

1 The Little Traverse Bay Bands of Odawa Indians
2 Tribal Council Meeting
3 Tribal Council Chambers
4 7500 Odawa Circle
5 Harbor Springs, MI 49740
6 February 5, 2015
7
8

9 Closed Session: Yes

10 Call to Order: 9:01 a.m.

11 Opening Ceremony: Beatrice A. Law

12
13 Council Present: Secretary Julia Shananaquet, Treasurer Marcella Reyes,
14 Councilor Bill A. Denemy, Councilor Beatrice A. Law, Councilor Aaron Otto

15
16 Absent: Councilor Michael Naganashe, Councilor Winnay Wemigwase

17
18 Legislative Office Staff Present: Legislative Services Attorney Donna Budnick,
19 Treasury Director Michael Garrow, Enjinaaknegeng General Counsel James
20 Bransky, Legislative Office Manager Michele LaCount

21
22 Executive Officials and Staff Present: Chairperson Gasco Bentley, Human
23 Resource Director Denise Petoskey, Tribal Administrator Albert Colby, Jr.

24
25 Public: Citizen Virginia Lewis, Citizen Andrew Stich

26
27 Invited Guests: Odawa Casino Personnel: General Manager Eric McLester, Slot
28 Director Dennis Shananaquet, Property Operations Director Barry Laughlin,
29 Chief Financial Officer Roger Borton, Table Games Director Shane Robertson,
30 Marketing Director Britta Erickson, Food and Beverage Director Henry Rowland,
31 Human Resources Director Katie Eberly; Odawa Economic Development
32 Management, Inc. Board Members Alan Proctor, Bryan Gillett and, Steve
33 Hayward, Consultant.
34

35
36 9:08 a.m. Councilor Wemigwase arrives.

37
38 Motion made by Treasurer Reyes and supported by Councilor Law to adopt the
39 agenda of February 5, 2015 as amended.

40 Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Keshick)

41 Motion carried.

42
43 Motion made by Councilor Law and supported by Councilor Wemigwase to
44 approve the minutes of the Regular Meeting held on January 22, 2015, and the
45 Special Meeting held on January 30, 2015, as corrected.

46 Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Keshick)

47 Motion carried.

1
2 **9:12 a.m.: Elder comments – None at this time.**

3
4 **9:12 a.m. - 10:13 a.m.: Odawa Casino Resort (OCR) 2014 4th Quarter**
5 **Business Plan Summary and Performance Report, including a Closed**
6 **Session for Confidential Business**

7
8 9:34 a.m. Motion made by Councilor Law and supported by Councilor
9 Wemigwase to go into closed session for confidential business matters.
10 Vote: 6-Yes, 1-No (Secretary Shananaquet), 0-Abstained, 1–Absent (Councilor
11 Keshick)
12 Motion carried.

13
14 10:00 a.m. Motion made by Councilor Law and supported by Councilor Denemy
15 to return to open session.
16 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Councilor Keshick)
17 Motion carried.

18
19 Motion made by Secretary Shananaquet and supported by Councilor
20 Wemigwase to acknowledge receipt of the Odawa Casino Resort (OCR) 2014
21 4th Quarter Business Plan Summary and Performance Report as presented by
22 OCR Personnel.
23 Vote: 7-Yes, 0-No, 0-Abstained, 1–Absent (Councilor Keshick)
24 Motion carried.

25
26 **10:15 a.m. Break**

27 **10:29 a.m. Meeting resumes**

28
29 **Executive Updates**

30 **Discussion Items:** Michigan Indian Legal Services Strategic Planning request
31 for LTBB Input. Northern Shores Loan Fund is applying for grant for Tribal
32 Citizens and would like to partner with LTBB. Letter from Fochtman agreeing to
33 continued use of building and looking into signing a Memorandum of
34 Understanding (MOU). Government Complex commons area soon to be
35 completed.

36
37 10:35 a.m. Councilor Keshick arrives.

38
39 10:36 a.m. Motion made by Councilor Denemy and supported by Councilor
40 Wemigwase to go into closed session for personnel at the request of the
41 Executive.
42 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
43 Motion carried.

44
45 **11:20 a.m. Fire alarm and evacuation**

46 **11:30 a.m. Return to closed session**

47

1 11:48a.m. Motion made by Councilor Law and supported by Councilor
2 Wemigwase to return to open session.

3 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent

4 Motion carried.

5
6 11:49 a.m. Public Comment opens:

- 7 • Citizen Andrew Stich commented on Tribal Council Travel, and holding
8 Closed Sessions during the day. Wanted update on the 2013
9 investigation. Mr. Stich was asked to discontinue derogatory statements
10 made on behalf of “other” Citizens. Citizen Stich questioned Tribal
11 Councils authority to change meeting dates. Asked where to find Tribal
12 Council travel reports, and was instructed on how to utilize Citizen Portal
13 to find them. Questioned Cross Village tree cutting. Stated that the
14 Natural Resources and Environmental should be two separate
15 departments. Requested clarity of the Election Board Supplemental
16 funding request for Special Election.

17
18 12:05 p.m. Public comment closes.

19
20 Motion made by Secretary Shananaquet and supported by Councilor Law to
21 acknowledge the verbal Executive report of Chairperson Gasco-Bentley as
22 presented on February 5, 2015.

23 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent

24 Motion carried.

25
26 **12:06 p.m. Lunch Break**

27 **1:30 p.m. Meeting resumes**

28
29 **1:30 p.m.** Odawa Economic Development Management, Inc. (OEDMI)
30 presentation by Board Members Alan Proctor and Bryan Gillett, Steve Hayward –
31 Authenticity Livewire Consultant.

32
33 **2:54 p.m. Break**

34 **3:09 p.m. Meeting resumes**

35
36 3:00 p.m. Councilor Keshick exits meeting

37
38 Motion made by Councilor Law and supported by Councilor Wemigwase to
39 approve Certified Motion Odawa Economic Development Management, Inc.
40 (OEDMI); that approves the Operating Agreement with SVC Development, LLC,
41 and OEDMI dated December, 2014, and authorizes the OEDMI to execute the
42 agreement.

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

44 Motion carried.

45
46 **Legislative Leader Report - Position is currently vacant**

47

1 **Secretary Report:**

2 **Discussion Items:** Medical Marijuana, and need for full Council work session
3 on Employee Handbook with invitation to Executive and Judicial.

4
5 3:17 p.m. Public Comment opens:

- 6 • Citizen Bernadece Compo-Boda commented on nomination for Tribal
7 Prosecutor. Would like to see clearly defining definition of Tribal
8 Preference.

9
10 3:21 p.m. Public comment closes.

11
12 The following Tribal Council adopted/approved documents were delivered to the
13 Executive for signature:

- 14
15 • Tribal Resolution #012215-01: Supplemental Funding in the amount of
16 \$4,500 for the Election Board FY2014 Budget.
17 Signed by the Executive Department on January 27, 2015
- 18
19 • Tribal Resolution #012215-02: Supplemental Funding in the amount of
20 \$95,850 for Department of Kikaajik.
21 Signed by the Executive Department on January 27, 2015
- 22
23 • Tribal Resolution #012215-03: Amendment to the Legislative Branch
24 Operations Governmental Employee Personnel Policies Handbook.
25 Signed by the Executive Department on January 27, 2015

26
27 **Veto:** None

28 **Phone Polls:** None

29
30 Motion made by Councilor Law and supported by Treasurer Reyes to accept
31 Secretary Shananaquet's report as presented on February 5, 2015.

32 Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Keshick)

33 Motion carried.

34
35 Motion made by Secretary Shananaquet and supported by Councilor Law to
36 approve Tribal Council attendance at the Employee Handbook Meeting to be
37 held on February 18, 2015 at 9:00 a.m. Notice of meeting will be sent to
38 Executive and Judicial Branch.

39 Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Keshick)

40 Motion carried.

41
42 **Treasurer Report:** Notice of next Appropriations and Finance Committee
43 meeting to be held 02/09/15.

1 **Tribal Council Member Reports**

2 Motion made by Secretary Shananaquet and supported by Councilor Naganashe
3 to accept the verbal Travel Report of Councilor Otto regarding attendance at
4 Small Farm Conference held in Traverse City, MI on January 23, 24, 2015.

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

6 Motion carried.

7
8 Motion made by Councilor Wemigwase and supported by Councilor Law to
9 accept the verbal Travel Report of Treasurer Reyes regarding attendance at
10 Small Farm Conference, held in Traverse City, MI on January 23, 24, 2015.

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

12 Motion carried.

13
14 Councilor Denemy requested discussion regarding Appellate Justices not
15 attending the Tribal Council meeting as invited.

16
17 **Tribal Council Committee Reports**

18
19 **Gaming Authority Committee** – No additional information to OCR’s report that
20 was given this morning.

21
22 **Agriculture Assessment Work Group**

23 Motion made by Councilor Denemy and supported by Councilor Wemigwase to
24 accept the verbal report of the Agriculture Assessment Work Group as presented
25 by Treasurer Reyes, Committee Secretary.

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

27 Motion carried.

28
29 **Land and Reservation Committee** - No meeting held since last Tribal Council
30 meeting.

31
32 **Legal Legislative Committee**

33 Motion made by Councilor Denemy and supported by Councilor Wemigwase to
34 accept the verbal report of the Legal and Legislative Committee as presented by
35 Councilor Law, Committee Chairperson.

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

37 Motion carried.

38
39 **Ethics Committee** - Complaint No. 111214-01: Transferred to Tribal Council to
40 set a date for a Hearing.

41
42 4:17 p.m. Councilor Keshick arrives

43
44 Motion made by Councilor Law and supported by Councilor Wemigwase to
45 accept the verbal report of the Ethics Committee including letter requesting
46 approval of policy and acknowledge receipt of the Complaint No. 111214-01, in
47 which a Hearing is requested.

1 Vote: 7-Yes, 0-No, 0-Abstained, 0–Absent
2 Motion carried.

3
4 **Legislative Office Reports:**

5
6 **Treasury Director Report**

7 Motion made by Councilor Wemigwase and supported by Councilor Otto to
8 accept Treasury Director Garrow’s verbal and written report as presented on
9 February 5, 2015.

10 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
11 Motion carried.

12
13 **Legislative Services Attorney Report**

14 Motion made by Councilor Law and supported by Councilor Naganashe to accept
15 Legislative Services Attorney Budnick’s verbal report as presented on February
16 5, 2015.

17 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
18 Motion carried.

19
20 **Enjinaaknegeng**

21 Motion made by Councilor Denemy and supported by Councilor Wemigwase to
22 accept General Counsel Bransky’s verbal and written report as presented on
23 February 5, 2015.

24 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
25 Motion carried.

26
27 Motion made by Secretary Shananaquet and supported by Councilor
28 Wemigwase to approve General Counsel Bransky’s action item contained in
29 Confidential Attorney/Client Memo 020515-01.

30 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
31 Motion carried.

32
33 **Legislative Office Manager**

34 Motion made by Treasurer Reyes and supported by Councilor Denemy to accept
35 Legislative Office Manager LaCount’s verbal and written report as presented on
36 February 5, 2015.

37 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
38 Motion carried.

39
40 **4:53 p.m. Break**

41 **5:02 p.m. Meet resumes**

42
43 **Action Items**

44 Motion made by Secretary Shananaquet and supported by Councilor Denemy to
45 post to the Legislative Agenda in the Odawa Register the Criminals and Crimes
46 proposed legislation as sponsored by Councilor Otto.

47 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent

1 Motion carried.

2

3 Motion made by Councilor Wemigwase and supported by Councilor Keshick to
4 amend the agenda to include additional travel for Councilor Wemigwase to travel
5 on behalf of Chairperson Gasco-Bentley to Washington, D.C., on February 26,
6 2015.

7 Vote: 7-Yes, 1-No, 0-Abstained, 0–Absent

8 Motion carried.

9

10 Motion made by Councilor Naganashe and supported by Councilor Keshick to
11 approve Councilor Wemigwase to attend the Consultation with U.S. Department
12 of State, regarding the U.N. World Conference on Indigenous Peoples,
13 Washington D.C., February 26, 2015, as the Tribe’s Representative.

14 Vote: 7-Yes, 1-No (Secretary Shananaquet), 0-Abstained, 0–Absent

15 Motion carried.

16

17 Motion made by Councilor Law and supported by Treasurer Reyes to post to the
18 Legislative Agenda in the Odawa Register: Paternity and Custody proposed
19 legislation, as sponsored by Councilor Denemy.

20 Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent

21 Motion carried.

22

23 Motion made by Councilor Keshick and supported by Councilor Wemigwase to
24 approve travel for Councilor Keshick to attend the Native Nations 8th Annual
25 Tribal Casino & Hotel Development Conference February 16-17, 2015 in Las
26 Vegas NV. Vote: 6-Yes, 1-No (Councilor Law), 0-Abstained, 1–Absent
27 (Councilor Naganashe)

28 Motion carried.

29

30 Motion made by Councilor Law and supported by Councilor Wemigwase to
31 acknowledge receipt of the letter of interest for Odawa Fishery, Inc. Corporate
32 Charter from Ervin R. Barrett and to set up an interview.

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

34 Motion carried.

35

36 Motion made by Councilor Law and supported by Councilor Wemigwase to post
37 the updated Victim’s Rights proposed legislation to the Legislative Agenda in the
38 Odawa Register, as sponsored by Councilor Wemigwase.

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

40 Motion carried.

41

42 Motion made by Councilor Wemigwase and supported by Councilor Denemy to
43 approve travel for Tribal Council members to attend the Tribal Marijuana
44 Conference, February 27, 2015 in Tulalip, Washington.

45 Vote: 5-Yes, 2-No (Councilor Keshick, Councilor Law), 0-Abstained, 1–Absent
46 (Councilor Naganashe)

47 Motion carried.

1
2 Secretary Shananaquet is withdrawing motion regarding posting of the Treasury
3 Department proposed legislation.

4
5 Motion made by Councilor Law and supported by Councilor Wemigwase to
6 accept the nomination of Angela Sherigan for Tribal Prosecutor and set up an
7 interview, pending a background check.

8 Vote: 6-Yes, 1-No (Councilor Keshick), 0-Abstained, 1–Absent (Councilor
9 Naganashe)

10 Motion carried.

11
12 Motion made by Councilor Law and supported by Councilor Wemigwase to send
13 the SenTel Services Government Buildings Security Access Control System
14 Proposal to the Appropriations and Finance Committee for 2015 budget
15 Supplemental funding recommendation.

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

17 Motion carried.

18
19 Motion made by Secretary Shananaquet and supported by Councilor Otto to post
20 to the Legislative Agenda in the Odawa Register the Little Traverse Bay Bands of
21 Odawa Indians Tribal Council Ethics Hearing Policy for General Rules of
22 Conduct.

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

24 Motion carried.

25
26 Motion made by Councilor Keshick and supported by Councilor Wemigwase to
27 approve Agricultural Ad-hoc Work Group attendance at the following: March 20,
28 2015 Organic Certification: Creating the Organic Systems Plan, to be held in
29 Charlevoix, MI.

30 Vote: 6-Yes, 1-No (Councilor Law), 0-Abstained, 1–Absent (Councilor
31 Naganashe)

32 Motion carried.

33
34 Motion made by Councilor Law and supported by Treasurer Reyes to approve
35 scheduling a Special Work Session on February 25, 2015 at 10:00 a.m. to work
36 on the Human Resources Department proposed legislation as sponsored by
37 former Legislative Leader Gasco Bentley.

38 Vote: 5-Yes, 2-No, 0-Abstained, 1–Absent (Councilor Naganashe)

39 Motion carried.

40
41 Motion made by Councilor Law and supported by Councilor Wemigwase to
42 approve the letter dated February 5, 2015, to the Appellate Court requesting a
43 date from the Appellate Court to meet with Tribal Council to discuss, Judiciary
44 Administrative Rule, ATBB AR-001: Backlog Reports and authorize Tribal
45 Treasurer to sign and submit the letter.

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

47 Motion carried.

1
2 Motion made by Councilor Wemigwase and supported by Councilor Keshick to
3 pass Waganakising Odawa Statute Elder's Commission as sponsored by
4 Councilor Keshick.

5 Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes,
6 Councilor Naganashe-absent, Councilor Otto-no, Councilor Wemigwase-yes,
7 Treasurer Reyes-yes, Secretary Shananaquet-no

8 Motion carried.

9
10 **Other Items of Business (Prior to Adjournment)**

11
12 6:15 p.m. Motion made by Councilor Wemigwase and supported by Councilor
13 Law to go into closed session for personnel.

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

15 Motion carried.

16
17 6:25 p.m. Motion made by Councilor Keshick and supported by Councilor
18 Wemigwase to return to open session.

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

20 Motion carried.

21
22 **Adjournment**

23 6:32 p.m. Motion made by Councilor Denemy and supported by Councilor Law to
24 adjourn meeting.

25 Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Naganashe, Councilor
26 Wemigwase)

27 Motion carried.

28
29 Next Scheduled Meeting

30 February 19, 2015

31
32 Please contact the Legislative Office at 231-242-1403 or 231-242-1404 for
33 additional updates and clarifications of these minutes as presented.

34
35 These Minutes have been read and approved as written (or) corrected: (delete
36 either the word "written" or "corrected" as pertains to how the minutes were
37 approved.)

38
39
40
41 _____
42 Julia A. Shananaquet, Tribal Council Secretary

43 _____
Date