

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Regular Meeting  
Tribal Court Room  
7500 Odawa Circle  
Harbor Springs, MI 49740  
October 7, 2012

Closed Session: yes  
Call to Order: 9:00 a.m.  
Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader Melvin Kiogima, Treasurer John Bott, Secretary Regina Gasco Bentley, Councilor Belinda Bardwell, Councilor Bill A. Denemy, Councilor John Keshick

Absent: Councilor Kevin Gasco, Councilor Aaron Otto, Councilor Winnay Wemigwase

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

Executive Officials and Staff Present: Audrey Perry Atkinson, John Gasco, Tammy Okuly,

Public: Carol Quiones, Bill Denemy, Sr., Yvonne McShane, John Kawegoma, Annette VanDeCar, Kimball, Janice Shackelford, Sam Shenoskey, Ed Shenoskey, Laura Esford, Frank King, Alice Honson, Charles Honson

Invited Guests: none

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9:06 a.m. Councilor Gasco arrived.  
9:09 a.m. Councilor Wemigwase and Councilor Otto arrived.

Motion made by Councilor Gasco and supported by Councilor Bardwell to adopt the agenda for October 7, 2012 as amended in honor of John W. Keshick II, and in recognition of October as Domestic Violence Awareness month.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Keshick to approve the minutes of September 23, 2012 as corrected.

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

Motion carried.

9:15 a.m. Elder Comments: no comments at this time.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to table the motion to approve the Executive to sign the Patent & Trademark Registration / Declaration.

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

Motion carried.

Domestic Violence Awareness Month Presentation: Audrey Perry-Atkinson Tribal Court Project Coordinator.

10:21 a.m. Recess called.

10:41 a.m. Meeting reconvened.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to not accept the Gaming Regulatory Commission Nomination of Doug Emery from the Executive.

Vote: 3 - Yes, 4 – No (Councilor Otto, Councilor Gasco, Councilor Keshick, Legislative Leader Kiogima), 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Wemigwase)

Motion failed.

Motion made by Councilor Keshick and supported by Councilor Gasco to accept the Gaming Regulatory Commission Nomination of Doug Emery from the Executive and hold an interview for the position on October 20, 2012.

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

Motion carried.

10:50 a.m. Elder Comments: John Gasco requested the definition of what prior year's funds are. John also asked for clarification of the Revenue Allocation Plan with regard to a Per Cap distribution increase. John further requested the Tribal Council speak to the risk of a 2<sup>nd</sup> casino when taking their Michigan tour to speak to the Citizens. John Kawegoma spoke regarding the same issues as John Gasco with regard to 2<sup>nd</sup> casino risk management. Janice Skackleford spoke with concern regarding community input, and programs for youth and elderly with when Tribal Council spends tribal funds. Frank King asked if there are any plans for the casino property to have an RV campground.

11:51 a.m. Public Comment opened: Laura Esford spoke regarding Northern Shores Loan Fund's in-ability to help and miss-treatment of those they are supposed to help. Laura further asked where she should go for help. Laura also mentioned that her merchandise was under consignment and did not belong to her but Northern Shores came and took it as collateral. Michele LaCount

supported Laura and spoke of personal experience regarding the Director and Board not being on the same page with regard to how they can lend money. Annette VanDeCar asked if a contingency plan is in place if the Tribe cannot meet the numbers with regard to the Mackinaw Project. John Kawegoma said the Citizens have not heard solid plans regarding the payoff of the current casino bonds with regard to what the plans are for the money that was used for the payments.

12:47 p.m. Public Comment closed.

12:48 p.m. Lunch recess called.

1:37 p.m. Meeting reconvened.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to appoint Yvonne McShane to the Odawa Fishery, Inc., Corporate Charter to fill the vacancy of a 2-year term ending May 2013.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Keshick to approve and authorize the disenrollment of Tribal Citizen Jane Ann Ewald #4403 for the reason of an erroneous enrollment and directs Enrollment Department to dis-enroll such Tribal Citizen, and hold a disenrollment hearing set for Tribal Citizen Jane Ann Ewald #4403 on October 7, 2012, and wherein the Tribal Citizen did not appear for the hearing, nor did she submit any documents to Tribal Council and a disenrollment hearing was set.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Wemigwase to amend the agenda to include a closed session for matters that raise significant confidential concern.

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

Motion carried.

2:03 p.m. Motion made by Councilor Wemigwase and supported by Councilor Keshick to go into closed session for matters that raise significant confidential concern.

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

Motion carried.

3:28 p.m. Motion made by Councilor Gasco and supported by Councilor Wemigwase to return to open session.

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

Motion carried.

3:29 p.m. Public Comment opened: Michele LaCount asked Tribal Council for consideration to ask the Executive to update the Contract Health Clinic Policies as previously approved by Tribal Council to include Contract Health hearing aid services.

3:32 p.m. Recess called.

3:45 p.m. Meeting reconvened.

Motion made by Councilor Otto to adjourn.

Motion dies due to lack of support.

5:03 p.m. Recess called.

5:20 p.m. Meeting reconvened.

Motion made by Councilor Gasco and supported by Councilor Bardwell to approve the Drier Road Fish Hatchery Site Plan layout C101 dated 06/13/12.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to Approve Enrollment List A – Eligible for Citizenship dated September 19, 2012 total of 4.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to Approve Enrollment List B – Ineligible for Citizenship dated September 19, 2012 for a total of 2.

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 – Little Traverse Bay Bands of Odawa Indians Opposition to the Sport Hunting of Ma`ingan, Gray Wolf.

Motion and support was withdrawn due to the Tribal Council developing a Declaration of the same.

Motion made by Councilor Gasco and supported by Councilor Bardwell to accept Legislative Leader Kiogima's verbal report for October 7, 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 verbal report for October 7, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to accept Treasurer Bott's verbal report for October 7, 2012.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to request the Judiciary, Legislative, Executive, Prosecutor and Election Board submit their proposed FY 2014 Budget directly to Tribal Council based on actual expenditures as reflected in FY 2010 and FY 2011.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Otto to approve Supplemental Funding for the FY 2012, 1101-0-00 Budget in the amount of \$6,334 and FY 2013, 1101-0-00 and 2000-0-01 Budgets in the amount of \$38,000 to be split equally between budgets for the addition of an Administrative Assistant position to the Legislative Office with funding to come from prior period funds.

Vote: 8 - Yes, 1 - No (Secretary Gasco Bentley), 0 - Abstained, 0 - Absent

Motion carried.

6:28 p.m. Motion made by Councilor Wernigwase and supported by Councilor Gasco to go into closed session for legal.

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

Motion carried.

6:32 p.m. Motion made by Councilor Gasco and supported by Councilor Otto to return to open session.

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

Motion carried.

6:35 p.m. Motion made by Councilor Otto and supported by Councilor Gasco to go into closed session for confidential business matters.

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

Motion carried.

6:54 p.m. Motion made by Councilor Bardwell and supported by Treasurer Bott to return to open session.

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

Motion carried.

6:56 p.m. Recess called.

7:10 p.m. Meeting reconvened.

Motion made by Councilor Wemigwase and supported by Councilor Bardwell to accept the Ethics Committee report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Secretary Gasco Bentley)

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Bardwell to accept Councilor Gasco's Tribal Council member report for October 7, 2012.

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

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Gasco to post the Amendment to Waganakising Odawak Statute 2005-01 Natural Resources Commission Amendment and Repeal of Statutory Inland Regulations to the Legislative Calendar.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to accept Councilor Keshick's Tribal Council member report for October 7, 2012.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to approve the Action Item contained within the Confidential Memo 100712-01 as submitted by Legislative Services Attorney Budnick.

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 the Legal and Legislative Committee report as presented by Secretary Gasco Bentley Committee Chairperson for October 7, 2012.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept the Enjiinakneng report as presented by General Counsel Bransky for October 7, 2012.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to approve the Request for Removal of the Prosecutor Policies and Procedures.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Legislative Services Attorney Budnick's report for October 7, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the Land and Reservation Committee report as presented by Legislative Leader Kiogima, Committee Chairperson for October 7, 2012.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Bardwell to acknowledge receipt of the Native American Graves Protection Repatriation Act 3rd Quarter 2012 Report as compiled and submitted by Wesley L. Andrews.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to add to the agenda the Treasury Director Report.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept the Treasury Director Report for October 7, 2012.

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: Request for Trust Acquisition of Parcel in Emmet County, Pellston, MI.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to approve Certified Motion: Request for Trust Acquisition of Parcels in Emmet County, Mackinaw City, MI.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to Accept Citizenship List C - Voluntary Relinquishments dated September 19, 2012 for total of 2.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to pass the Waganakising Odawak Statute Tribal Secretary Responsibilities Statute.

Roll call: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes

Motion carried.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to pass the Waganakising Odawak Statute Succession Plan for Officers of Tribal Council Statute.

Roll call: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to pass the Waganakising Odawak Statute Amendment to 2005-014 Tribal Treasurer Responsibilities Statute.

Roll call: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to approve the Legislative Branch Employee Handbook Fair Employment Leave Policy.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve the Legislative Branch Employee Handbook Drug Free workplace Policy.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to table the Corporate Charter Appointment Policy until the next Tribal Council regular meeting.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve the Policy and Procedure for Authorization of the Pre-Construction Capital Project Funds Related to the proposed Mackinaw Casino economic development project along with accompanying form.

Vote: 6 - Yes, 3 - No (Councilor Wemigwase, Councilor Otto, Secretary Gasco Bentley), 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to post a new Election Board Statute.

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

Motion carried.

9:43 p.m. Motion made by Councilor Denemy and supported by Treasurer Bott to adjourn.

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

Motion carried.

These Minutes have been read and approved as corrected.

  
Regina Gasco Bentley, Tribal Council Secretary

10-21-12  
Date