

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle
Harbor Springs, MI 49740
February 5, 2012

Closed Session: yes

Call to Order: Meeting was called to order at: 9:00 a.m.

Opening Ceremony: Legislative Leader Kiogima

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

Absent: Councilor Winnay Wemigwase

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount

Executive Officials and Staff Present: Tribal Chairman Dexter McNamara, Vice-Chair Julie Shananaquet

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

Public: Rochelle Ettawageshik

Invited Guests: none

Motion made by Councilor Gasco and supported by Councilor Denemy Treasurer Bott to adopt the agenda for February 5, 2012 as amended.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve the minutes of January 22, 2012 as presented.

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

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to ratify into the record the Phone Poll dated January 25, 2012. The reason for Phone Poll: To

approve the Civil Fee Agreement with Attorney Doak with a limited waiver of sovereign immunity, and authorizes the Legislative Leader Kiogima to sign such Civil Fee Agreement in the matter of Case No. C-120-0411. The Phone Poll passed.

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

Motion made by Secretary Gasco Bentley and supported by Councilor Denemy to ratify into the record the Phone Poll dated January 25, 2012. The reason for Phone Poll: To approve and pay the following Odawa Fishery Inc., 229 South Huron Avenue, Mackinaw City, Michigan, property taxes by January 31, 2012: Property #012-V07-002-054-00 Village of Mackinaw City 2011 Tax Bill of \$6,120.00; Mackinaw Township Summer 2011 Tax Bill of \$14,718.54; Mackinaw Township Winter 2012 Tax Bill of \$1,625.54; Property #012-900-000-031-00 Mackinaw Township Summer Tax Bill of \$793.62; and Mackinaw Township Winter Tax Bill of \$145.52 with funding to come from Prior Period Funds and any and all prior motions in regards to the matter are rescinded.

Vote: 7 - Yes, 0 - No, 1- Abstained (Councilor Keshick), 1 – Absent (Councilor Wemigwase)
Motion carried.

Elder Comments: no comments at this time.

9:37 a.m. Councilor Wemigwase arrived.

Motion made by Councilor Otto and supported by Treasurer Bott to rescind the following motion made on November 20, 2011, “to acknowledge the receipt of the nomination of Jim Genia for Associate Judge”. For the reason being that the Executive Office has not submitted all documentation that verifies that the applicant is qualified based on the LTBB Constitutionally mandated requirements.

Vote: 4 - Yes, 5 – No (Councilor Keshick, Councilor Bardwell, Legislative Leader Kiogima, Councilor Denemy, Secretary Gasco Bentley), 0 - Abstained, 0 – Absent
Motion failed.

10:55 a.m. Motion made by Councilor Gasco and supported by Councilor Wemigwase to go into closed session for confidential Business Matters-Casino.

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

11:28 a.m. Motion made by Councilor Otto and supported by Councilor Denemy to return to open session.

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

11:33 a.m. Recess called.

11:47 a.m. Meeting reconvened.

11:47 a.m. Public Comment opened: no comments.

11:48 a.m. Public Comment closed.

11:50 a.m. Motion made by Councilor Otto and supported by Treasurer Bott to go into closed session for confidential business matters.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Treasurer Bott, Councilor Wemigwase)

Motion carried.

12:08 p.m. Motion made by Treasurer Bott 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 Wemigwase and supported by Councilor Bardwell to acknowledge receipt of the Executive report for January 22, 2012.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to approve Enrollment List A – Eligible for Citizenship dated January 18, 2012 for a total of 2.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to approve Enrollment List B – Declination Ineligible for Citizenship dated January 18, 2012 for a total of 2.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to accept Enrollment List C – Voluntary Relinquishment of Citizenship dated January 26, 2012 for total of 1.

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

Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Bott to accept Legislative Leader Kiogima's verbal report for February 5, 2012.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to accept Secretary Gasco Bentley verbal report for February 5, 2012.

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

Motion carried.

12:33 p.m. Lunch recess called.

1:00 p.m. Meeting reconvened.

1:01p.m. Motion made by and supported by to go into closed session for Confidential Business matters.

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

Motion carried.

2:40 p.m. Motion made by Treasurer Bott and supported by Councilor Bardwell to return to open session.

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

Motion carried.

2:41p.m. Recess called.

2:51 p.m. Meeting reconvened.

2:52 p.m. Motion made by Treasurer Bott and supported by Councilor Gasco closed session for Personnel.

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

Motion carried.

3:18 p.m. Motion made by Treasurer Bott and supported by Councilor Bardwell to return to open session.

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

Motion carried.

3:18 p.m. Public Comment opened. No comments.

3:19 p.m. Public comment closed.

Motion made by Councilor Wemigwase and supported by Secretary Gasco Bentley to accept Treasurer Bott's report for February 5, 2011.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve supplemental funding request for Enrollment Department Server in the amount of \$9,400 for fiscal year 2012 to come from prior period funds.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve supplemental funding request for the Facilities Department for a Waste Water Technician in the amount of \$86,650 for fiscal year 2012 to come from prior period funds.

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

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Gasco to approve and authorize the Appropriations and Finance Committee Chair/Tribal Treasurer to sign the proposal with Executive Recruiter Mary Mode to recruit candidates for the position of Director of Treasury.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to accept the Land and Reservation verbal report as presented by Legislative Leader Kiogima Committee Chairperson.

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

Motion carried.

Motion made by Legislative Leader Kiogima and supported by Treasurer Bott that Tribal Council authorize and approve the survey to be done on the Pond Street property with costs to come from the Enjiinakneng budget.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept the Legislative Services Attorney Budnick's report for February 5, 2012.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Denemy to approve the action item contained within the Confidential Memo #020512-01 submitted from Legislative Services Attorney Budnick.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to approve the action item contained within the confidential memo #020512-02 submitted from Legislative Services Attorney Budnick.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to approve the signing on to the NCAI amicus brief regarding Patchak v. Salazar and Match–E–Be–Nash–She–Wish Band of Pottawatomi Indians being argued before the United States Supreme Court, and authorize the Tribal Chair to submit same to National Congress of American Indians.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to pass the Tribal Ambassadorial Capacity and Tribal Representative Statute.

Roll call vote: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-no, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion Carried.

Motion made by Councilor Otto and supported by Councilor Wemigwase to accept the receipt of the Natural Resource Commission Nomination of Jannan Cornstalk from the Executive.

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

Motion made by Treasurer Bott and supported by Councilor Denemy to approve purchase of land parcel #48, in the amount of \$200,000 to come from prior period funds for a day care and Head-start program contingent upon the Executive obtaining operation funding through the U.S. Department of Health and Human Services.

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

Motion made by Councilor Denemy and supported by Councilor Keshick to reject the recommendation by the Executive submitted to Tribal Council regarding the Commission, Committee and Boards dated December 2, 2011, to eliminate the Child Welfare Commission.

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

Motion made by Councilor Wemigwase and supported by Councilor Otto to reject the recommendation by the Executive submitted to Tribal Council regarding the Commission, Committee and Boards dated December 2, 2011, to eliminate the Trust Fund Board.

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

5:01 p.m. Motion made by Treasurer Bott and supported by Councilor Wemigwase 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

2-19-12

Date