

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
Tribal Court Room  
7500 Odawa Circle  
Harbor Springs, MI 49740  
September 9, 2012

Closed Session: yes

Call to Order: Meeting was called to order at: 9:02 a.m.

Opening Ceremony: Melvin L. Kiogima

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

Absent: Councilor John Keshick, Councilor Belinda Bardwell, Councilor Kevin Gasco

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

Executive Officials and Staff Present: Gaming Regulatory Department Director Vince Cook and Gaming Regulatory Commission Chairperson Beverly Wemigwase, Elder Coordinator Tammy Okuly, Elder's Transportation John Gasco

Public: Levi Walker, Jr., Jake Boyd, John Kawegoma, Alice Honson, Charles Honson Sr., Yvonne McShane, Annette VanDeCar, Ben Banfield

Election Board: John Shawa, Merle Carson, Alice Hughes, Carol Quinones, Christine Shomin

Invited Guests: none

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9:05 a.m. Councilor Wemigwase arrived.

9:09 a.m. Councilor Bardwell and Councilor Gasco arrived.

Motion made by Treasurer Bott and supported by Councilor Gasco to adopt the agenda for September 9, 2012 as amended.

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

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to approve the minutes of August 19, 2012 as presented.

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

Motion made by Councilor Denemy and supported by Councilor Wemigwase to approve the minutes of the Special Meeting held September 8, 2012.

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

Elder Comment: John Kawegoma spoke regarding Elder housing and ability to obtain a previously produced task force report regarding the same.

9:42 a.m. Councilor John Keshick arrived.

Elder Comments: John Kawegoma regarding budget and loss of contract health funding. Levi Walker spoke regarding his need for hearing aid funds. Alice Honson spoke regarding her experience with the Miracle Ear hearing aide.

10:35 a.m. Recess Called.

10:51 a.m. Meeting reconvened.

Discussion regarding the Election Board placement.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to approve and authorize the Election Board to temporarily occupy the space formerly occupied by the Prosecutor located at 7500 Odawa Circle, Harbor Springs, Room 416, in accordance with Tribal Council Constitutional power 17.: "Establish and maintain government offices for the Little Traverse Bay Bands of Odawa Indians".

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent  
Motion carried.

Motion made by Councilor Otto to rescind the motion "to approve and authorize the Election Board to temporarily occupy the space formerly occupied by the Prosecutor located at 7500 Odawa Circle, Harbor Springs, Room 416, in accordance with Tribal Council Constitutional power 17.: "Establish and maintain government offices for the Little Traverse Bay Bands of Odawa Indians".

Motion died due to lack of support.

12:01 p.m. Public Comment opened: Annette VanDeCar asked if there would be a representative from the Executive Office at this meeting today. Tammy Okuly spoke with concern regarding communication with the Housing Department. Levi Walker spoke regarding Tribal Citizens need for hearing aid funding, federal funding to Tribes and Casino revenue. John Kawegoma reminded Tribal Council they are in charge of the funding.

12:24 p.m. Public Comment closed.

12:26 p.m. Lunch recess called.

1:37 p.m. Meeting reconvened.

Odawa Fishery Inc., Corporate Charter appointment interviews.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to approve Certified Motion: Funding from the United States Department of Agriculture (USDA), Food and Nutrition Services Little Traverse Bay Bands of Odawa Indians Food Distribution Program on Indian Reservations (FDPIR).

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to approve Enrollment List A- Eligible for Citizenship dated August 21, 2012 for a total of 5.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Gasco to approve Enrollment List B - Declination Ineligible dated August 21, 2012 for a total of 2.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to approve Sex Offender Registration and Notification Statute (SORNS) Classes of Offenders Regulations REG-WOS 2012-008 081712-002.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to approve Tribal Minimum Internal Control Standards REG-WOS 2005-06 081012-011.

Vote: 8 - Yes, 0 - No, 1 - Abstained (Treasurer Bott), 0 - Absent

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to Gaming Regulatory Commission Regulations REG-WOS 2005-06 083012-010.

Motion withdrawn.

Motion made by Councilor Wemigwase and supported by Legislative Leader Kiogima to approve Gaming Regulatory Commission Regulations REG-WOS 2005-06 083012-010.

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

3:03 p.m. Public Comment opened: Yvonne McShane spoke in support of hearing aids for Citizens.

Motion made by Treasurer Bott and supported by Councilor Bardwell to approve the Sex Offender Registration and Notification Policy POL-ADM WOS 2012-008 081712-003.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent  
Motion carried.

4:39 p.m. Recess called.

4:54 p.m. Meeting reconvened.

Motion made by Councilor Bardwell and supported by Councilor Gasco to accept Legislative Leader Kiogima's report as presented for September 9, 2012.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent  
Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to accept Secretary Gasco Bentley's report for September 9, 2012.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent  
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept Treasurer Bott's verbal report for September 9, 2012.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent  
Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to accept the Gaming Authority Committee report for September 9, 2012 as presented by Committee Chairperson Gasco.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent  
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to accept the Land and Reservation Committee verbal report for September 9, 2012 as presented by Chairperson Kiogima.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent  
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept the verbal Legal and Legislative Committee report as presented by Committee Chairperson Secretary Gasco Bentley.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to accept the Ethics Committee verbal report for September 9, 2012 as presented by Committee Chairperson Otto.

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

Motion carried.

6:11 p.m. Recess called

6:24 p.m. Meeting reconvened.

6:25 p.m. Motion made by Councilor Wemigwase and supported by Councilor Bardwell to go into close session for legal purposes.

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

Motion carried.

7:16 p.m. Motion made by and supported by to return to open session.

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

Motion carried.

7:32 p.m. Recess called.

8:08 p.m. Meeting reconvened.

Motion made by Councilor Wemigwase and supported by Secretary Gasco Bentley to schedule an Emergency Meeting for September 10, 2012 with time to be determined.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept Secretary Gasco Bentley travel report regarding attendance at the United Tribes of Michigan meeting.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Tribal Council member Councilor Wemigwase's verbal report for September 9, 2012.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Wemigwase to accept Legislative Services Attorney Budnick's verbal and written report for September 9, 2012.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Bardwell to appoint JoAnne Gasco as Appellate Justice to the Judiciary Appellate Court for the remainder of Justice Genia's term.

Roll call vote: Councilor Bardwell-yes, Councilor Denemy-no, Councilor Gasco-abs, Councilor Keshick-no, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-no, Legislative Leader Kiogima-yes  
Motion failed as each justice of the Tribal Appellate Court shall be appointed by an affirmative vote of six (6) of the nine (9) members of the Tribal Council.

Motion made by Councilor Bardwell and supported by Councilor Wemigwase to request the Executive to submit another nominee for the position of Appellate Justice.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to post: Amendment to Waganakising Odawak Statute 2005-01 Natural Resource Commission Amendment and Repeal of Statutory Inland Regulations.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to override the Executive Veto of the Investment Statute.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott to approve the following Authorized Representatives for signatures on the Authorized Representative Designation Form for Merrill Lynch investments: Legislative Leader, Secretary, Treasurer and Director of Treasury.

Motion and Support withdrawn.

Motion made by Councilor Wemigwase and supported by Councilor Otto to approve the Tribal Treasurer as the Authorized Representative for signature on the Authorized Representative Designation Form for Merrill Lynch investments.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Wernigwase approve the Merrill Lynch Investment Policy Statement and authorize the Authorized Representative to sign the plan.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to post: Amendment to the Investment Statute on the Legislative Calendar.

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

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Bardwell to appropriate \$1.5 million dollars to close on property located on Nicolet Street in Mackinaw City consisting of parcels 42-03-13-400-008, 42-03-13-400-013, 42-03-13-400-015, 42-03-24-200-007, and 15-03-24-200-023 to come from prior period funds.

Vote: 7 - Yes, 2 - No (Councilor Wernigwase, Secretary Gasco Bentley), 0 - Abstained, 0 - Absent

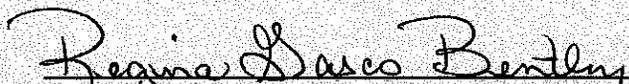
Motion carried.

9:12 p.m. Motion made by Treasurer Bott and supported by Councilor Wernigwase 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

9-23-12  
Date