

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740
March 5, 2015

Closed Session: none
Call to Order: 9:04 a.m.
Opening Ceremony: Beatrice Law

Council Present: Secretary Julia Shananaquet, Treasurer Marcella Reyes, Councilor Bill A. Denemy, Councilor John Keshick III, Councilor Beatrice A. Law, Councilor Michael Naganashe, Councilor Aaron Otto, Councilor Winnay Wemigwase

Absent: none

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

Executive Officials and Staff Present: Tribal Chair Regina Gasco Bentley, Tribal Administrator Albert Colby, Jr., SEEDS Project Director Shiloh Guarisco; Environmental Services Kira Davis, Youth Services Sara Lucier, Natural Resource Commission Director Doug Craven; Child Welfare Commission Rochelle Ettawageshik, and Heidi Bosma

Public: Renee Dillard, Virginia Lewis, John Kawegoma, Linda Gokee

Invited Guests: Ervin Barrett, Michigan State University Extension Emily Proctor, Crooked Tree Youth Council: Wengosh Craven, Elizabeth Murburski, Katie Kurburski, Heather Dufek, Emily Kurburski,

Motion made by Councilor Law supported by Councilor Wemigwase to adopt the agenda of March 5, as amended.

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

Motion made by Treasurer Reyes and supported by Councilor Law to approve the minutes of February 19, 2015 as corrected.

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

9:21 a.m.: Elder comments – No comments at this time

Executive Updates

Discussion Items: Executive Declaration, homeless shelters, handbook amendments, new employee introduction.

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to acknowledge the verbal Executive report of Interim-Chairperson Gasco-Bentley as presented on March 5, 2015.

Oversight Report (EOR) as presented on March 5, 2015.

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

Motion carried.

Legislative Reports

Legislative Leader Report – Position is currently vacant

Secretary Report

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

Tribal Resolution #021915-01-Approval of the Gaming Authority Committee FY 2015 Amended Budget for an Additional Sum of \$15,000.00 for Legal Consulting Services.
Signed by the Executive on 02-24-15.

Tribal Resolution #021915-02-Supplemental Funding for Traditional Burial Grounds Board in the amount of \$27,000.00 for Fiscal Year 2015 to come from Prior Period Funds.
Signed by the Executive on 02-24-15.

Tribal Resolution #021915-03-Supplemental Funding in the Amount of \$215,000.00 for Security System for Government Buildings.
Signed by the Executive on 02-24-15.

Tribal Resolution #021915-04-Funding for FY 2015 Shortfall for Health Department.
Signed by the Executive on 02-24-15.

Waganakising Odawak Statute 2015-002: Recall of an Official and Leave of Absence.
Signed by the Executive on 02-24-15.

Vetoos: None

Phone Polls: None

Motion made by Councilor Law and supported by Councilor Denemy to accept Secretary Shananaquet's verbal report as presented on March 5, 2015.

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

Motion carried.

Treasurer Report

Motion made by Councilor Law and supported by Secretary Shananaquet to accept Treasurer Reyes' verbal report as presented on March 5, 2015.

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

Motion carried.

Tribal Council Reports – None to report

Tribal Council Travel Reports – None to report

Tribal Council Committee Reports:

Gaming Authority Committee

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

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

Motion carried.

9:57 a.m. Break

10:07 a.m. Resume

10:00 a.m. Environmental Services – Presentation regarding LTBB Water Quality as presented by Kira Davis and Renee Dillard.

Motion made by Councilor Naganashe and supported by Treasurer Reyes to acknowledge the verbal and written report given by Kira Davis regarding the LTBB Water Quality Work Group.

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

Motion carried.

10:28 a.m. – 10:42 a.m. Elder comment

- Citizen Brad Baker inquired into the Tribe's stance on Marijuana.

AdHoc Agricultural Work Group (AAWG)

Motion made by Councilor Wemigwase and supported by Councilor Law to accept the verbal report of AdHoc Agricultural Work Group as presented by Treasurer Reyes, AAWG Secretary.

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

Motion carried.

Land and Reservation Committee – No meeting since last Tribal Council meeting, next meeting to be held March 17, 2015.

Legal and Legislative Committee

Motion made by Councilor Naganashe and supported by Councilor Otto to accept the verbal report of the Legal Legislative Committee as presented by Councilor Law, Committee Chairperson.

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

Motion carried.

Ethics Committee – Last Ad Hoc Committee meeting was cancelled to due weather.

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: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

11:03 a.m. Break

11:08 a.m. Meeting Resumes

11:08 a.m. Emily Proctor-4- H Crooked Tree Youth Leadership Program

Motion made by Treasurer Reyes and supported by Councilor Denemy to welcome Citizen Emily Proctor and acknowledge the introduction of the 4-H Crooked Tree Youth participants.

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

Motion carried.

11:47 a.m. Public Comment opens:

- Citizen John Kawegoma addressed the Healthy Heart Program budget, and a Casino Hotel.
- Citizen Andrew Stich commented on Tribal Council travel and expenditures, and work session attendance.
- Citizen Linda Gokee commented on nomination of Tribal Prosecutor and the position of Associate Judge Pro Tem.

12:11 p.m. Public Comment closes.

12:12 p.m. Lunch

1:31 p.m. Meeting resumes

1:33 p.m. – 2:04 p.m. Appellate Justices

Motion made by Councilor Law and supported by Councilor Denemy to acknowledge the verbal report given by Chief Justice Single regarding Appellate Back Log Report.

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

Motion carried.

Legislative Office Reports:

Treasury Director Report

Motion made by Councilor Law and supported by Councilor Wemigwase to accept Treasury Director Garrow's verbal and written report as presented on March 5, 2015.

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

Motion carried.

Legislative Services Attorney Report

Motion made by Councilor Law and supported by Secretary Shananaquet to accept Legislative Services Attorney Budnick's verbal and written report as presented on March 5, 2015.

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

Motion carried.

2:39 p.m. – 3:12 p.m. Prosecutor Interview – Angela Sherigan

2:40 p.m. Councilor Keshick exits

3:13 p.m. Public Comment opens:

- Citizen Rochelle Ettawageshik invited Tribal Council to attend the Indian Child Welfare Commission meetings. She also announced her appointment as the Chairperson of the National Indian Child Welfare Board.
- Citizen Linda Gokee spoke of her concerns with the Tribal Prosecutor interviewee.

3:21 p.m. Public Comment closed.

3:22 p.m. Break.

3:33 p.m. Resume.

3:45 p.m. Odawa Fishery, Inc. Charter Position Interview - Ervin Barrett

Enjinaaknegeng

Motion made by Councilor Denemy and supported by Treasurer Reyes to accept General Counsel Bransky's verbal and written report as presented on March 5, 2015.

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

Motion carried.

Legislative Office Manager

Motion made by Councilor Law supported by Councilor Wemigwase to accept Legislative Office Manager LaCount's verbal and written report as presented on March 5, 2015

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

Motion carried.

Action Items - Motions

Motion made by Treasurer Reyes supported by Councilor Otto to approve Certified Motion 030515-01 Establish the Water quality Protection Work Group.
Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Keshick)
Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Law to assign Ervin Barrett to the Odawa Fishery Inc. Corporate Charter Board.
Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Keshick)
Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Otto to approve travel for Treasurer Reyes to attend the Great Lakes Food Conference, Green Bay, WI on April 14-16, 2015.
Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Keshick)
Motion carried.

4:33 p.m. Councilor Keshick returns.

Motion made by Councilor Law and supported by Councilor Denemy to amend the agenda to include Tribal Council appointment to the Water Quality Work Group and to approve travel to the Water Quality Standards Academy, Tribal Resolution: Decommission and Safe Removal of Pipeline Running under the Straits of Mackinac, Authorize Tribal Chairperson to sign the proposed 4th Amendment to the Resident Tribal Member's Sales Tax Agreement, and (3) motions pertaining to liquor licenses for Odawa Casino, Odawa Hotel and Biindagen.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Secretary Shananaquet supported by Councilor Law to appoint Councilor Wemigwase and Councilor Otto to the LTBB Water Quality Work Group.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Secretary Shananaquet supported by Councilor Law to approve travel for Councilor Wemigwase and Councilor Otto to attend EPA Water Quality Standards Academy on April 27, 2015 – May 1, 2015 in Washington, D.C.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Law to approve the Odawa Fishery Inc. Corporate Charter Addendum 030515-01 that assigns Ervin Barrett to the Charter Board with term ending April 6, 2017.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Councilor Otto and supported by Councilor Denemy to approve the issuance of a liquor license for sale of alcoholic beverages solely for consumption on the premises at the Odawa Hotel, which is located on land held in trust for the Tribe by the United States at 1444 US 131 S. Petoskey, MI 49770, until the date of approval of Waganakising Odawak Statute 2009-019 Liquor and Tobacco Licensing Board Statute by the Bureau of Indian Affairs or in 365 days, whichever is later; and authorizes the Tribal Chairman to sign the license.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to approve the issuance of a liquor license for sale of alcoholic beverages for consumption on the premises at Odawa Casino Resort, which is located on land held in trust for the Tribe by the United States at 1760 Lears Road, Petoskey, MI 49770, and an "off-premises" license for wine sales at the "Just North" and the Sage Restaurant at the same address, until the date of approval of Waganakising Odawak Statute 2009-019 Liquor and Tobacco Licensing Board Statute by the Bureau of Indian Affairs or in 365 days, whichever is later; and authorizes the Tribal Chairman to sign the license.

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

Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to approve a liquor license for Biindigen for "off-premises" license to sell alcohol at 2169 US 31 North, Petoskey, MI 49770 until the date of approval of Waganakising Odawak Statute 2009-019 Liquor and Tobacco Licensing Board Statute by the Bureau of Indian Affairs or in 365 days, whichever is later; and authorizes the Tribal Chairman to sign the license.

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

Motion carried.

Action Items - Roll Call Votes

Motion made by Councilor Denemy supported by Treasurer Reyes to approve Angela Sherigan for Tribal Prosecutor for a 3-year term.

Roll call: Councilor Denemy-yes, Councilor Keshick-no, Councilor Law-no, Councilor Naganashe-no, Councilor Otto-no, Councilor Wemigwase-no, Treasurer Reyes-no, Secretary Shananaquet-abstain

Motion fails.

Motion made by Councilor Wemigwase supported by Councilor Law to pass Waganakising Odawak Statute Domestic Violence Statute.

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

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Law to table Waganakising Odawak Statute Personal Protection Orders and No Contact Orders and Violations of Protective Orders.

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

Motion carried.

Motion made by Treasurer Reyes supported by Councilor Wemigwase to pass Waganakising Odawak Statute Amendment to Waganakising Odawak Statute # 2008-006 Enrollment for Citizenship 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

Motion carried.

Motion made by Councilor Law supported by Councilor Wemigwase to pass Waganakising Odawak Statute Victim's Rights as sponsored by the VAWA Work Group.

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

Motion carried.

Motion made by Councilor Keshick supported by Councilor Wemigwase to pass Waganakising Odawak Statute Amendment to the Child Protection 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

Motion carried.

Motion made by Councilor Wemigwase supported by Councilor Naganashe to adopt Tribal Resolution: Decommission and Safe Removal of Pipeline Running under the Straits of Mackinac.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Naganashe to approve fourth Amendment to the Tax Agreement between the Little Traverse Bay Bands of Odawa Indians and the State Of Michigan and to authorize the Tribal Chairperson to sign the proposed fourth amendment on behalf of LTBB.

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

Motion carried.

Adjournment

5:23 p.m. Motion made by Councilor Denemy and supported by Councilor Law to adjourn meeting.

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

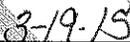
Next Scheduled Meeting
March 19, 2015

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 corrected.



Julia A. Shananaquet, Tribal Council Secretary



Date

APPROVED