

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
December 19, 2010

Closed Session: yes

Call to Order: Meeting was called to order at: 9:03 a.m.

Opening Prayer: Moment of Silence

Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Aaron Otto, Councilor Marvin Mulholland

Absent: Councilor Belinda Bardwell, Councilor Gerald Chingwa, Councilor Melvin L. Kiogima, Councilor Rita Shananaquet

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount

Executive Officials and Staff Present: General Counsel James Bransky, Tribal Chairman Ken Harrington, Human Services Director Deneen Smith

Guests: Nancy Kiogima, Denise Petoskey, Garcia Medicine

Invited: Noel LaPorte – LGI Consulting Service

9:08 a.m. Councilor R. Shananaquet arrived.

9:12 a.m. Councilor Kiogima arrived.

Motion made by Councilor Otto and supported by Secretary Gasco Bentley to adopt the agenda with additions.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Chingwa)

Elders Comments: no comments.

Motion made by Councilor Otto and supported by Treasurer Bott to approve the minutes of December 5, 2010 with corrections.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Chingwa)

Motion carried.

9:24 a.m. Councilor Chingwa arrived.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept Legislative Leader J. Shananaquet's verbal and written report for December 19, 2010.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to authorize the Little Traverse Bay Bands of Odawa Indians Election Board to negotiate a contract for legal counsel with Carlos Alvarado not to exceed \$10,000 in the FY 2011 Budget and that the Election Board has approval to employ legal counsel to assist them in carrying out their duties as prescribed by the Little Traverse Bay Bands of Odawa Indians Constitution.

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

Motion carried.

9:42 a.m. Motion made by Councilor R. Shananaquet and supported by Councilor Otto to go into closed session for legal.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Bardwell)

Motion carried.

10:24 a.m. Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to return to open session.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to participate in an amicus brief to the United States Supreme Court in the Madison County case, if recommended by the Tribal Supreme Court project, and contribute up to \$5,000.00 from Legal Department for this effort through NCAI or retention of Drummond Woodsum and authorize the Executive to submit such funding.

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

Motion carried.

11:03 a.m. Recess called.

11:14 a.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Legislative Leader J. Shananaquet to accept Secretary Gasco Bentley's verbal report for December 19, 2010.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to accept Treasurer Bott's Treasurer and Appropriations and Finance Committee verbal and written report for December 19, 2010.

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

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to approve the Gaming Board of Directors 2011 Budget in the amount \$148, 751.72 to be funded through Odawa Casino Resort.

Vote: 7 - Yes, 0 - No, 1 - Abstained (Treasurer Bott), 1 - Absent (Councilor Bardwell)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to accept Councilor Kiogima's Land and Reservation Committee Chairperson verbal report for December 19, 2010.

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

Motion carried.

11:56 a.m. Public Comment opened: no comments.

11:57 a.m. Public Comment closed.

12:01 p.m. Councilor Otto left the meeting.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept Councilor Chingwa's Legal and Legislative Committee Chairperson verbal report for December 21, 2010.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Otto)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to approve the Cellular Equipment and Service Plan Policy.

Vote: 4 - Yes, 3 - No (Councilor Kiogima, Secretary Gasco Bentley, Treasurer Bott), - Abstained, 2 - Absent (Councilor Bardwell, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Legislative Leader J. Shananaquet to approve the Computer Equipment and Internet Usage Policy.

Vote: 3 - Yes, 4 - No, (Councilor Kiogima, Secretary Gasco Bentley, Treasurer Bott), 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Otto)

Motion failed.

12:13 p.m. Lunch Recess called. Councilor Kiogima leaves.

1:34 p.m. Meeting reconvened. Councilor Otto arrived.

Motion made by Councilor R. Shananaquet and supported by Legislative Leader J. Shananaquet to adopt Tribal Resolution: Rescission of Tribal Resolution #031603-02, Elders Advisory Board.

Roll call vote: Councilor Bardwell-absent, Councilor Chingwa-no, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes,

Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Councilor Mulholland and supported by Councilor R. Shananaquet to un-table the nomination for Chief Judge.
Vote: 6 - Yes, 1 - No (Councilor Chingwa), 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

Motion made by Councilor Mulholland and supported by Secretary Gasco Bentley to acknowledge the receipt of the Tribal Chairman nomination of Bernadece Kiogima for Chief Judge.
Vote: 5 - Yes, 2 - No (Councilor Chingwa, Councilor R. Shananaquet), 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to accept Councilor R. Shananaquet and Councilor Mulholland's the verbal Tribal Council Member reports for December 21, 2010.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept Legislative Services Attorney Budnick's verbal and written report for December 19, 2010.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

2:29 p.m. Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to go into closed session for legal.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

2:45 p.m. Motion made by Councilor Mulholland and supported by Councilor R. Shananaquet to return to open session.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

2:45 p.m. Recess called.
2:55 p.m. Meeting reconvened.

3:00 p.m. Public Comment opened: Denise Petoskey requested Tribal Council establish Tribal minimal wage legislation of at least \$10 per hour. Michele LaCount spoke in support of Denise Petoskey's suggested legislation.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to acknowledge receipt of Tribal Chairman Ken Harrington verbal and written report for December 19, 2010.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to approve: Request for Funding from the U.S. Environmental Protection Agency, FY 2011 Section 128(a) Cooperative Agreements Little Traverse Bay Bands of Odawa Indians LTBB Tribal Environmental Response Project.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa to approve: Request for funds as a sub-grantee from the Inter-Tribal Council of Michigan, U.S. Department of Health and Human Services Support for Pregnant and Parenting Teens Little Traverse Bay Bands of Odawa Indians Pregnancy Assistance Fund.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to approve: Request for funds as a sub-grantee from the Michigan Public Health Institute (MPHI) in collaboration with the Inter-Tribal Council of Michigan's Healthy Start Program, Little Traverse Bay Bands of Odawa Indians REACH CORE Program.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to table: Tribal Resolution United States Department of the Interior Bureau of Indian Affairs Authorization for P.L. 93-638 Contract.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)

Motion carried.

Motion made by Treasurer Bott and supported by Legislative Leader J. Shananaquet to pass the Tribal Title IV-E Agreement between the Tribe and the State of Michigan.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to table the Little Traverse Bay Bands of Odawa Indians Governmental Campus site plan until reviewed by the Land and Reservation Committee.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to pass Waganakising Odawak Statute Tribal Elections and Election Board Statute.
Roll call vote: Councilor Bardwell-absent, Councilor Chingwa-yes, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader J. Shananaquet-yes
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott pass Waganakising Odawak Statute Office of the Treasury Statute.
Roll call vote: Councilor Bardwell-absent, Councilor Chingwa-yes, Councilor Kiogima-absent, Councilor Mulholland-no, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-abstained, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to pass Waganakising Odawak Statute Gaming Delegation and Authority Statute.
Roll call vote: Councilor Bardwell-absent, Councilor Chingwa-yes, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-no, Treasurer Bott-abstained, Secretary Gasco Bentley-no, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Treasurer Bott to post the Financial Disclosure of Public Officials to the Legislative Calendar.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

Motion made by Councilor Otto and supported by Councilor R. Shananaquet to remove the Constitutionally Mandated Compensation Statute from the Legislative Calendar.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Chingwa to approve the Wildland Fire Management Agreement.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Kiogima)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Chingwa to appoint Tribal Councilors Otto, Chingwa and Mulholland to the Gaming Authority pending enactment of the Gaming Delegation and Authority Statute.

Vote: 4 - Yes, 2 – No (Councilor R. Shananaquet, Secretary Gasco Bentley), 1 – Abstained (Treasurer Bott), 2 – Absent (Councilor Bardwell, Councilor Kiogima)

Motion carried.

4:23 p.m. Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to adjourn.

These Minutes have been read and approved as written:

Regina Gasco Bentley, Tribal Council Secretary

1 - 9 - 11

Date