

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle
Harbor Springs, MI 49740
July 8, 2012

Closed Session: yes

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

Opening Ceremony: Melvin L. Kiogima

Council Present: Councilor Bill A. Denemy, Councilor John Keshick, Councilor Aaron Otto, Councilor Winnay Wemigwase, Secretary Regina Gasco Bentley, Legislative Leader Melvin Kiogima

Absent: Treasurer Bott, Councilor Bardwell, Councilor Gasco

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount, Treasury Director Michael Garrow, Summer Legal Intern Tanya Gibbs

Executive Officials and Staff Present: Tribal Administrator Albert Colby

Public: Doug Emery, Sam Shenoskey, Jake Bode, Janice Shackelford John Gasco, Tammy Okuly, John Shenoskey, Denise Petoskey, Annette VandeCar

Invited Guests: Doris Kinser guest of Janice Shackelford

9:04 a.m. Councilor Bardwell, Councilor Gasco arrived.

9:06 a.m. Treasurer Bott arrived.

Motion made by Councilor Keshick and supported by Councilor Gasco to adopt the agenda as amended for July 8, 2012 as amended.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to approve the minutes of, June 24, 2012 as presented.

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

Motion carried.

9:12 a.m. Elder comments: Doug Emery spoke regarding Michelle Chingwa Education Assistance, request for removal of being banned from the Casino, and asked where the Tribal Council is at with the Marriage Statute Amendment.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to approve Certified Motion: Request for Funding from the United States Environmental Protection Agency, Little Traverse Bay Bands of Odawa Indians, Performance Partnership Grant.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to approve Certified Motion: Inter-Tribal Council of Michigan, Inc. application for funding: U.S. Department of Health and Human Services Office of Community Services Community Services Block Grant Emergency Assistance Program.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to approve Certified Motion: Request for funding from the State of Michigan, Department of Human Services, Bureau of Juvenile Justice Community Programming and Support Services, Child Care Fund Unit Little Traverse Bay Bands of Odawa Indians Child Care Fund Annual Tribal Plan.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to approve Certified Motion: Inter-Tribal Council of Michigan, Inc. application for funding: U.S. Department of Health and Human Services Office of Community Services Low Income Energy Assistance Program.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to approve Certified Motion: Approval for Grant Agreement between the Michigan Department of Community Health and the Little Traverse Bay Bands of Odawa Indians Public Health Preparedness and Emergency Response.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to approve Certified Motion: Midwest of Alliance proof Sovereign Tribes (MAST) Representative for the 2012 Summer Meeting.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to approve Enrollment List A – Eligible for Citizenship dated June 20, 2012 for a total of 5.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Keshick to approve Enrollment List B – Declination (Ineligible) dated June 20, 2012 for a total of 5

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to approve Certified Motion: Approval of the Memorandum of Understanding Between Little Traverse Bay Bands of Odawa Indians Law Enforcement Department and Charlevoix-Cheboygan-Emmet Central Dispatch Authority.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to acknowledge receipt from the Executive for the FY2012 1st Quarter Governmental Expenditure Report.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the Legislative Leader Kiogima report as presented for July 8, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to acknowledge receipt of the Executive action items, noting the absence of the oversight report not contained therein for July 8, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Secretary Gasco Bentley's report of the Phone Poll taken on June 27, 2012: to approve "Urgent Supplemental Funding Request from the Executive to cover expenses for the Michigan Family Olympics (MIFO) in the amount of \$7,500.00 to come from Prior Period Funds."

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Bardwell to accept Treasurer Bott's verbal report for July 8, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to approve supplemental funding for the Legislative Branch Budget in the amount of \$73,500.00 to come from prior period funds for the costs associated with the Office of Treasury.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to authorize the establishment of a "Capital Project Fund" within the Legislative Branch Budget for costs and consultants related to economic development and any remaining funds left over in a fiscal year shall be rolled over to the next fiscal year.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to approve supplemental funding for the Capital Project Fund within the Legislative Branch Budget in the amount of \$115,000.00 to come from prior period funds for costs and consultants related to economic development.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to rescind the following two Motions: March 18, 2012: Motion made by Treasurer Bott and supported by Councilor Gasco to approve supplemental funding to the Legislative Budget for consultants in the amount of \$50,000.00 to come from prior period funds and June 10, 2012: Motion made by Councilor Gasco and supported by Councilor Denemy to approve Certified Motion: Legislative Budget Capital Project Fund and Appropriation of Supplemental Funding in the amount of \$65,000.00 to come from prior period funds

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

Motion carried.

10:31 a.m. Recess called.

10:55 a.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Councilor Denemy to accept the Gaming Authority Committee report from Councilor Gasco Committee Chairperson for July 8, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Treasury Director Garrow's verbal report for July 8, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept the Land and Reservation Committee Report as presented by Committee Chairperson Kiogima for July 8, 2012.

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

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Gasco to accept the Legal and Legislative Committee Report for July 8, 2012 as presented by Committee Chairperson Gasco Bentley.

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

Motion carried.

11:46 a.m. Public Comment opened: Denise Petoskey spoke in support of the Marriage Statute Amendment. Janice Shackelford asked about the Executive oversight report.

Public Comment closed.

Motion made by Councilor Keshick and supported by Councilor Gasco to post the Child Welfare Commission Draft Statute to the Legislative Calendar.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to post the Amendment to the Prosecutor Statute to the Legislative calendar.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Keshick to accept the Ethics Committee verbal report as presented by Committee Chairperson Otto.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to accept Tribal Council member reports from Councilor Keshick and Councilor Wemigwase for July 8, 2012.

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

Motion carried.

12:06 p.m. Lunch recess called.

1:30 p.m. Meeting reconvened.

1:35 Councilor Gasco, Councilor Bardwell arrive

Motion made by Councilor Bardwell and supported by Treasurer Bott to post the Amendment to Wetlands Protection Statute on the Legislative Calendar.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to post the Amendment to Asset Disposition Statute on the Legislative Calendar.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to accept Legislative Services Attorney Budnick's verbal and written report for July 8, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Aaron Otto to pass the Office of Executive Services Attorney Statute.

Roll Call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-no, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes

Motion carried.

Motion made by Councilor Gasco to pass the Investment Statute.

Motion withdrawn.

Motion made by Councilor Gasco and supported by Councilor Bardwell to pass the Amendment to Waganakising Odawak Statute 2007-001 Marriage.

Roll Call vote: Councilor Bardwell-yes, Councilor Denemy-no, Councilor Gasco-yes, Councilor Keshick-no, Councilor Otto-yes, Councilor Wemigwase-no, Treasurer Bott-yes, Secretary Gasco Bentley-no, Legislative Leader Kiogima-no

Motion failed.

Motion made by Treasurer Bott and supported by Councilor Gasco to post the Amendment to Waganakising Odawak Statute 2007-001 Marriage to the Legislative Calendar.

Motion and Support withdrawn.

Motion made by Councilor Gasco and supported by Councilor Bardwell to amend the agenda to add the Waganakising Odawak Statute 2007-001 Marriage and the Legislative Branch Employee Handbook.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to place Marriage Draft Statute on the Legislative Calendar.

Vote: 5 - Yes, 4 – No (Councilor Keshick, Legislative Leader Kiogima, Councilor Denemy, Secretary Gasco Bentley), 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to assign the Legislative Branch Employee Handbook to the Legal and Legislative Committee.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to post the Sex Offender Registration and Notification Draft Statute to post to Legislative Calendar

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Otto to Acknowledge Receipt of: Wes Andrews: Michigan Anishnaabeg Cultural Preservation and Repatriation Alliance (MACPRA) and Native American Graves Protection and Repatriation Act (NAGPRA) Representative – 2nd Quarter Report.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to amend the Little Traverse Bay Bands of Odawa Indians, Waganakising Odawa Development, Inc. Corporate Charter, Article III: Board of Directors to replace the following: "Frank Ettawageshik, 5453 Hughston Road, Harbor Springs, MI 49740 term expiring April 2, 2012" with "Frank Ettawageshik, 5453 Hughston Road, Harbor Springs, MI 49740 term expiring April 1, 2015".

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

Motion carried.

2:32 p.m. Recess called.

2:48 p.m. Meeting reconvened.

2:53 p.m. Public Comment opened: Annette VanDeCar asked about the Executive Employee Handbook development and the vote regarding the Marriage Statute Amendment.

2:58 p.m. Public Comment closed.

3:01 p.m. Motion made by Councilor Gasco and supported by Treasurer Bott to go into closed session for personnel.

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

Motion carried.

3:49 p.m. Motion made by Councilor Gasco and supported by Treasurer Bott to return to open session.

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

Motion carried.

3:53 p.m. Motion made by Treasurer Bott and supported by Councilor Gasco to adjourn.

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

Motion carried.

These Minutes have been read and approved as written:

Regina Gasco Bentley, Tribal Council Secretary

7-22-12

Date