The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
December 6, 2009

Closed Session: yes
Call to Order: Meeting was called to order at: 9:45 a.m.
Opening Ceremony: Julie Shananaquet

Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Councilor Gerald Chingwa, Councilor Belinda Bardwell, Councilor Marvin Mulholland
Absent: Treasurer John Bott, Councilor Melvin L. Kiogima, Councilor Aaron Otto, Councilor Rita Shananaquet

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

Executive Officials and Staff Present: Tribal Chairman Ken Harrington, Vice-Chairman Dexter McNamara

Guests: Christina Rohn, Marcia Sutton, Lisa McComb, Laura LaCroix Blumberg, Bea Law, Carol McFall, Tootsie Keshick, Paige Thomas

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9:50 a.m. Treasurer John Bott and Councilor Melvin L. Kiogima arrived.

Motion made by Councilor Bardwell and supported by Councilor Mulholland to adopt the agenda with additions for December 6, 2009.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Kiogima to approve the minutes of November 22, 2009 with corrections.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Northern Shores Loan Fund. Inc, presentation.

Motion made by Councilor Bardwell and supported by Councilor Chingwa to accept Legislative Leader Julie Shananaquet's verbal and written report for December 6, 2009 with confidential items contained therein.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Mystic Lake Climate Change Declaration signed by six Tribal Council members present.

Federal Tax Exemption discussed.

Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa to accept Treasurer Bott's verbal Treasurer and Appropriations and Finance Committee reports for December 6, 2009.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Mulholland to amend the agenda for December 6, 2009 to include a closed session for legal purposes.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

11:04 a.m. Recess called.
11:16 a.m. Meeting reconvened.

11:17 a.m. Motion made by Treasurer Bott and supported by Councilor Kiogima to go into closed session for legal.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

12:13 p.m. Motion made by Treasurer Bott and supported by Councilor Bardwell to return to open session.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

12:13 p.m. Public Comment opened: no comments.
12:13 p.m. Public Comment closed.

12:13 p.m. Lunch recess called.
1:35 p.m. Meeting reconvened.

DRAFT Non-Gaming Employment Benefits on hold.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to adopt Tribal Resolution National City Bank Loan Refinancing.

Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-absent, Councilor Otto-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to place Indian Preference in Tribal Employment Draft Statute on the Legislative Calendar.
Vote: 5 - Yes, 2 – No (Councilor Kiogima, Councilor Chingwa), 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Bardwell to accept the Legislative Services Attorney Budnick's verbal and written reports for December 6, 2009.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to amend the agenda for December 6, 2009.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to approve the December 5, 2009 Special Meeting Minutes.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Action Request: Tribal Resolution Suspension of Odawa Casino Resort General Manager Hiring Process – suspended.

3:00 p.m. Public Comment opened: Bea Law spoke regarding the previous Casino General Manager, Establishment and Structure of Executive Departments and Legislative Offices, the Gaming Delegation Authority Statute and Indian Preference in Tribal Employment Draft Statute
3:07 p.m. Public Comment closed.

3:08 p.m. Recess called.
3:35 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Legislative Leader Julie Shananaquet to adopt Tribal Resolution Repeal Tribal Resolution #071209-08 Regarding Tribal Government Budget Revision for Fiscal Year 2009.

Roll Call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-absent, Councilor Otto-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes,
Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to approve Compensation, Stipend and Travel Policy for the Tribal Council dated December 6, 2009 to allow Tribal Council members to receive their salary in bi-monthly installments instead of once a month payment as currently receiving.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell that Tribal Council approves an extension for the Forbearance Agreement between Little Traverse Bay Bands of Odawa Indians and MFC Global Investment Management (US) LLC, BlackRock Financial Management Inc., Regiment Capital Advisors, and Pioneer Investment Management Inc., for a period of 45-days with the same terms contained within the original agreement to be negotiated by the Executive.
Vote: 6 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima that Tribal Council approves the issuance of a liquor license for sale of alcoholic beverages for consumption on the premises at Odawa Casino Resort, which is located on land held in trust for the Tribe by the United States at 1760 Lears Road, Petoskey, MI 49770, and an "off-premises" license for wine sales at the Gourmet 2 Go gift shop at the same address, until the date of approval of WOS 2009-019 *Liquor and Tobacco Licensing Board Statute* by the Bureau of Indian Affairs and authorizes the Tribal Chairman to sign the license.
Vote: 6 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley that Tribal Council approves the issuance of a liquor license for sale of alcoholic beverages solely for consumption on the premises at the Odawa Hotel, which is located on land held in trust for the Tribe by the United States at 1444 US 131 S, Petoskey, MI 49770, until the date of approval of WOS 2009-019 *Liquor and Tobacco Licensing Board Statute* by the Bureau of Indian Affairs and authorizes the Tribal Chairman to sign the license.
Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Kiogima that Tribal Council approves a liquor license for Biindigen for "off-premises" license to sell alcohol at 2169 US 31 North, Petoskey, MI 49770 until the date of approval of WOS 2009-019 *Liquor and Tobacco Licensing Board Statute* by the Bureau of Indian Affairs and authorizes the Tribal Chairman to sign the license.
Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima that the Waganakising Odawa Development, Inc. (WOD) that was created to formulate a partnerships with the Northwest Band Shoshone Nation (Shoshone Nation), and has formed such partnership known as Nimkee Technologies, LLC (Nimkee) wherein 2 of the Board members of the Nimkee have been suspended by the Shoshone Nation. Tribal Council is requesting a plan of action from the WOD Board to address the suspension of Nimkee Board members, the impact it has on the partnership and any potential liability for WOD and report such requested information to Tribal Council by its next regularly scheduled meeting, December 20, 2009.
Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Acknowledgement of letters from Citizen Warren Petoskey regarding hunting and fishing right and health needs.

Motion made by Councilor Kiogima and supported by Treasurer Bott that Tribal Council authorizes the payment of COLA that was previously suspended for Legislative staff for FY '09 provided that Tribal Resolution "To Repeal Tribal Resolution #071209-08 Regarding Tribal Government Budget Revision for Fiscal Year 2009" is enacted into law and the Executive shall administer his oversight authority to the extent necessary to ensure that funds are adequately administered.
Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Bardwell to rescind the Addendum to Contract for Employment for the Legislative Services Attorney, Donna L. Budnick that was approved on January 25, 2009 and directs the Legislative Leader Shananaquet to sign such rescission and authorizes the payment of COLA for FY'09 provided that Tribal Resolution "To Repeal Tribal Resolution #071209-08 Regarding Tribal Government Budget Revision for Fiscal Year 2009" is enacted into law and the Executive shall administer his oversight authority to the extent necessary to ensure that funds are adequately administered.
Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)

Motion carried.

The following were tabled to the next agenda:
Gaming Authority Statute – Proposed Legislation (RS)
Whistle Blower Protection DRAFT Statute (posted 11/8/09)
Health Department DRAFT Statute (posted 11/8/09)
Treasurer's Responsibilities DRAFT Statute (posted 11/8/09)
Tribal Burial Grounds DRAFT Statute (posted 09/16/09)
Department of Education and Cultural Learning Center DRAFT Statute (posted 9/16/09)
Civil Traffic DRAFT Statute – (posted 09/16/09)
Probate Code for Small Estates DRAFT Statute (posted 11/22/09)
Establishment and Structure of Executive Departments and Legislative Office DRAFT Statute Offices (Posted 11/22/09)
Odawa Economic Development Inc., Corporate Charter.-DRAFT (RS)
Contempt of Court DRAFT Statute – (posted 10/27/09)
Gaming Regulatory Statute (Discussion)

5:03 p.m. Motion made by Councilor Bott and supported by Councilor Bardwell to adjourn.
Vote: 7 - Yes, 0 - No, 0 – Abstained, 2 – Absent (Councilor R. Shananaquet, Councilor Otto)
Motion carried.

These Minutes have been read and approved corrected:

Regina Gasco Bentley 12-20-09

Regina Gasco Bentley, Tribal Council Secretary Date