

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
May 1, 2011

Closed Session: yes

Call to Order: Meeting was called to order at: 9:07 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 Melvin L. Kiogima, Councilor Marvin Mulholland, Councilor Gerald V. Chingwa

Absent: 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

Legal Department: General Counsel James Bransky

Public: Doug Emery, Cathy Portman Bradley, Yvonne McShane, Bill Denemy, Sr., William McNamara and son Gunnar McNamara

Invited Guests: Alan Proctor-Corporate Charters

Motion made by Treasurer Bott and supported by Councilor Bardwell to adopt the agenda of May 1, 2011 with additions.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to approve the minutes of April 17, 2011 as presented.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Legislative Leader J. Shananaquet), 1 – Absent (Councilor R. Shananaquet)

Motion carried.

9:29 a.m. Councilor R. Shananaquet arrived.

Elder Comments: Doug Emery spoke regarding Casino Surveillance retention of video recordings.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to accept Legislative Leader Julie Shananaquet verbal and written report for May 1, 2011.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to override Waganakising Odawak Statute Enjinaaknegeng Executive Veto as presented from the Executive.

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 override Executive Veto Waganakising Odawak Statute Accounting Department.

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 Secretary Gasco Bentley's verbal report for May 1, 2011.

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 the Appropriations and Finance Committee/Treasurer verbal and written report from Treasurer Bott's for May 1, 2011.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve a moratorium on \$4,500,000.00 of the current prior period funds of \$5,674,090.00 until October 1, 2011.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to appropriate \$100,000.00 of prior period funds to cover the costs of insurance for Biindigen employees and recommend Tribal Council request Executive to add this amount to budget for this item going forward.

Motion withdrawn.

Motion made by Treasurer Bott and supported by Councilor Chingwa to approve the appropriation of funding in the amount of \$500,000.00 to the Michelle Chingwa Education Assistance (MCEA) fund to come from Prior year funds to supplement the program funding to maintain the 2011

scholarship levels for summer and fall enrollment awards and authorize the Executive to administer such funds.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Chingwa to adopt Tribal Resolution: Restatement of Funding Allocation for the 2012 Fiscal Year.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to approve the 2012 operating budgets as presented and amended for a total amount \$26,156,715.00 to be allocated as follows: \$903,457.00 for the Legislative Branch: \$940,008.00 for the Judicial Branch: \$59,227.00 for the Election Board: \$167,472.00 for the Prosecutor: and \$24,086,551.00 for the Executive Branch. This total budget of \$26,156,715.00 includes the revenues derived from the casino operation in accordance with the bond indentures and the revenues and expenditures anticipated to be received from grants, contracts, cost recovery programs and other revenues.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to appropriate \$100,000.00 of prior period funds to cover the costs of insurance for Biindigen Employees similar or equal to current employment benefits offered by the Tribal Government, provided that these funds shall not be used for any other purpose and further request the Executive to add this item and amount to the Executive budget in future budgets.

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

Motion carried.

10: 50 a.m. Recess called.

11: 04 a.m. Meeting Reconvened.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept Councilor Kiogima's verbal and written Land and Reservation Committee update for May 1, 2011.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to approve the property at the former Victories Property, commonly known as 1966 US-131 South, Petoskey, Michigan, be surveyed to include the developable parcel as indicated in the McKenna Study submitted on December 5, 2010 and requesting Enjinaaknegeng contract for a survey to be done.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to modify the existing Murray Road Site Plan to include the playground located off Kiizhik Drive.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Otto to modify the existing Wah Wahs Noo Da Ke Site Plan to include a playground on Lot 27.

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

Motion carried.

Motion made by Councilor Mulholland and supported by Councilor R. Shananaquet to accept Councilor Chingwa's verbal Legal and Legislative Committee report for May 1, 2011.

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

Motion carried.

11:46 a.m. Public Comment opened: Cathy Bradley spoke in support of the Pow wow Committee attendance by Councilor Bardwell, the Native American Student Organization update that she Chairs, and the mercury issue at Bay Harbor. Michele LaCount spoke regarding Biindigen generated sales tax, an amendment request to Waganakising Odawak Statute 2005-010 Legislative Procedures to include an Executive veto deadline, and the May 17, 2011 Transportation Meeting for the Citizenship with regard to the individuals with disabilities and allowance for their caregivers/family members.

12:00 p.m. Public comment closed.

Motion made by Councilor Bardwell and supported by Councilor R. Shananaquet to accept the Ethics Committee verbal update as presented by Councilor Otto.

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

Motion carried.

2:09 p.m. Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to go into Closed Session for Confidential Business Matters.

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

Motion carried.

2:31 p.m. Motion made by Councilor Mulholland and supported by Councilor Otto to return to open session.

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

Motion carried.

2:37 p.m. Recess called.

2:48 p.m. Meeting reconvened.

3:00 p.m. Public Comment opened: no comments.

3:01 p.m. Public Comment closed.

Motion made by Councilor R. Shananaquet and supported by Councilor Mulholland to accept the Gaming Authority Commission Quarterly verbal and written report as presented by Councilor Otto.

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

Motion carried.

3:04 p.m. Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to go into closed session for Confidential Business matters.

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

Motion carried.

3:24 p.m. Motion made by Councilor Mulholland and supported by Councilor Bardwell to return to open session.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Mulholland to approve Certified Motion: Inter-Tribal Council of Michigan, Inc. application for funding: U.S. Department of Health and Human Services Office of Community Services Community Services Block Grant Emergency Assistance Program.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor R. Shananaquet to approve Certified Motion: Inter-Tribal Council of Michigan, Inc. application for funding: U.S. Department of Health and Human Services Office of Community Services Low Income Energy Assistance Program.

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: Great Lakes Inter-Tribal Epidemiology Center Cooperative Agreement with the Little Traverse Bay Bands of Odawa Indians.

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. Department of Health and Human Services Indian Health Service – Sanitation Program Little Traverse Bay Bands of Odawa Indians Sanitation Facilities GIS Mapping Project.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader Julie Shananaquet to approve List A – Eligible for Citizenship dated April 19, 2011 for a total of 6.

Vote: 8 - Yes, 1 – No (Councilor Chingwa), 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to approve List B - Declination Ineligible dated April 19, 2011 for a total of 4.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to acknowledge receipt of Enrollment List C – Voluntary Relinquishment dated April 28, 2011 for a total of 1.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Councilor Mulholland and supported by Legislative Leader J. Shananaquet to approve the Fire Protection Services Agreement between The Little Traverse Bay Bands of Odawa Indians and Bear Creek and Resort Townships.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Councilor Mulholland and supported by Secretary Gasco Bentley to approve the Sex Offender Registration and Notification Policy and Management Manual.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to go into closed session for Legal.

Vote: 5 - Yes, 4 – No (Councilor Mulholland, Councilor Bardwell, Treasurer Bott, Councilor R. Shananaquet), 0 - Abstained, 0 – Absent
Motion carried.

4:00 p.m. Councilor Mulholland left the meeting.

4:24 p.m. Motion made by Treasurer Bott and supported by Councilor Bardwell to return to open session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent (Councilor Mulholland)
Motion carried.

4:25 p.m. Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to go into closed session for Confidential Business Matters.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

4:53 p.m. Motion made by Councilor Chingwa and supported by Treasurer Bott to return to open session.

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

Motion carried.

4:53 p.m. Recess called.

5:03 p.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to acknowledge receipt of the Executive verbal and written report for May 1, 2011.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to acknowledge the Tribal Chair's request to have a formal legal opinion from Enjinaaknegeng regarding the constitutionality of the Accounting Statute and the Enjinaaknegeng Statute and Tribal Council concurs with such request.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to pass Odawa Fisheries, Inc., Statute.

Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-absent, Councilor R. Shananaquet-yes, 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 Councilor Chingwa to approve the Odawa Fisheries, Inc., Corporate Charter.

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

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to table the Gaming Regulatory Commission and Natural Resource Commission appointments.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Kiogima to approve "action item" contained with confidential memo dated May 1, 2011 as presented by General Counsel Bransky.

Vote: 4 - Yes, 3 – No (Councilor Chingwa, Councilor R. Shananaquet, Legislative Leader J. Shananaquet), 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept the verbal and written Quarterly report Waganakising Odawa Development, Inc. as presented by Alan Proctor.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to accept the verbal and written Odawa Economic Development Management, Inc., Corporate Charter Quarterly report as presented by Alan Proctor.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent (Councilor Mulholland)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Bardwell to table the Drug Court Tribal Resolution.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent (Councilor Mulholland)

Motion carried.

5:51 p.m. Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to go into closed session for legal.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent (Councilor Mulholland)

Motion carried.

6:05 p.m. Motion made by Treasurer Bott and supported by Councilor Bardwell to return to open session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent (Councilor Mulholland)

Motion carried.

6:06 p.m. Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to adjourn.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent (Councilor Mulholland)

Motion carried.

These Minutes have been read and approved as corrected:


Regina Gasco Bentley, Tribal Council Secretary

5-21-91
Date