

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
Tribal Court Room  
7500 Odawa Circle  
Harbor Springs, MI 49740  
September 11, 2011

Closed Session: none

Call to Order: Meeting was called to order at: 9:08 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Aaron Otto, Councilor Melvin L. Kiogima, Councilor Gerald V. Chingwa

Absent: Councilor Rita Shananaquet, Councilor Marvin Mulholland

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

Executive Officials and Staff Present: Tribal Chairman Dexter McNamara, Vice-Chair Julie Shananaquet

Public: Yvonne McShane, Judy Field, Heidi Bosma, Diane Bott, Sierra Klaus, Renee Dillard, Carla McFall

Invited Guests: none

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Motion made by Councilor Kiogima and supported by Treasurer Bott to adopt the agenda with changes for September 11, 2011 in memory of people lost on September 11, 2001.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor Shananaquet)

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to approve the minutes of August 21, 2011 as corrected.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor R. Shananaquet)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Kiogima to approve the Special Meeting minutes of September 1, 2011 as presented.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor Shananaquet)

Motion carried.

Elder Comments: no comments at this time.

Motion made by Councilor Otto and supported by Councilor Bardwell to accept Secretary Gasco Bentley's verbal report for September 11, 2011.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor R. Shananaquet)

Motion carried.

Motion made by Councilor Otto and supported by Councilor Shananaquet to accept Treasurer Bott's verbal Treasurer and Appropriations and Finance Committee report for September 11, 2011.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor R. Shananaquet)

Motion carried.

9:28 a.m. Councilor R. Shananaquet arrived.

Motion made by Treasurer Bott and supported by Councilor Kiogima to approve Authorization and Allocation of Funding for McClurken and Associates for Historical Research and Book Completion in the amount of no more than \$57,000.00 to come from Enjinaaknegeng budget.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Chingwa to approve an offer to Barry Crowell for the position of Treasury Director.

Vote: 4 - Yes, 3 – No (Councilor Kiogima, Secretary Gasco Bentley, Councilor Otto), 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to accept Land and Reservation Committee verbal report from Committee Chairperson Kiogima for September 11, 2011.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Shananaquet to re-appropriate the \$207,572 that was left over from the Club Keno litigation back into Enjinaaknegeng budget, specifically into the 'war chest' account, and further that it be used for the Vanderbilt case and for continued work on the reaffirmation of the reservation boundaries.

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

Motion carried.

10:38 a.m. Recess called.

10:50 a.m. Meeting reconvened.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley that the Little Traverse Bay Bands of Odawa Indians will send a letter of Support for the land-swap between the State of Michigan and the Minis Kitigan "Drum Group" on Garden Island, contingent on the receipt of a deed that transfers ten acres of the Drum Group's property to the Little Traverse Bay Bands of Odawa Indians that includes the cemetery.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Bardwell to amend the agenda to add Councilor Chingwa's Tribal Council member report.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Bardwell to accept Secretary Gasco Bentley, Councilor Bardwell and Councilor Chingwa Tribal Council member reports.

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

Motion carried.

11:45 a.m. Public Comment: Rene Dillard spoke regarding the hiring statute and Native preference.

12:06 p.m. Public Comment closed.

12:07 p.m. Lunch recess called.

1:30 p.m. Meeting Reconvened.

Motion made by Councilor Kiogima and supported by Councilor Chingwa to accept the Gaming Authority Committee report as presented by Councilor Otto Chairperson for September 11, 2011.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Otto to approve the issuance of a liquor license for "off-premises" license for wine sales at the Sage at the Odawa Casino Resort, which is located on land held in trust for Little Traverse Bay Bands of Odawa Indians by the United States at 1760 Lears Road, Petoskey, MI 49770 until the date of approval of Waganakising Odawa Statute 2009-019 Liquor and Tobacco Licensing Board Statute by the Bureau of Indian Affairs and authorize the Tribal Chairman to sign the license.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Bardwell to accept Legislative Services Attorney Budnick's verbal report for September 11, 2011.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Chingwa to approve the filing of the Amicus brief by Enjinaaknegeng with the 57th Circuit Court, Emmet County, State of Michigan, in the case of Atkinson v Atkinson, Case No. 11 3164 DM.

Vote: 6 - Yes, 1 – No (Councilor Otto), 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to approve: Certified Motion - Funding from the United States Department of Agriculture (USDA), Food and Nutrition Services, Food Distribution Program on Indian Reservations (FDPIR).

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Kiogima to approve: Certified Motion - Request for Funding from the U.S. Environmental Protection Agency, Under Section 103 of the Clean Air Act, FY 2012 Region 5 Tribal Air Grants, Little Traverse Bay Bands of Odawa Indians, Clean Air Program.

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

Motion carried.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley to approve Certified Motion - Funding from Michigan Inter-Tribal Council, Inc., Michigan Department of Community Health Elderly Supplemental Contract Little Traverse Bay Bands of Odawa Indians Elders' Program Supplement.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Bardwell to accept Enrollment List C – Voluntary Relinquishment dated September 8, 2011 for a total of (1).

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

Motion carried.

2:35 p.m. Recess called.

2:47 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to amend the agenda to include an additional nomination from the Executive for Gaming Regulatory Commission.

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

Motion made by Councilor Bardwell and supported by Councilor Otto to acknowledge receipt of (7) nominations from the Executive for Gaming Regulatory Commission: Bea Law, Beverly Wemigwase, Cathy Portman-Bradley, Rita Shananaquet, Timothy LaCroix, William Denemy, Sr, and Yvonne McShane. And acknowledge receipt of (3) withdrawals from nomination for the Gaming Regulatory Commission from Bea Law and Tim LaCroix and William Denemy.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Bott to acknowledge receipt of (3) nominations for the Election Board: Merle Carson, Christine Shomin and Yvonne McShane and acknowledge receipt of (1) withdrawal from nomination for the Election Board from Yvonne McShane.

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

Motion carried.

3:20 p.m. Public Comment opened: Judy Field spoke regarding the Treasury Director selection; an update regarding the grant for web casting meetings; and clarification regarding the Legislative Leader vacancy. Heidi Bosma spoke in support Commission Boards and Committees at (5) members. Diane Bott thanked the Gaming Authority Committee for supporting the Healthy Heart program. Yvonne McShane asked for clarification on the acronym of BDO Accounting firm.

3:39 p.m. Public Comment closed.

Motion made by Treasurer Bott and supported by Councilor. Shananaquet to pass LTBB Waganakising Representative to Michigan Anishnaabeg Cultural Preservation and Repatriation Alliance (MACPRA) and Native American Graves Protection and Repatriation Act (NAGPRA).

Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-absent, Councilor Shananaquet-yes, Councilor Otto-no, Treasurer Bott-yes, Secretary Gasco Bentley-yes

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to approve Certified Motion Request for Funding for Little Traverse Bay Bands of Odawa Indians FY 2011 Tribal Transit Start-Up Project.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor Shananaquet)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to declare a vacancy on the Tribal Council and post the opening in accordance with Procedures for Appointment for Vacancy to Tribal Council as approved.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Mulholland, Councilor R. Shananaquet)  
Motion carried.

4:01 p.m. Recess called.  
4:13 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Councilor Bardwell to approve the appointment of Councilor Chingwa to the Legislative Leader vacancy.  
Vote: 5 - Yes, 1 - No (Councilor Otto), 1 - Abstained (Councilor Chingwa), 1 - Absent (Councilor Mulholland).  
Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Shananaquet to repeal and rescind Certified Motion #032011-01 Approval for Residential Lease of Tribally Owned land Lot 5.  
Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Mulholland)  
Motion carried.

Motion made by Councilor Shananaquet and supported by Secretary Gasco Bentley to remove Tribal Burial Grounds, Establishment of Executive Departments and Legislative Offices, Indian Preference in Hiring, Odawa Gaming Enterprise Management Inc Corporate Charter, Odawa Gaming Enterprise Management Inc, Financial Disclosure of Public Officials, and Enrollment for Citizenship from the Legislative Calendar.  
Vote: 4 - Yes, 3 - No (Councilor Otto, Councilor Bardwell, Councilor Kiogima), 0 - Abstained, 1 - Absent (Councilor Mulholland).  
Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Shananaquet to schedule a Public Hearing for October 22, 2011 concerning Amendment to Fair Employment Statute.  
Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Mulholland)  
Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to adjourn.  
Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Mulholland)  
Motion carried.

These Minutes have been read and approved as written:

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Regina Gasco Bentley, Tribal Council Secretary  
9-28-11  
Date