 11, 2014.

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

Motion carried.

Tribal Council Travel Reports

Councilor Law forwarded an e-mail regarding request for National Congress of American Indians sponsorship.

Motion made by Secretary Shananaquet and supported by Councilor Wemigwase to accept the verbal report of Councilor Law regarding request for National Congress of American Indians sponsorship.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Law to accept the following verbal report of Legislative Leader Gasco Bentley regarding attendance at Midwest Alliance of Sovereign Tribes, Treasurer Reyes and Councilor Keshick verbal report regarding attendance to the Oneida Nation in Wisconsin.

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

Motion carried.

10:02 a.m. Break.

10:16 a.m. Resume.

Tribal Council Committee Reports:

Gaming Authority Committee

Motion made by Secretary Shananaquet and supported by Treasurer Reyes to accept the verbal report of the Gaming Authority Committee as presented by Councilor Otto, Committee Chairman and to acknowledge receipt of the Odawa Casino Resort 2014 July Report.

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

Motion carried.

Agriculture Assessment Work Group

Motion made by Councilor Naganashe and supported by Councilor Wemigwase to accept the verbal report of the Agriculture Assessment Work Group as presented by Councilor Keshick, Committee Chairman.

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

Motion carried.

Land and Reservation Committee – No meeting to report.

Discussion items: September 30, 2014 Three Tribe Land and Reservation Meeting to be held at Odawa Casino Resort.

Motion made by Councilor Keshick and supported by Treasurer Reyes to accept the verbal report of the Land and Reservation Committee as presented by Legislative Leader Gasco Bentley, Committee Chairperson.

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

Motion carried.

Legal Legislative Committee

Motion made by Councilor Keshick and supported by Councilor Naganashe to accept the verbal report of the Legal Legislative Committee as presented by Legislative Leader Gasco Bentley, Committee Chairperson.

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

Motion carried.

Ethics Committee

Motion made by Councilor Law and supported by Councilor Wemigwase to accept the verbal report of the Ethics Committee as presented by Councilor Otto, Committee Chairman.

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

Motion carried.

10:57 a.m. Break.

11:08 a.m. Resume.

Legislative Office Reports:

Treasury Director Report

Motion made by Councilor Denemy and supported by Councilor Wemigwase to recommend that Executive return to weekly payroll and request a Tribal Resolution requesting supplemental funding for necessary additional staff and costs.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Naganashe to accept Treasury Director Garrow's verbal and written report as presented on September 11, 2014.

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

Motion carried.

Legislative Services Attorney Report

Motion made by Secretary Shananaquet and supported by Treasurer Reyes to accept Legislative Services Attorney Budnick's verbal and written report as presented on September 11, 2014.

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

Motion carried.

11:46 a.m. Public Comment opens:

- Andrew Stich commented on Tribal Council's ability to create laws and what prevents Tribal Council from creating certain businesses that generate money (i.e. Brothel and Hemp Farm). Mr. Stich inquired into the status of an investigation that was mentioned at an earlier meeting.

11:54 a.m. Public Comment closed.

Enjinaaknegeng

Motion made by Councilor Law and supported by Councilor Wemigwase to accept General Counsel Bransky's verbal and written report as presented on September 11, 2014.

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

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Wemigwase to authorize Enjinaaknegeng to provide the information requested in the letter of August 22, 2014 regarding the Ramah class action settlement.

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

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Law to authorize Enjinaaknegeng and Odawa Economic Development Management, Inc. to utilize the services of attorney Tim Kincaid of Fredericks Peebles Morgan, LLP in connection with review and negotiation of economic development agreements.

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

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Wemigwase to approve Certified Motion 091114-03 Limited Sovereign Immunity Waivers in Odawa Casino Resort Contracts.

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

Motion carried.

12:07 p.m. Lunch break.

1:30 p.m. Meeting resumes.

Legislative Office Manager

Motion made by Councilor Law and supported by Councilor Wemigwase to accept Legislative Office Manager LaCount's verbal and written report as presented on September 11, 2014.

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

Motion carried.

Action Items

Motion made by Councilor Law and supported by Councilor Keshick to acknowledge receipt of the letter of interest for re-assignment from Mary Gasco to the Tribal Traditional Burial Board with no interview required.

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

Motion carried.

Moment of Silence in honor of Tribal Elder Augustine Kiogima.

Motion made by Councilor Law and supported by Councilor Wemigwase to re-assign Mary Gasco to the Tribal Traditional Burial Board for a four year term ending September 2018.

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

Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to pass Legislative Branch Travel Policy.

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

Motion carried.

Motion made by Secretary Shananaquet and supported by Treasurer Reyes to appoint William I. Denemy to Appellate Justice for a six (6) year term ending September 11, 2020.

Roll call: Councilor Denemy-abstain, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco Bentley-yes

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Naganashe to approve Enrollment List A dated August 21, 2014 - Eligible for a total of 8.

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

Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to approve Enrollment List B dated August 21, 2014 - Declination Ineligible for a total of 3.

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

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Naganashe to allow hunting under the administration and management of the Natural Resource Department on the Ziibimijwang Farm and limits hunting to the East side of the stream until Oct 1, 2014 wherein all of the property may be used for hunting during the Tribal hunting season for M'didaa-Eweesi'ek (White Tail Deer, Black Bear, Elk).

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Keshick to acknowledge receipt of the Election Board, Enjinaaknegeng, Prosecutor and Tribal Court Budgets.

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

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Denemy to Appoint Councilor Keshick as Interim Ethics Committee Member.

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

Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Wemigwase to approve travel for Counselor Keshick to attend the Specialty Grain Training Event, November 3-5, 2014, in Champagne, IL.

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

Motion made by Councilor Wemigwase and supported by Councilor Otto to approve travel for Counselor Keshick to attend the Climate Change Summit, in Keshena, WI on October 15-17, 2014.

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

Motion made by Secretary Shananaquet and supported by Councilor Keshick to approve the Legislative Office Utilization of Community Services Workers Policy.

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

Motion made by Councilor Wemigwase and supported by Councilor Keshick to approve Certified Motion 091114-01 Funding from the United States Department of the Interior, Bureau of Indian Affairs (BIA) FY 2014 One Time Only Year-End Funds.

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

Motion made by Councilor Law and supported by Councilor Keshick to approve Certified Motion 091114-02 Funding from the U.S. Department of the Interior Bureau of Indian Affairs Indian Reservations Roads Tribal Transportation Program.

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

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to pass the Waganakising Odawak Statute Naawchiigedaa Tort Claims.

Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco Bentley-yes

Motion carried.

Motion made by Councilor Law and supported by Councilor Keshick to pass Waganakising Odawak Statute Tribal Historic Preservation Office Protection and Management of Archaeological, Historical and Cultural Properties and Cultural Resources.

Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-yes, Councilor Otto-no, Councilor Wemigwase-yes, Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco Bentley-yes

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Wemigwase to pass Waganakising Odawak Contracts Statute.

Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Reyes-yes, Secretary Shananaquet-yes, Legislative Leader Gasco Bentley-yes

Motion carried.

Other Items:

2:27 p.m. Break.

2:38 p.m. Resume.

2:39 p.m. Motion made by Councilor Wemigwase and supported by Councilor Keshick to go into closed session for Significant Privacy Concern.

Vote: 7-Yes, 1-No (Councilor Otto), 1-Abstained (Councilor Naganashe), 0-Absent

Motion carried.

2:55 p.m. Motion made by Councilor Law and supported by Councilor Wemigwase to return to open session.

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

Motion carried.

2:55 p.m. Public Comment opened: No comments.

2:55 p.m. Public comment closed.

Adjournment

2:57 p.m. Motion made by Councilor Denemy and supported by Councilor Wemigwase to adjourn meeting.

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

Motion carried.

Next Scheduled Meeting
September 25, 2014

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:



Julia A. Shananaquet, Tribal Council Secretary

9/25/14

Date