

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
Tribal Court Room  
7500 Odawa Circle  
Harbor Springs, MI 49740  
August 19, 2012

Closed Session: yes

Call to Order: Meeting was called to order at: 9:02 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Councilor Belinda Bardwell, Councilor Bill A. Denemy, Councilor John Keshick, Councilor Aaron Otto, Treasurer John Bott, Secretary Regina Gasco Bentley, Legislative Leader Melvin Kiogima

Absent: Councilor Kevin Gasco, Councilor Winnay Wemigwase

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount, Treasury Director Michael Garrow, General Counsel James Bransky

Executive Officials and Staff Present: Tribal Chairman Dexter McNamara, Elder Coordinator Tammy Okuly

Odawa Casino Employees: General Manager Dave Wolf, Human Resource Director Melissa Richards, Marketing Director Karyann Waukazoo, Finance Director Roger Borton, Hospitality Director Michael Bodjiak, Gaming Operations Frank Kirsch, Director of Property Operations Barry Laughlin

Public: Doug Emery, Janice Shackelford, John Gasco, Sam Shenoskey, Edward Shenoskey, John Kawegoma, Jake Boyd, Annette VanDeCar

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9:04 a.m. Councilor Wemigwase arrived.

9:15 a.m. Councilor Gasco arrived.

Motion made by Councilor Bardwell and supported by Councilor Gasco to adopt the agenda as amended for August 19, 2012.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to approve the minutes of August 5, 2012 as presented.

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

Motion carried.

9:36 a.m. Elder Comments: Doug Emery spoke regarding the Michelle Chingwa Education Assistance Act; John Kawegoma spoke regarding the Casino bond.

10:25 a.m. Recess Called.

10:45 a.m. Meeting reconvened.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to approve Certified Motion: Request for Funding from the Office of Services to the Aging, Aging and Disability Resource Center Partnership a Call to Action Mini Grant Little Traverse Bay Band of Odawa Indians Kikaajik Elders Program.

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

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Bardwell to table the Executive report to later in the meeting.

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

Motion carried.

11:48 a.m. Public Comment opened: Janice Shackelford suggested keeping the Elder's as priority with regard to housing needs.

11:53 a.m. Public Comment closed.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept Legislative Leader Kiogima verbal report for August 19, 2012.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Gasco to acknowledge receipt of Yvonne McShane for the Odawa Fishery Inc., Corporate Charter Board position and set up an interview.

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

Motion carried.

Secretary Gasco Bentley reported the following Tribal Council Phone Polls:

August 13, 2012: Motion to authorize and approve the supplemental funding to Odawa Fishery Inc. in the amount \$1,112.00 to remove the refrigeration trailer, to come from prior period funds.

The Phone Poll passed 6-yes, 3-no.

August 13, 2012: Motion to authorize and approve the supplemental funding to the Land survey and Planning Study Budget (2315-0-00) in the amount of \$22,000.00 to come from Prior Period Funds.

The Phone Poll passed 7-yes, 2-no.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept Secretary Gasco Bentley's verbal and written report for August 19, 2012.

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

Motion carried.

11:59 p.m. Lunch recess called.

1:32 p.m. Meeting reconvened.

1:51 p.m. Motion made by Councilor Gasco and supported by Councilor Otto to go into closed session for confidential business matters.

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

Motion carried.

1:56 p.m. Motion made by Councilor Wemigwase and supported by Councilor Otto to return to open session.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Wemigwase to accept the Gaming Authority Committee report for August 19, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept Treasurer Bott's report for August 19, 2012.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to accept the verbal and written report from Treasury Director Garrow for August 19, 2012.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept the Legal and Legislative Committee verbal report as presented by Secretary Gasco Bentley for August 19, 2012.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to post to the Legislative Calendar the Succession Plan for Officers of Tribal Council Draft Statute.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to post to the Legislative Calendar the Tribal Secretary Responsibilities Draft Statute.

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

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Gasco to post to the Legislative Calendar the Amendment to the Tribal Treasurer Responsibility Draft Statute.

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

Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Bott to accept the Ethics Committee verbal and written report as presented by Committee Chairperson Otto for August 19, 2012.

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

Motion carried.

2:59 p.m. Public Comment opened: no comments.

2:59 p.m. Public Comment closed.

2:59 p.m. Recess called.

3:16 p.m. Meeting reconvened.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to post the Indirect Director Statute to the Legislative Calendar.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept the Tribal Council member reports as provided by Councilor Keshick and Councilor Bardwell for August 19, 2012.

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

Motion carried.

4:47 p.m. Motion made by Councilor Otto and supported by Councilor Gasco to go into closed session for Legal purposes.

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

Motion carried.

5:40 p.m. Motion made by Treasurer Bott and supported by Councilor Gasco to return to open session.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept the Enjiinakneng verbal report as presented by General Counsel Bransky for August 19, 2012.

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

5:42 p.m. Recess called.

5:54 p.m. Meeting reconvened.

5:55 p.m. Motion made by Councilor Otto and supported by Councilor Bardwell to go into closed session for confidential business matters.

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

6:01 p.m. Motion made by Councilor Otto and supported by Councilor Bardwell to return to open session.

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

Motion made by Treasurer Bott and supported by Councilor Gasco to amend the agenda to include the following motions: Citizenship Commissioners nominations. To acknowledge receipt of the United Tribes of Michigan Representative. To transfer Legislative funds to the Legislative Capital Fund. To rescind the 2 motions regarding Senior Financial Analyst funding. To approve supplemental funding for the Senior Financial Analyst 2012 and; To approve supplemental funding for the Senior Financial Analyst 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Bott, Councilor Bardwell ) Motion carried.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to acknowledge receipt of Dorothy Boda, Carol McFall, Alice Hughes, Marcia Sutton and Sharon Sierzputowski for the Citizenship Commission.

Vote: 8 - Yes, 0 - No, 1 – Abstained (Secretary Gasco Bentley), 0 – Absent  
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to approve Certified Motion: United Tribes of Michigan Representative for the 2012 Summer Meeting.

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

Motion made by Councilor Keshick and supported by Councilor Gasco to authorize and approve the transfer of funds in the amount of \$388,500.00 from

the Legislative Branch Budget (1101-0-00) to the Legislative Branch Capital Project Fund (2315-0-01) that is also contained within the Legislative branch.

Vote: 7 - Yes, 2 – No (Councilor Wemigwase, Secretary Gasco Bentley), 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Keshick to rescind the following two Motions made on August 5<sup>th</sup> 2012 due to the incorrect account number: Motion made by Councilor Gasco and supported by Treasurer Bott to authorize and approve the supplemental funding addition to the Legislative Branch Budget (2315-0-01) in the amount of \$56,000.00 to come from prior period funds for the costs associated for a Senior Financial Analyst within the Office of Treasury for the remainder of FY 2012; AND Motion made by Councilor Gasco and supported by Councilor Bardwell to authorize and approve the supplemental funding addition to the Legislative Branch Budget (2315-0-01) in the amount of \$140,430.00 to come from prior period funds for the costs associated for a Senior Financial Analyst within the Office of Treasury for FY 2013.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to authorize and approve the supplemental funding addition to the Legislative Branch Budget (1101-0-00) in the amount of \$56,000.00 to come from prior period funds for the costs associated for a Senior Financial Analyst within the Office of Treasury for the remainder of FY 2012.

Vote: 8 - Yes, 1 – No (Secretary Gasco Bentley), 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to authorize and approve the supplemental funding addition appropriated to the Treasury Budget, General Fund, in the amount of \$140,430.00 to come from prior period funds for the costs associated for a Senior Financial Analyst within the Office of Treasury for FY 2013.

Vote: 8 - Yes, 1 – No (Secretary Gasco Bentley), 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to acknowledge receipt of the Executive's verbal and written report for August 19, 2012.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to accept Legislative Services Attorney Budnick's verbal report for August 17, 2012.

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

Motion made by Councilor Gasco and supported by Councilor Otto to pass Waganakising Odawak Statute Limited Liability Company Code.  
Roll Call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes  
Motion carried.

Motion made by Councilor Keshick and supported by Councilor Gasco to pass Waganakising Odawak Statute Amendment to Waganakising Odawak Statute 2006-016 Wetlands Protection and Management.  
Roll call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-no, Councilor Wemigwase-no, Treasurer Bott-yes, Secretary Gasco Bentley-no, Legislative Leader Kiogima-yes  
Motion Carried.

Motion made by Councilor Wemigwase and supported by Councilor Otto to pass Waganakising Odawak Statute Right to Breastfeed and Civil Offense for Discrimination.  
Roll Call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-abstain, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes  
Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to pass Waganakising Odawak Statute Amendment to the Tribal Prosecutor Statute.  
Roll Call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes  
Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to pass Waganakising Odawak Statute Asset Disposition.  
Roll Call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes  
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to remove from the Legislative Calendar Enjiinakneng draft statute.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to post the Legislative Branch Employee Handbook Fair Employment Leave Policy and the Legislative Branch Employee Handbook Drug Free Workplace Policy.

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

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to post the Corporate Charter Appointment Policy.

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

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Gasco to Acknowledge Receipt of Ben Banfield for the Odawa Fishery Inc., Corporate Charter Board position and set up an interview.

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

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Gasco to appropriate \$10,000 from prior period funds for legal fees as may be incurred in accordance with Attorney Jodi J. Doak Civil Fee Agreement regarding case #C-120-0411.

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

Motion carried.

7:30 p.m. Motion made by Councilor Bardwell and supported by Councilor Gasco to adjourn.

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

Motion carried.

These Minutes have been read and approved as written:

\_\_\_\_\_  
Regina Gasco Bentley, Tribal Council Secretary

9-9-12  
\_\_\_\_\_  
Date