

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
October 24, 2010

Closed Session: yes

Call to Order: Meeting was called to order at: 9:05 a.m.

Opening Ceremony: Melvin L. Kiogima

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

Absent: Councilor Gerald Chingwa, 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, General Counsel James Bransky Tribal Attorney, Office of Enterprise Management Director Chuck Schoefield, Casino: General Manager David Wolf, Director of Human Resource Melissa Richards, Director of Finance Roger Borton, Facility Operations Manager Barry Laughlin, Human Resource Coordinator Katie Bauer, Director of Marketing Phil Gonzales, Director of Table Games Susan Foster, Director of Hospitality Mike Bodjiak, Director of Slots Frank Kirsch, Gaming Board of Directors: Chairperson Carol McFall, Secretary/Treasurer Sheran Patton, Vice-Chairperson Judy Pierzynowski and Executive Office Manager Cathy Portman Bradley

Public: Marcia Sutton, Collin Sutton, Linda Gasco, Denise Petoskey, Richard Wemigwase, Patrick Wemigwase, Nancy Kiogima, Mel Kiogima, Bernadece Kiogima, John Gasco, Diane Naganashe, Pat Naganashe, Heidi Bosma, Rochelle Ettawageshik, Bill Denemy Sr., Bill Denemy Jr., Judy Field, Bea Law, Sarah VanDeCar, Rose Smalley

Invited Guests: Christina Rohn from Petoskey News Review

9:11 a.m. Councilor Chingwa arrived.

Motion made by Councilor Bardwell and supported by Treasurer Bott to adopt the agenda for October 24, 2010 as presented.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Otto to approve the minutes of October 10, 2010 with corrections.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)

Motion carried.

Elder Comments: Judy Field requested updates regarding the Office of the Auditor General draft Statute; the balance of the Tribal budget; the Tribal Prosecutor draft Compensation Statute; the Judicial draft Compensation Statute; the Tribal Council draft Compensation Statute, and the Wage Compensation Study. Rose Smalley requested the Chief Financial Officer credentials with regard to the Executive's selection of this position. Rose also spoke regarding the Tribal Executive's ability with concern to the Tribal Youth.

9:35 a.m. Councilor R. Shananaquet arrived.

Elder Comments: Sarah VanDeCar spoke regarding the Tribal Administrator's treatment of the Tribal governmental employees. Judy Field requested Tribal Council have their closed sessions at the end of the Tribal Council meeting. Bea Law also spoke regarding the Tribal Executive's representation of the Tribe and the management of the Tribal governmental staff; and the Executive veto of the Tribal Elder's travel allowance resolution. Bill Denemy Sr spoke regarding Tribal members smudging the building to keep out evil spirits and asked Tribal Council to be creative in addressing their issues. Nancy Kiogima spoke regarding Tribal culture and traditions and the treatment of those employees who practice and pass on their knowledge to the next generations. Rochelle Ettawageshik was asked to read a statement but passed it on the Bea Law to read it who then withdrew. Heidi Bosma was given consideration by the Elder's to speak regarding the Education Departmental procedures.

Motion made by Councilor Mulholland and supported by Councilor Bardwell to accept the Legislative Leader J. Shananaquet's verbal and written report for October 24, 2010.

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

Motion carried.

10:08 a.m. Recess called.

10:21 a.m. Meeting reconvened.

10:24 a.m. Motion made by Councilor Otto and supported by Councilor R. Shananaquet to go into closed session for confidential business matters casino.

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

Motion carried.

10:59 a.m. Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to return to open session.

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

Motion carried.

11:02 p.m. Motion made by Councilor Otto and supported by Secretary Gasco Bentley to go into closed session for confidential business matters casino.

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

Motion carried.

11:52 a.m. Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to return to open session.

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

Motion carried.

11:53 a.m. Public Comment opened: no comments.

11:53 a.m. Public Comment closed.

Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa to override the Executive Veto Tribal Resolution: #091210-02 Authorizing a Donation of \$6,900.00 to the Little Traverse Bay Bands of Odawa Indians Elder's Association.

Vote: 8 - Yes, 1 – No (Councilor R. Shananaquet), 0 - Abstained, 0 - Absent

Motion carried.

12:11 p.m. Lunch recess called until 1:30 p.m.

1:32 p.m. Meeting reconvened.

3:03 p.m. Public Comment opened: no comments.

3:04 p.m. Public Comment closed.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept Secretary Gasco Bentley's verbal report for October 24, 2010.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept Treasurer Bott's Treasurer and Appropriations and Finance Committee verbal report for October 24, 2010.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Secretary Gasco Bentley to accept Land and Reservation Committee Chairperson Kiogima's verbal report for October 24, 2010.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept the Legal and Legislative Committee Chairperson Chingwa's verbal report for October 24, 2010.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor R. Shananaquet)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to request from the Executive an updated Employee Handbook to be presented by January 31, 2010 to Tribal Council for approval.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to request from the Executive all petitions and applications for the position of Chief Judge, in accordance with WOS 2006-003.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to approve the Nomination for Judges, Justices and Prosecutor Policy and Procedures.

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 report of the Constitutionally Mandated Rules of Conduct for Officials of Tribal Government Ethics Committee as presented by Councilor Otto Committee Chairperson for October 24, 2010.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept Tribal Council member Treasurer Bott's verbal and written report for October 24, 2010.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to post to the Legislative Calendar Tribal Elections and Election Board Draft Statute and Bullying Prohibition Draft Statute as sponsored by Tribal Council member Treasurer Bott.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to accept Councilor Bardwell's verbal and written Tribal Council member Michigan Indian Tuition Waiver Meeting and United Tribes of Michigan Meeting travel reports for October 24, 2010.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept Councilor Kiogima's Tribal Council member United Tribes of Michigan verbal and written travel report for October 24, 2010.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Legislative Leader J. Shananaquet to accept Councilor Mulholland's verbal Tribal Council member report for October 24, 2010.

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

Motion carried.

Motion made by Councilor Otto and supported by Secretary Gasco Bentley to approve the following confidential documents as submitted to Tribal Council by the Legislative Services Attorney Budnick on October 24, 2010 with waiver of sovereign immunity clauses contained therein: Security Agreement; Depository Agreement; Indenture; Revised Indenture; Deposit Account Control Agreement; Letter of Transmittal; and Exchange Agreement along with Exhibits; Offering Circular and Consent Solicitation Statement; Tribal Certificate; and shall be signed in accordance with Tribal Resolution 062710-01, as applicable.

Vote: 7 - Yes, 1 - No (Councilor R. Shananaquet), 1 – Abstained (Treasurer Bott), 0 - Absent

Motion carried.

4:51 p.m. Recess called.

4:56 p.m. Meeting reconvened.

Motion made by Councilor Bardwell and supported by Secretary Gasco Bentley to accept Legislative Services Attorney Budnick's verbal and written report for October 24, 2010.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Bott, Councilor R. Shananaquet, Councilor Otto)

Motion carried.

4:57 p.m. Councilor R. Shananaquet, Councilor Otto, Treasurer Bott arrived.

Motion made by Councilor R. Shananaquet and supported by Councilor Otto to acknowledge receipt of the Tribal Chairman report for October 24, 2010.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to approve Certified Motion: Request for Funding from the U.S. Environmental Protection Agency, Under Section 103 of the Clean Air Act, FY 2011 Region 5 Tribal Air Grants, Little Traverse Bay Bands of Odawa Indians, Clean Air Program.

Vote: 8 - Yes, 1 – No (Councilor R. Shananaquet), 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to approve Certified Motion: Funding from the Kresge Foundation Little Traverse Bay Bands of Odawa Indians Wah-Was-Noos-Da-Ke Playground Project.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa to approve the Regulations of the Gaming Regulatory Commission REG-WOS 2005-06 101910-009 as submitted.

Vote: 6 - Yes, 2 – No (Councilor R. Shananaquet, Councilor Otto), 1 – Abstained (Treasurer Bott), 0 – Absent

Motion carried.

Motion made by Legislative Leader Julie Shananaquet and supported by Councilor Mulholland to table the nomination for Chief Judge until Tribal Council receives all petitions and applications for the position.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to table the Little Traverse Bay Bands of Odawa Indians Reservation Natural Resource Rules and Regulations REG-WOS 2008-012 102010-001 to the next Tribal Council agenda.

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

Motion carried.

Motion made by Legislative Leader Julie Shananaquet and supported by Treasurer Bott to pass the Constitutionally Mandated Compensation for Tribal Council.

Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-no, Councilor Mulholland-no, Councilor R. Shananaquet-no, Councilor Otto-no, Treasurer Bott-yes, Secretary Gasco Bentley-no, Legislative Leader Julie Shananaquet-yes

Motion Failed.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to pass the Constitutionally Mandated Compensation for the Election Board.

Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-no, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to pass the Constitutionally Mandated Compensation for Tribal Chairman and Vice-Chairman.

Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-no, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to pass the Constitutionally Mandated Compensation for Tribal Prosecutor.
Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-no, Councilor Otto-no, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to pass Constitutionally Mandated Compensation for Judges and Justices.
Roll Call Vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-no, Councilor Otto-no, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Legislative Leader Julie Shananaquet and supported by Councilor Chingwa to set an Enrollment Hearing for Tribal Citizen Allen for Sunday December 5, 2010 at 3:15 p.m.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Chingwa and supported by Councilor R. Shananaquet to acknowledge receipt of proposed legislation #102010-01 Amendment to Repeal and Replace Waganakising Odawak Statute 2006-024 from Tribal Citizen Bea Law.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

6:08 p.m. Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell 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 _____ 11-7-10
Date