

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
Tribal Council Chambers  
7500 Odawa Circle  
Harbor Springs, MI 49740  
November 4, 2012

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 Melvin L. Kiogima, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Aaron Otto, Councilor John Keshick, Councilor Bill A. Denemy, Councilor Winnay Wemigwase

Absent: Councilor Kevin Gasco

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: Elder's Coordinator Tammy Okuly, Elder's Transportation John Gasco

Judicial Branch: Court Administrator Bernadece Kiogima

Public: Annette VanDeCar, Doug Emery, John Kawegoma, Edward Shenoskey, Steve Shenoskey,

Invited Guests: Odawa Casino: Finance Director Roger Borton, Human Resource Director Melissa Richards, Marketing Director Karyann Waukazoo, Hospitality Director Michael Bodjiak, Director of Property Operations Barry Laughlin, Tara Otto-Brill

---

Motion made by Councilor Otto and supported by Councilor Bardwell to adopt the amended agenda for November 4, 2012.

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

Motion carried.

Motion made by Councilor Keshick and supported by Treasurer Bott to approve the minutes of October 12, 2012 as presented.

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

Motion carried.

Elder Comments opened: no comments.

9:18 a.m. Councilor Gasco arrived.

Motion made by Councilor Wemigwase and supported by Councilor Otto to accept Legislative Leader Kiogima's verbal report for November 4, 2012.

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

Motion carried.

Elder Comments: John Kawegoma spoke regarding the need for building security particularly after hours. Tammy Okuly spoke regarding Elder notifications and current services. John Kawegoma spoke regarding the difficulty of working with Executive departments and the need for monetary backbone and the channeling of services from one department to another.

10:21 a.m. Recess called.

10:52 a.m. Meeting reconvened.

Secretary Gasco Bentley read into the minutes the phone polled as passed on October 24, 2012: Pursuant to the attached Supplemental Funding Request and as recommended by the Appropriations and Finance Committee: To appropriate \$455,000 from the prior period funds account to the Distribution line item in the Executive budget to provide for an additional \$99 to each Tribal Citizen for the FY 2012 per capita payment. The Phone Poll passed 6-yes, 3-no (Legislative Leader Kiogima, Councilor Otto, Councilor Denemy). Councilor Denemy mentioned he preferred the Elders receive a larger increase.

Motion made by Councilor Bardwell and supported by Councilor Wemigwase to accept Secretary Gasco Bentley's report for November 4, 2012.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Wemigwase to accept Treasurer Bott's verbal report for November 4, 2012.

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

Motion carried.

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

11:48 a.m. Public comment closed.

12:11 p.m. lunch recess called.

1:30 p.m. Meeting reconvened.

1:51 p.m. Motion made by Councilor Keshick and supported by Councilor Wemigwase to go into closed session for Confidential Business matters.

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

Motion carried.

2:11 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.

Motion made by Councilor Denemy and supported by Treasurer Bott to accept Tribal Council travel reports from all of Tribal Council including Councilor Wemigwase Junior Council report.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Gasco to accept the Odawa Casino Resort Quarterly report for November 2012.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to accept the Agricultural Assessment Work Group verbal report as given by Councilor Keshick.

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

Motion carried.

3:00 p.m. Public Comment opened: Annette VanDeCar asked if the Tribal Council Motion appropriating funds to the Judicial Branch is allowed to be changed/modified by the Executive Branch.

3:02 p.m. Public Comment closed.

3:02 p.m. Recess called.

3:18 p.m. Meeting reconvened.

Motion made by Councilor Wemigwase and supported by Councilor Denemy to accept Treasury Director Garrow's verbal and written report for November 4, 2012.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to accept Legislative Services Attorney Budnick's verbal and written report for November 4, 2012.

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

Motion carried.

4:06 p.m. Motion made by Councilor Bardwell and supported by Treasurer Bott to go into closed session for legal purposes.

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

Motion carried.

5:07 p.m. Motion made by Treasurer Bott and supported by Councilor Wemigwase to return to open session.

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

Motion carried.

5:07 p.m. Recess called.

5:18 p.m. Meeting reconvened.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to accept General Counsel Bransky's Enjiinakneng verbal report for November 4, 2012.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Bardwell to approve Certified Motion: To Establish an Ad-hoc Hearing Assistance Workgroup, as submitted by the Tribal Chairman.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Secretary Gasco Bentley to approve the 2013 Tribal Council Regular Work Session and Meeting Schedule.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Wemigwase to acknowledge receipt of Waganakising Odawak Development's 3rd Quarter 2012 Report.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Bardwell to Acknowledge Receipt of Nichole Biber (Shananaquet) Letter of Interest and Résumé and to establish an interview date for the position of Traditional Tribal Burial Grounds Board Member.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to Acknowledge Receipt of Wesley Andrews Letter of Interest and to establish an interview date for the position of Traditional Tribal Burial Grounds Board Member.

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

Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Bott to Acknowledge Receipt of Alice Yellowbank's Letter of Interest and Résumé and to

establish an interview date for the position of Traditional Tribal Burial Grounds Board Member.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to approve the supplement funding request by Odawa Fishery, Inc. in the amount of \$47,000.00 to purchase a fish fillet machine and fish for the fall harvest to come from prior period funds as recommended by the to approve the supplement funding request by Odawa Fishery, Inc. in the amount of \$47,000.00 to purchase a fish fillet machine and fish for the fall harvest to come from prior period funds as recommended by the Appropriations and Finance Committee.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to pass the Election Board Statute.

Roll call vote: 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 Otto to amend the agenda to add the following: Supplemental funding for the Judiciary in the amount of \$24,000, Supplemental funding for the Judiciary in the amount of \$11,000, the Ad-hoc Agricultural Assessment, the Junior Tribal Council, the Third Amendment to Tax Agreement, the referendum for the Mackinaw Casino.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Denemy to approve the supplemental funding request from the Judicial Branch to cover the travel costs of the Associate Judge in the amount of \$24,000 to come from prior period funds.

Vote: 7 - Yes, 2 – No (Councilor Wemigwase, Councilor Gasco), 0 – Abstained, 0 – Absent

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to approve the supplemental funding request by the Judicial Branch in the amount of \$11,000 to purchase furniture and to supplement the Indigent Fund to come from prior period funds.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Bardwell to approve the Certified Motion "To Establish an Ad-hoc Agricultural Assessment Workgroup" as submitted by Tribal Chair on August 29, 2012.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Secretary Gasco Bentley to establish a Tribal Council Ad-Hoc Committee to develop a Junior Tribal Council comprised of LTBB Citizens, eighteen (18) years of age and under, by drafting all pertinent statutes, initial policies, procedures and budget-related requests to bring back to Tribal Council for approval.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Wemigwase to approve Certified Motion: Authorization for Third Amendment to Tax Agreement and authorized the Tribal Chairman to sign the agreement.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Secretary Gasco Bentley to submit the proposed Mackinaw Casino Project to a vote of the registered Tribal voters at a referendum election per ARTICLE XIV., Part B. of the Little Traverse Bay Bands of Odawa Indians Constitution.

Vote: 2 - Yes, 7 – No (Councilor Gasco, Councilor Keshick, Councilor Bardwell, Legislative Leader Kiogima, Treasurer Bott, Councilor Denemy, Councilor Otto), 0 - Abstained, 0 – Absent

Motion failed.

Motion made by Councilor Otto and supported by Councilor Gasco to dismiss the complaint for Removal of the Prosecutor by complainant Doug Emery, dated June 3, 2012, for the reason that the complaint does not contain a clear and concise statement of the alleged actions and facts that support the allegation of gross misconduct that is clearly prejudicial to the administration of justice.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to amend the agenda to include Closed Session for confidential legal matters.

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

Motion carried.

7:07 p.m. Motion made by Councilor Wemigwase and supported by Councilor Otto to go into Closed Session for personnel.

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

Motion carried.

7:45 p.m. Motion made by Councilor Denemy and supported by Councilor Wemigwase to return to open session.

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

Motion carried.

7:46 p.m. Motion made by Councilor Wemigwase and supported by Secretary Gasco Bentley to go into Closed Session.

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

Motion carried.

7:47 p.m. Motion made by Councilor Denemy and supported by Councilor Wemigwase to return to open session.

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

Motion carried.

7:48 p.m. Motion made by Treasurer Bott and supported by Councilor Wemigwase 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

11-18-12  
Date