

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
November 7, 2010

Closed Session: yes

Call to Order: Meeting was called to order at: 9:07 a.m.

Opening Ceremony: Moment of Silence

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

Absent: 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: Tribal Chairman Ken Harrington, Vice-Chairman Dexter McNamara, General Counsel James Bransky

Public: Bea Law, Alan Proctor

Invited Guests: none

Motion made by Councilor Bardwell and supported by Councilor Chingwa to adopt the agenda for November 7, 2010 with changes.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor R. Shananaquet)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Otto to approve the minutes of October 24, 2010 with corrections.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor R. Shananaquet)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Chingwa to Ratify Into The Record The Phone Poll Dated October 26, 2010 "Motion to approve the following confidential documents as submitted to Tribal Council by the Legislative Services Attorney Budnick on October 26, 2010 with waiver of sovereign immunity clauses contained therein: Security Agreement; Depository Agreement; and Indenture; as submitted and revised by Attorney Tim Kincaid; and shall be signed in accordance with Tribal Resolution 062710-01, as

applicable to meet an immediate deadline to protect a vital interest of the Tribe.”
The Phone Poll passed 7-yes, 1-no, 1-abstained, 0-absent.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor R. Shananaquet)
Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to Ratify into the Record the Phone Poll Dated November 03, 2010 “Motion to Approve Potential Legal Action and Expenses Associated with the Bay Mills Casino in Vanderbilt Area, to protect a vital interest of the Tribe.”
The Phone Poll passed 9-yes, 0-no, 0-Abstained, 0-Absent
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor R. Shananaquet)
Motion carried.

Elder Comments: no comments at this time.

9:19 a.m. Councilor Kiogima arrived.

Motion made by Treasurer Bott and supported by Councilor Chingwa to accept Legislative Leader J. Shananaquet verbal and written report with confidential items contained therein.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor R. Shananaquet)
Motion carried.

9:44 a.m. Recess called.

9:58 a.m. Meeting reconvened.

9:59 a.m. Motion made by Councilor Kiogima and supported by Councilor Bardwell to go into closed session for legal.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

10:46 a.m. Councilor R. Shananaquet arrived.

11:19 a.m. Motion made by Councilor Otto and supported by Councilor Mulholland to return to open session.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

11:20 a.m. Recess called.

11:29 a.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Councilor Otto to accept Treasurer Bott’s verbal and written Treasurer Report and Appropriations and Finance Committee update for November 7, 2010.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bardwell)

Motion carried.

11:58 a.m. Public Comment opened: no comments.

11:58 a.m. Public Comment closed.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to modify and allocate an additional appropriation of \$45,000 to the per capita distribution program line item #1401-8-00 in order to pay every Tribal Citizen \$500.00 dollars this year for their 2010 per capita distribution including cost of postage. Funding to come from prior period funds.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa to appropriate the sum of \$25,000 to come from prior year funds to assist Tribal Elders with specialized dental costs not covered by the Tribal Health Clinic and approve the funding to the Elders Department budget.

Vote: 7 - Yes, 1 – No (Councilor R. Shananaquet), 0 - Abstained, 1 - Absent (Councilor Bardwell)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to appropriate the sum of \$20,000 to a 2010 Winter Solstice Party line item #2104-2-00 with funds to come from Prior year funding provided that each Tribal child eighteen (18) years of age or younger shall receive a \$20.00 Winter Solstice gift in lieu of gifts being distributed at the Winter Solstice party.

Vote: 7 - Yes, 2 – No (Councilor Otto, Councilor R. Shananaquet), 0 - Abstained, 1 – Absent (Councilor Bardwell)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to approve the Hotline Policy dated November 7, 2010.

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

Motion carried.

Motion made by Councilor Chingwa and supported by Treasurer Bott to request the Legislative Services Attorney Budnick draft a statute that creates the Accounting as a Department under Tribal Council as a government office for the Little Traverse Bay Bands of Odawa Indians in accordance with the Tribal Constitution for Tribal Council approval.

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

Motion carried.

12:20 p.m. Lunch recess called.

1:57 p.m. Meeting reconvened. Treasurer Bott absent.

2:05 p.m. Treasurer Bott arrived.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to post Declaration 110710-01 Statement and opposition to Bay Mills Casino in Vanderbilt Michigan.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to acknowledge receipt of the Waganakising Odawak Development, Inc., Quarterly Report, By-Laws, copy of the Annual Financial Audit and the Travel policy.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept the verbal report as presented by Councilor Kiogima Land and Reservation Committee Chairperson for November 7, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Kiogima to accept the verbal report as presented by Councilor Chingwa Legal and Legislative Committee Chairperson for November 7, 2010.

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

Motion carried.

3:12 p.m. Public Comment opened: no comments.

3:13 p.m. Public Comment closed.

3:14 p.m. Councilor Kiogima left the meeting.

Motion made by Treasurer Bott and supported by Legislative Leader J. Shananaquet to accept the verbal report of the Constitutionally Mandated Rules of Conduct for Officials of Tribal Government Ethics Committee verbal and written report as presented by Councilor Otto Committee Chairperson for November 7, 2010.

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

Motion carried.

3:13 p.m. Recess called.

3:24 p.m. Meeting reconvened.

3:26 p.m. Motion made by Councilor Chingwa and supported by Councilor Bardwell to go into closed session for confidential business matters-Casino.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 2 – Absent (Councilor Kiogima, Councilor R. Shananaquet)

Motion carried.

4:18 p.m. Motion made by Councilor R. Shananaquet and supported by Councilor Mulholland to return to open session.

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

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to approve the following confidential documents as submitted to Tribal Council by the Legislative Services Attorney Budnick on November 7, 2010 with waiver of sovereign immunity clauses contained therein: Security Agreement; Depository Agreement; Indenture; Revised Indenture; Amendment to FF & E Loan Agreement, Deposit Account Control Agreement, Fee Agreement with Wilmington Trust; and any clerical or technical revisions that do not involve substantive changes may be approved by the Tribal Chair and the Tribal Treasurer and shall be signed in accordance with Tribal Resolution 062710-01, as applicable.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept the Legislative Services Attorney Donna Budnick's verbal and written report for November 7, 2010.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to approve Enrollment List A - Eligible for Citizenship dated October 20, 2010 for a total of 10.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to approve Enrollment List B - Declination Ineligible dated October 20, 2010 for a total of 3.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to acknowledge Enrollment List C - Voluntary Relinquishment dated November 5, 2010 for a total of 1.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to adopt Tribal Resolution: Authorization for Liquidation of Investment Funds in the amount up to approximately \$5,000,000.00.

Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes,

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

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to adopt Tribal Resolution: Authorization for Liquidation of Investment Funds in the approximate amount of \$526,000.00.

Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-abstained, Secretary Gasco Bentley-yes, Legislative Leader J. Shananaquet-yes

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to approve the 2011 Tribal Council Schedule.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to table the Cell phones and other Communication Devices Policy to a work session agenda.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to table the Computer Equipment and Internet Expense Policy to a work session agenda.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to pass the Little Traverse Bay Bands of Odawa Indians Resources Rules and Regulations REG-WOS 2008-012 102010-001.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to post the Gaming Delegation and Authority DRAFT Statute to the Legislative Calendar.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to pass the Constitutionally Mandated Compensation for Tribal Council Statute.

Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-absent, Councilor Mulholland-yes, Councilor R. Shananaquet-yes,

Councilor Otto-abstain, Treasurer Bott-yes, Secretary Gasco Bentley-no, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to cancel the November 20, 2010 Tribal Council work session.
Vote: 7 - Yes, 1 - No (Councilor Otto), 0 - Abstained, 1 - Absent (Councilor Kiogima)
Motion carried.

4:58 p.m. Motion made by Councilor Bardwell and supported by Councilor Chingwa to adjourn.
Vote: 7 - Yes, 1 - No (Councilor Otto), 0 - Abstained, 1 - Absent (Councilor Kiogima)
Motion carried.

These Minutes have been read and approved as corrected:

Regina Gasco Bentley, Tribal Council Secretary

11-21-10

Date