

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
March 20, 2011

Closed Session: yes

Call to Order: Meeting was called to order at: 9:03 a.m.

Opening Ceremony: Moment of Silence

Physical Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Marvin Mulholland, Councilor Gerald V. Chingwa

Absent: Councilor Melvin L. Kiogima, Councilor Rita Shananaquet, Councilor Aaron Otto

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, Planning Director/Odawak Economic Development Management Inc., Corporate Charter Bryan Gillett

Public: Sarah VanDeCar, Rose Smalley, Billy McNamara, Yvonne McShane, Bea Law, Bill Denemy, Jr.

9:13 a.m. Councilor Rita Shananaquet arrived.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to adopt the agenda for March 20, 2011 with changes.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to approve the minutes of March 6, 2011 as presented.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Elder Comments: Rose Smalley asked if the Waganakising Odawak Statute violations will be addressed by Tribal Council. Rose also spoke in opposition to residential wind energy.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept Legislative Leader J. Shananaquet's verbal and written report for March 20, 2011.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to approve a Tribal mandate and directive to the Executive Branch to administer the supplemental funds that were appropriated to the Election Board for FY 2011 and authorize the Legislative Leader to monitor for compliance through the Executive Branch.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Legislative Leader J. Shananaquet to enter into the record Secretary Gasco Bentley's verbal report for March 20, 2011.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to enter into the record the verbal report from Treasurer Bott regarding the Appropriations and Finance Committee budget review update.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

10:07 a.m. Recess called.

10:19 a.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to approve the Governmental Complex Site Plan Revision # 4 dated 3/18/11.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Legislative Leader Julie Shananaquet and supported by Councilor R. Shananaquet to approve the Mtigwaakiis Site Plan Revision #5 Revised on 3/11/11 for wind power.

Vote: 0 - Yes, 7 – No (Councilor Mulholland, Councilor Bardwell, Councilor Chingwa, Legislative Leader J. Shananaquet, Treasurer Bott, Councilor R. Shananaquet, Secretary Gasco Bentley), 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion failed.

11:39 p.m. Public Comment opened:

Bea Law thanked Tribal Council for not voting for the wind power at Mtigwaakiis, and support of the Amendment to Political Solicitation Prohibition. Bea also asked Tribal Council to not rush when developing and passing legislation.

Michele LaCount asked for consideration of a Contract Health Policy change to cover those attending out of service area part time educational study. Michele also asked the Gaming Authority Commission for consideration of Casino Policy change to allow Tribal Citizen Employee attendance at the Tribal Citizen's Annual Meeting when the meeting is held on Casino property and political solicitation is on the agenda. Michele further supported transportation needs in the reservation area at a minimum cost for not just Tribal Citizens with particular regard to caregivers and grant funding possibility from the Michigan Developmental Disabilities Council for the same.

Bea Law supported the Gaming Authority Commission consideration for Casino Employees to attend the Annual Community Meeting.

Billy McNamara spoke regarding the need for Tribal Citizens employment mentor training.

11:50 Public Comment closed.

11:52 a.m. Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to go into closed session for confidential business matters.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)
Motion carried.

12:16 p.m. Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to return to open session.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)
Motion carried.

12:17 p.m. Motion made by Treasurer Bott and supported by Legislative Leader J. Shananaquet to go into closed session for confidential business matters.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)
Motion carried.

12:45 p.m. Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to return to open session.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)
Motion carried.

12:46 p.m. Lunch recess called.

2:10 p.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to enter into the record the Land and Reservation Committee update for March 20, 2011.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Kiogima, Councilor Otto, Legislative Leader J. Shananaquet)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to accept the Legal and Legislative Committee report as presented by Committee Chairperson Chingwa.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to approve the memo dated March 20, 2011 regarding Waganakising Odawak Statute violations submitted to Tribal Council.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to approve Little Traverse Bay Bands of Odawa Indians Audit Deadline Policy.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to post to the Legislative Calendar the Amendment to Waganakising Odawak Statute 2008-001 Administrative Procedures.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to accept Councilor Bardwell report for March 20, 2011.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Bardwell to accept the Gaming Authority Committee verbal reports for March 20, 2011.

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

Motion carried.
3:22 p.m. Recess called.
3:32 p.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to approve Legislative Services Attorney Budnick's verbal and written report for March 20, 2011.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to acknowledge receipt of Tribal Chairman Harrington's verbal and written report for March 20, 2011.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to approve the Lease made and entered into dated March 20, 2011 between Daniel S. Berg and Little Traverse Bay Bands of Odawa Indians.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to approve the Payment Agreement in Lieu of Taxes Agreement Between the Little Traverse Bay Bands of Odawa Indians and Charlevoix Township.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to approve the sale of Lot #5 house at Wah wahs noo da ke, Harbor Springs, Michigan 49740.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to approve Certified Motion: Residential Lease of Tribally Owned Property Lot #5 of Wah wahs noo da ke, Harbor Springs, Michigan 49740.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to approve Certified Motion: Request for Funding from the Administration for Children and Families, Administration for Native Americans (ANA), Social and Economic Development Strategies (SEDS) – Tribal Governance Little Traverse Bay Bands of Odawa Indians Tribal Council Technology Systems Project.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to table: Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs 2010 Regional Carryover Funds Little Traverse Bay Bands of Odawa Indians Natural Resources Department Treaty Rights Implementation Project.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to approve the Middle Village Park April 1, 2011- March 31, 2012 Budget.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Chingwa to adopt Tribal Resolution: Request for Funding from the U.S. Department of Energy, Golden Field Office Renewable Energy Development and Deployment in Indian Country Little Traverse Bay Bands of Odawa Indians Renewable Energy Deployment Project.

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

Motion failed.

4:35 p.m. Public Comment opened: Yvonne McShane requested a copy of the Tribal Council response to the Executive regarding the Whistle Blower complaints and asked who on Tribal Council was attending the National Indian Gaming Association for justification.

4:38 p.m. Public Comment closed.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Chingwa to approve Certified Motion: Request for Funding through the U.S. Environmental Protection Agency Great Lakes Restoration Initiative Projects Little Traverse Bay Bands of Odawa Indians GLRI Boat Washing Station Project.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to table Certified Motion: Request for Funding from the United States Department of Justice, Office on Violence Against Women (OVW), Fiscal Year 2011 Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program, Little Traverse Bay Bands of Odawa Indians FY 2011 End Violence Against Elders Project.

Vote: 4 - Yes, 3 - No (Councilor Mulholland, Councilor Bardwell, Councilor Chingwa), 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Legislative Leader J. Shananaquet to table Certified Motion: Request for Funding from the United States Department of Justice, Office on Violence Against Women (OVW), Fiscal Year 2011 Rural Sexual Assault, Domestic Violence, Dating Violence and Stalking Assistance Program Little Traverse Bay Bands of Odawa Indians FY 2011 OVW Rural Assistance Project.

Vote: 4 - Yes, 3 - No (Councilor Mulholland, Councilor Bardwell, Councilor Chingwa), 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Treasurer Bott and supported by Legislative Leader J. Shananaquet to approve Certified Motion: Request for Funding from the United States Department of Justice, Coordinated Tribal Assistance Solicitation Little Traverse Bay Bands of Odawa Indians FY 2011 CTAS Grant.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to post the Amendment to Political Solicitation Prohibition to the Legislative Calendar.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to approve the letter to the Tribal Chairman dated March 20, 2011 regarding Legislative employee and confidential information.

Vote: 6 - Yes, 1 - No (Councilor Mulholland), 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

5:18 p.m. Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to adjourn.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Kiogima, Councilor Otto)

Motion carried.

These Minutes have been read and approved as written:

Regina Gasco Bentley, Tribal Council Secretary

4-3-11

Date