

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting, Tribal Court Room
7500 Odawa Circle
Harbor Springs, MI 49740
October 9, 2011

Closed Session: yes

Call to Order: Meeting was called to order at: 9:00 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader, Gerald V. Chingwa, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Aaron Otto, Councilor Melvin L. Kiogima, Councilor Kevin Gasco, Councilor Winnay Wemigwase, Councilor Bill A. Denemy

Absent: Councilor Belinda Bardwell

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount, General Counsel James Bransky

Executive Officials and Staff Present: Tribal Chairman Dexter McNamara, Vice Chairperson Julie Shananaquet, Kristina Baller

Public: Laura Lonchar, Yvonne McShane, Donald Lasley, Alan Proctor, Billy McNamara, Daugherty Johnson, Doug Emery

Invited Guests: Derek Bailey, Dora Willis, Fran Kamps, Randy Kamps, Kennard Weaver, Faye Keyes

Motion made by Councilor Wemigwase and supported by Councilor Gasco to adopt the agenda for October 9, 2011 with changes.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve the minutes of September 25, 2011 as presented.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa to ratify into the record into the record the Phone Poll dated September 26, 2011. The reason for the phone poll was to further promote the interests of Tribal Citizens by adjusting the per capita distribution date. The Phone Poll passed.

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

Motion carried.

Motion made by Councilor Chingwa and supported by Treasurer Bott to ratify into the record the Phone Poll dated September 26, 2011. The reason for the Phone Poll was to approve the Land Lease and Home Purchase of Lot 5 of the Wah-Wahs Noo Da Ke. The Phone Poll passed.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to ratify into the record the Phone Poll dated September 26, 2011. The reason for Phone Poll was to approve a new wage range and 2-year employment agreement containing a “no-compete” mile radius and job specific clause for the Director of Treasury. The Phone Poll failed.

Vote: 6- Yes, 2 – No (Councilor Kiogima, Secretary Gasco Bentley), 0 - Abstained, 1 – Absent (Councilor Bardwell)

Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Bott to ratify into the record the Phone Poll dated September 29, 2011. The reason for Phone Poll was to authorize the Legislative Leader to sign a waiver of attorney/client privilege and confidentiality for Enjinaaknegeng consultation regarding Tribal Court case # C-120-0411.

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

Motion carried.

9:15 Elder Comment: Doug Emery spoke regarding the Michelle Chingwa Education Assistance Act Regulations.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to authorize the LTBB Election Board to utilize the current FY 2011 Election Board budget in order to further negotiate a contract to employ for legal counsel Carlos Alvarado further assisting them in carrying out their duties.

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

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Wemigwase to accept Treasurer Bott’s verbal and written report for October 9, 2011.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to adopt Tribal Resolution: Providing for Priority Funding Allocation for 2013 Fiscal Year Roll call vote: Belinda Bardwell-absent, Bill A. Denemy-yes, Kevin Gasco-yes, Melvin L. Kiogima-yes, Aaron Otto-yes, Winnay Wemigwase-yes, Regina Gasco Bentley-yes, John Bott-yes, Gerald V. Chingwa-yes

Motion carried.

9:53 a.m. Recess called.

10:07 a.m. Meeting resumed.

Tribal Chairman McNamara: Derek Bailey introduced himself to Council as a candidate for Congressional District 1 United States House of Representatives.

10:42 a.m. Motion made by Councilor Denemy and supported by Councilor Gasco to go into closed session legal.

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

Motion carried.

11: 47 a.m. Public Comment opened: no comments.

11:48 a.m. Public Comment closed.

Motion made by Councilor Denemy and supported by Councilor Wemigwase to approve Enjinaaknegeng filing of an amicus brief on behalf of Little Traverse Bay Bands of Odawa Indians in the Michigan Supreme Court in the case of In re Morris, #142759.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to authorize initiation of formal dispute resolution under the 2007 Inland Consent Decree stemming from the States over-harvest of its 2011 sturgeon allocation.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept Legislative Leader Chingwa's verbal report as presented for October 9, 2011.

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

Motion carried.

11:55 a.m. Lunch recess called.

1:30 p.m. Meeting reconvened: Councilor Gasco absent.

1:31 p.m. Councilor Gasco arrived.

Tribal Council Orientation and Legal Update.

2:46 p.m. Recess called.

2:59 p.m. Meeting reconvened.

3:00 p.m. Public Comment opened: Yvonne McShane spoke regarding Tribal Council per diem, and mileage.

Motion made by Secretary Gasco Bentley and supported by Councilor Wemigwase to accept the Odawa Economic Development Management Inc., verbal and written Quarterly Report and Annual Operating Plan for October 9, 2011 as presented by Alan Proctor.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Denemy to approve the Odawa Economic Development Management Inc., Operating 2011 Budget in the amount of \$17,450.

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

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Wemigwase to accept Waganakising Odawa Development Inc Quarterly report for October 9, 2011.

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

Motion carried.

4:26 p.m. Motion made by Councilor Kiogima and supported by Councilor Gasco to go into closed session for confidential business matters.

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

Motion carried.

4:41 p.m. Motion made by Councilor Otto and supported by Councilor Gasco to return to open session.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Wemigwase to appropriate \$20,000 to Odawa Fishery for outstanding debts incurred by Bell's Fishery. Funding to come from prior period funds.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Denemy to accept the Odawa Fishery Quarterly report for October 9, 2011.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to amend the agenda to include: a motion to rescind the motion that authorized the Legislative Leader to offer the position of Treasury Director to Barry Crowell; a motion to rescind the earlier adopted Percentage Allocation Resolution; a motion to adopt the Priority Funding Allocation Percentages for Fiscal Year 2013 by Certified Motion; and a motion to approve the payment of \$2059.31 to Rehmann for consultant services to come from the Legislative budget.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to rescind the motion that authorized the Legislative Leader to offer the position of Treasury Director to Barry Crowell.

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

Motion made by Treasurer Bott and supported by Councilor Denemy to rescind the earlier adopted percentage allocation resolution.

Vote: 7 - Yes, 1 – No (Councilor Otto), 0 - Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to adopt by approved Certified Motion the Priority Funding Allocation Percentages for Fiscal Year 2013 by Certified Motion.

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

Motion made by Treasurer Bott and supported by Councilor Otto to approve the payment of \$2,059.31 to Rehmann for consultant services to come from the Legislative budget.

Vote: 7 - Yes, 1 – No (Councilor Otto), 0 - Abstained, 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to approve the Tribal Council Regular Work Session/Meeting Calendar for 2012.

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

Motion made by Councilor Chingwa and supported by Councilor Gasco to accept Councilor Melvin L. Kiogima's resignation from the Gaming Authority Committee and appoint Secretary Regina Gasco Bentley in interim to the Gaming Authority Committee.

Vote: 5 - Yes, 0 - No, 3 – Abstained (Councilor Kiogima, Treasurer Bott, Secretary Gasco Bentley), 1 – Absent (Councilor Bardwell)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to acknowledge the Tribal Chairman verbal and written report for October 9, 1011.

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

Motion made by Treasurer Bott and supported by Councilor Gasco to approve Certified Motion: Request for funding from the U.S. Department of Transportation Investment Generating Economic Recovery (TIGER) Program Little Traverse Bay Bands of Odawa Indians TIGER – Pickerel Lake Road/U.S. 31 Intersection Project.

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

Motion made by Councilor Otto and supported by Councilor Wernigwase to amend the agenda to include Enrollment Lists A & B.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bardwell)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve Enrollment List A - Eligible for Citizenship dated September 22, 2011 for a total of 8.
Vote: 7 - Yes, 1 - No (Councilor Chingwa), 0 - Abstained, 1 - Absent (Councilor Bardwell)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve Enrollment List B - Declination Ineligible dated September 22, 2011 for a total of 3.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bardwell)
Motion carried.

5:24 pm. Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to adjourn.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bardwell)
Motion carried.

These Minutes have been read and approved as written.

Regina Gasco Bentley, Tribal Council Secretary

10-23-11

Date