

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
April 17, 2011

Closed Session: yes

Opening Ceremony: Melvin L. Kiogima

Call to Order: Meeting was called to order at: 9:11a.m.

Council Present:, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Aaron Otto, Councilor Melvin L. Kiogima, Councilor Marvin Mulholland, Councilor Gerald V. Chingwa

Absent: Legislative Leader Julie Shananaquet, 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

Guests: Doug Emery, Cathy Bradley Portman, Yvonne McShane, Bea Law

Motion made by Councilor Bardwell and supported by Councilor Mulholland to adopt the agenda for April 17, 2011 with additions.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Legislative Leader J. Shananaquet, Councilor R. Shananaquet)

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to approve the minutes of April 3, 2011 with corrections.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Legislative Leader J. Shananaquet, Councilor R. Shananaquet)

Motion carried.

9:23 a.m. Councilor R. Shananaquet arrived.

Elder Comment: Doug Emery spoke regarding the need for more Human Resource Department communication Interim governmental employment positions, the distribution of the Michelle Chingwa Education Assistance Act payments, previous employment documents and the future filing of a Civil Suit.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept Legislative Leader J. Shananaquet's written report for April 17, 2011.
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to accept Secretary Gasco Bentley's verbal report for April 17, 2011.
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to accept Treasurer Bott's verbal report for April 17, 2011.
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Councilor Mulholland and supported by Secretary Gasco Bentley to accept Councilor Kiogima's verbal Land and Reservation Committee report for April 17, 2011.
Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Legislative Leader J. Shananaquet, Councilor R. Shananaquet)
Motion carried.

10:30 a.m. Recess called.
10:42 a.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept the Legal and Legislative Committee verbal report as presented by Councilor Chingwa for April 17, 2011.
Vote: 7- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept the Ethics Committee verbal update as presented by Councilor Otto for April 17, 2011.
Vote: 7- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

Discussion regarding Councilor R. Shananaquet's request for Appropriations and Finance Committee update regarding employee insurance policies.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept Councilor Bardwell's verbal and written National Indian Gaming Association Conference travel report.

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

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept Treasurer Bott and Councilor Chingwa's verbal National Indian Gaming Association Conference travel report for April 17, 2011.

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

11:15 a.m. Recess called.

11:28 a.m. Meeting reconvened.

11:29 a.m. Motion made by Councilor Mulholland and supported by Councilor Bardwell to go into closed session for Confidential Business matters.

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

12: 06 p.m. Motion made by Councilor Mulholland and supported by Councilor R. Shananaquet to return to open session.

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

12:08 p.m. Public Comment opened. No comments.

12:08 p.m. Public Comment closed.

12:08 p.m. Lunch recess called.

1:32 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by to accept Councilor R. Shananaquet's verbal Gaming Authority Commission report.

Vote: 6- Yes, 0- No, 1- Abstained (Treasurer Bott), 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

1:54 p.m. Motion made by Treasurer Bott and supported by Councilor Bardwell to go into closed session for legal.

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

2:49 p.m. Motion made by Councilor Mulholland and supported by Councilor Chingwa to return to open session.

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

2:49 p.m. Recess called.

3:01 p.m. Meeting reconvened.

3:01 p.m. Public Comment opened: Yvonne McShane spoke in agreement regarding a timeline for training Tribal Citizens for employment.

3:03 p.m. Public Comment closed.

Motion made by Treasurer Bott and supported by Councilor Mulholland to authorize continued retention of Hobbs, Straus, Dean & Walker, LLP for land and reservation issues within the approved Legal Department budget.

Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)

Motion carried.

Motion made by Councilor Mulholland and supported by Treasurer Bott to authorize retention of Michael J. Corcoran PC for an employee grievance hearing within the approved Legal Department budget.

Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to accept Legislative Services Attorney Budnick's verbal and written report for April 17, 2011.

Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Otto to acknowledge receipt from the Executive the submission for nomination of Renee Dillard to the Natural Resource Commission.

Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)

Motion carried.

Motion made by Treasurer Bott and supported by councilor Kiogima to acknowledge receipt from the Executive the submission for nomination of Merle Carson to the Gaming Regulatory Commission.

Vote: 7- Yes, 0- No, 1- Abstained (Treasurer Bott), 1- Absent (Legislative Leader J. Shananaquet)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to acknowledge receipt from the Executive the submission for nomination of JoAnne Gasco to the position of Chief Judge.

Vote: 8-Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to approve Certified Motion: Approval of Memorandum of Cooperative Agreement and Acceptance of Funds As a sub-grantee from the Inter-Tribal Council of Michigan Little Traverse Bay Bands of Odawa Indians Tobacco Control Programs to Reduce Commercial Tobacco Use.
Vote: 8-Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell U.S. Department of Health and Human Services, Administration for Children and Families, Funding for Tribes under Title IV-B of the Social Security Act, Little Traverse Bay Bands of Odawa Indians FY 2012 Title IV-B Child Welfare Services Allotment.
Vote: 8-Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to approve Certified Motion: Request for Funding from the United States Department of Agriculture, Natural Resources Conservation Service Little Traverse Bay Bands of Odawa Indians Aquaculture Pond Construction Project.
Vote: 8-Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to approve Certified Motion: Request for funding from U.S. Department of Health and Human Services Administration for Children and Families, Administration on Children, Youth and Families, Little Traverse Bay Bands of Odawa Indians Child Care and Development Fund Program.
Vote: 8-Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to approve Certified Motion: Approval of FY 2011 Tribal Transportation Improvement Program.
Vote: 8-Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to amend the agenda for April 17, 2011 to include Enrollment List C.
Vote: 8-Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to acknowledge the receipt of Enrollment List C Voluntary Relinquishment for a total of 1.
Vote: 8-Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Councilor Otto and supported by Councilor Bardwell to acknowledge receipt of the Tribal Chairman verbal and written report for April 17, 2011.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to pass Amendment to Waganakising Odawak Statute 2008-001 Administrative Procedures Statute.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to pass Amendment to Waganakising Odawak Statute 2011-011 Political Prohibition Statute.

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-absent

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to disapprove the Nomination for Judges, Justices and Prosecutors Policy approved by Tribal Council on October 24, 2010.

Vote: 8-Yes, 0- No, 0- Abstained, 2– Absent (Legislative Leader J. Shananaquet, Councilor R. Shananaquet)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to approve the Nomination for Judges, Justices and Prosecutors Policy as presented.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley re-appoint James Genia to Appellate Justice for a 6-year term ending April 17, 2017.

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

Motion carried.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to post to the Legislative Calendar the Enrollment for Citizenship Statute.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to rescind the Certified Motion 032011-01 Approval for Residential Lease of Tribally Owned Land.

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

Motion made by Treasurer Bott and supported by Councilor Bardwell to post to the Legislative Calendar Waganakising Odawak draft Statute: Stalking Personal Protection Orders Violations and Criminal Offenses.

Vote: 7-Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to request the Executive to furnish the previously requested information from Gijigowi Bibskaabiimi Department regarding the "Merit Scholarship" as it would relate to high school students and provide such requested statistics and analysis to Tribal Council on or before the next regularly scheduled Tribal Council meeting, May 1, 2011.

Vote: 7-Yes, 1- No (Councilor Mulholland), 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Chingwa to amend the agenda to include the Certified Motion for supplemental funding request for Foster Care Assistance for Little Traverse Bay Bands of Odawa Indians.

Vote: 7-Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to approve Certified Motion: Request for supplemental Funding Little Traverse Bay Bands of Odawa Indians Foster Care Assistance to come from prior period funds in the amount of \$100,000.00.

Vote: 7-Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader J. Shananaquet)
Motion carried.

5:04 p.m. Motion made by councilor Bardwell and supported by Treasurer Bott to adjourn.

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

These Minutes have been read and approved as written:

Regina Gasco Bentley, Tribal Council Secretary

5-1-11

Date