

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle Harbor Springs, MI 49740
April 7, 2013

Closed Session: yes

Call to Order: Meeting was called to order at: 9:04 a.m.

Opening Ceremony: Bill A. Denemy

Council Present: Treasurer John Bott, Secretary Regina Gasco Bentley, Councilor Belinda Bardwell, Councilor Bill A. Denemy, Councilor Aaron Otto

Absent: Legislative Leader Melvin L. Kiogima, Councilor John Keshick, Councilor Winnay Wemigwase and Councilor Kevin Gasco.

Legislative Branch Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount, Administrative Assistant Yvonne McShane, General Counsel James Bransky

Executive Officials and Staff Present: Planning Director Bryan Gillett, Elders Coordinator Tammy Okuly

Public: Annette VanDeCar, Patrick Wemigwase, John Kawegoma, Glenna Kimball, Edward Shenoskey, Sam Shenoskey, Dean Samuels, Carol Kawegoma Coullon, and Janice Shackelford.

Invited Guests: None

Motion made by Councilor Denemy and supported by Treasurer Bott to adopt the amended agenda of April 7, 2013 in honor of Associate Judge James Genia Tribal Citizen who walked on March 30, 2013.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Legislative Leader Kiogima, Councilor Keshick, Councilor Wemigwase and Councilor Gasco).

Motion carried.

Motion made by Councilor Otto and supported by Councilor Denemy to approve corrected minutes of March 17, 2013 as presented.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Legislative Leader Kiogima, Councilor Keshick, Councilor Wemigwase and Councilor Gasco).

Motion carried.

9:08 a.m. Elders comments: No comments at this time.

9:17 a.m. Councilor Wemigwase arrived.

9:18 a.m. Councilor Gasco arrived.

Motion by Councilor Bardwell and supported by Councilor Denemy to acknowledge that Tribal Council has not received the constitutionally mandated Executive Oversight Report from the Tribal Chairman for the month of February 2013, and last report received was February 2, 2013, and in order to fulfill of the duties of the Chair, Article VIII EXECUTIVE C. 6. Shall submit monthly written reports of his/her oversight responsibilities of Tribal operations to the Tribal Council, and make such available to the Tribal Citizenship.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Legislative Leader Kiogima and Councilor Keshick).

Motion carried

9:26 a.m. Elder Comment: John Kawegoma spoke regarding the published minutes as paraphrased rather than the need to be transcribed; the lack of Executive attendance at the Tribal Council meetings to meet with Tribal Citizens; thanked Tribal Council for allowing Citizens to interact with Tribal Council Committees; the Fiscal Year 2014 Budget Public Hearing discussion regarding home health aide allowance; and asked when that budget was proposed and formulated. Treasurer Bott will gather the budget information for John.

Legislative Leader Kiogima report was tabled until the next meeting.

Executive vetoes were tabled by motion on page 7 of these minutes until the next meeting.

Secretary Gasco-Bentley read into the minutes the phone poll as passed on: March 18, 2013 to approve Certified Motion # 031813-01 Request for Funding from the U.S Department of Education, Native American Career and Technical Education Program Little Traverse Bay Bands of Odawa Indians Waganakising Odawak and Technical Education Project (WOCTEP). The phone poll passed: 8-Yes, 0-No, 1-Abstain (Councilor Wemigwase), 0-Absent.

Secretary Gasco-Bentley read into the minutes the phone poll as passed on: March 20, 2013 to authorize and approve the submission of the Confidential Memo 031913-01 to Prosecutor Matthew Lesky from Tribal Council. The phone poll passed: 6-Yes, 0-No, 3-Abstain (Legislative Leader Kiogima, Councilor Gasco, Councilor Otto), 0-Absent.

Secretary Gasco-Bentley read into the minutes the phone poll as passed on: March 28, 2013 to approve and authorize Legislative Leader Kiogima to sign a waiver of conflict of interest that allows Attorney John Petoskey of Fredericks and Pebbles to represent the Executive in a human resources matter and continue his representation of Tribal Council in Appellate Case A-022-1212. The phone

poll passed: 5 -Yes, 2 -No (Councilor Wemigwase, Councilor Gasco), 0 - Abstain), 2 –Absent (Councilor Bott, Secretary Gasco Bentley).

Motion made by Councilor Gasco and supported by Councilor Otto to accept Secretary Gasco Bentley verbal report for April 7, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Legislative Leader Kiogima and Councilor Keshick)

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to accept Treasurer Bott verbal report for April 7, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Legislative Leader Kiogima and Councilor Keshick)

Motion carried.

9:48 a.m. Councilor Keshick arrived.

Motion made by Councilor Bott and supported by Councilor Wemigwase to accept Tribal Council member travel reports from Treasurer Bott, Councilor Bardwell, and Councilor Gasco regarding the National Indian Gaming Association Conference and Secretary Gasco Bentley, Councilor Wemigwase and Councilor Gasco regarding the Anishinaabemowin Teg Conference.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to accept Councilor Denemy Tribal Council member report for April 7, 2013.

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

Motion carried.

Motion made by Secretary Gasco-Bentley and supported by Councilor Bott to add to the Legislative Calendar the Amendment to Waganakising Odawak Statute 2002-04 Indian Preference in Tribal Employment.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to post to the Legislative Calendar the Amendment to Waganakising Odawak Statute 2002-04 Indian Preference in Tribal Employment.

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

Motion carried.

10:27 a.m. Elder Comments: John Kawegoma asked if job postings can be sent to service organizations where we have a high concentration of membership, and what the formula is regarding the return rate for the casino with regard to Tribal Preference employment and how the minimum wage criteria is

calculated. Councilor Gasco stated it is a good topic to pursue. Councilor Keshick spoke regarding a Tribal Census in order to assist in the process of making the determinations.

10:38 a.m. Recess called.

11:08 a.m. Return.

Gaming Authority Committee: No Report.

Land and Reservation Committee: Update was provided by Legislative Services Attorney Budnick.

Legal and Legislative Committee: No Report.

Motion by Treasurer Bott and supported by Councilor Gasco to accept the verbal Ethics Committee report from Councilor Wemigwase for April 7, 2013.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Bardwell to accept the Agricultural Assessment Work Group verbal report as presented by Councilor Keshick for April 7, 2013.

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

Motion carried.

Elder Comment: Janice Shackleford asked if we planned on organic gardening.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept the Hearing Aid Assessment Work Group verbal report as presented by Councilor Wemigwase for April 7, 2013.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Gasco to accept the Junior Tribal Council Ad-hoc Committee verbal report as presented by Councilor Wemigwase for April 7, 2013.

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

Motion carried.

11:49 Public comment opened:

- John Kawegoma confirmed the next Appropriations and Finance Committee meeting April 19, 2013 at 1:00 p.m., and the Legal and Legislative Committee as April 11, 2013 at 10:00 a.m.

- Patrick Wemigwase spoke regarding the Health Park draft statute which would turn the governing of the Health Park to a Board. Patrick submitted a signed and dated comment to the Tribal Council asking about the contracted consultant's evaluation. Tribal Council responded that they did not receive the final written report as requested. Patrick asked that the proposed draft be revised so that the Board would oversee the facility and not the physician or Health Director. Councilor Keshick responded with agreement that the document will be further revisited for consideration of changes.
- Annette VanDeCar asked if this proposed Health Board would be established the same as the current Corporate Charter structures or otherwise. Councilor Keshick stated yes as we would receive better opportunities for funding sources. Annette also requested that the Medical and Health Directors not be on that Board. Annette further spoke regarding the amendment for Indian Preference and the need to spell out the definition of "Critical Position" as some positions that have been established as critical are not.
- John Kawegoma said he was skeptical doing that prior to ensuring the employees are currently doing their job to the letter, filling in the cracks otherwise it would present as a false umbrella effect. Councilor Keshick stated that there will always be problems that someone views as wrong, so we need the ability to address problems quickly and that is the intent of the Board.
- Tammy Okuly asked who takes away the authority of the Health Director. Councilor Keshick responded that the Tribal Administrator can do that.
- Jancie Shackelford asked about the Health Clinic Assessment. Secretary Gasco-Bentley stated that Council has not received a full report from the Executive.

Motion made by Councilor Bardwell and supported by Councilor Gasco to accept Legislative Services Attorney Budnick verbal report a presented for April 7, 2013.
 Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Legislative Leader Kiogima)
 Motion carried.

Treasury Director: No Report.

12:15 p.m. Lunch recess called.
 1:30 p.m. Meeting reconvened.

1:31 p.m. Motion made by Treasurer Bott and supported by Councilor Gasco to go into Closed Session for Confidential Business Items.

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

2:15 p.m. Motion to by Councilor Bardwell and supported by Treasurer Bott to Return to open session.

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

Motion by Councilor Keshick and supported by Councilor Denemy to approve and authorize Conly Schulte of Fredericks, Pebbles and Morgan to submit the letter to the Village of Mackinaw, as proposed on April 7, 2013, on behalf of Tribal Council.

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

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept Enjinaaknegeng report as presents by General Counsel Bransky for April 7, 2013.

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

Motion by Councilor Wemigwase and supported by Councilor Gasco to authorize Enjinaaknegeng to file an appeal to the Civilian Board of Contract Appeals with regard to subcontractor and equipment costs under GLRI Eagle Protection 2011 and 2012 grant contract numbers CTF60T47723, A12AV00524.

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

2:35 p.m. Recess called.

2:50 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Councilor Keshick to remove Amendment to Waganakising Odawak DRAFT Statute 2007-001 Marriage Statute from the Legislative Calendar Posting.

Vote: 6 - Yes, 0 - No, 2 – Abstained (Councilor Keshick, Councilor Gasco), 1 – Absent (Legislative Leader Kiogima)
Motion carried.

Motion by Treasurer Bott and supported by Councilor Gasco to approve Citizenship List A - Eligible for Citizenship dated March 20, 2013 for a total of 3.

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

Motion by Councilor Keshick and supported by Councilor Gasco to approve Citizenship List B - Declination (Ineligible) for Citizenship dated March 20, 2013 for a total of 7.

These Minutes have been read and approved as corrected:

Regina Gasco Bentley
Regina Gasco Bentley, Tribal Council Secretary

4-21-13
Date

Please contact the Legislative Office at 231-242-1403, 231-242-1404 or 231-242-1406 for additional updates and clarifications of these minutes as presented.