

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740
February 19, 2015

Closed Session: Yes
Call to Order: 9:02 a.m.
Opening Ceremony: Michael Naganashe

Council Present: Secretary Julia Shananaquet, Councilor Bill A. Denemy, Councilor Keshick, Councilor Beatrice A. Law, Councilor Naganashe, Councilor Aaron Otto

Absent: Treasurer Marcella Reyes, Councilor Winnay Wemigwase

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

Executive Officials and Staff Present: Chairperson Gasco Bentley, Human Resource Director Denise Petoskey, Tribal Administrator Albert Colby, Jr.

Public: Citizen Andrew Stich, Citizen Michael Smith, Citizen Wesley Andrews Tribal Traditional Burial Board Chair and Tribal Historic Preservation Officer, and Citizen spouse Eleanor Andrews

Invited Guests: none

Motion made by Councilor Keshick and supported by Councilor Denemy to adopt the agenda of February 19, 2015 as amended.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Naganashe to approve the minutes of the Regular Meeting held on February 5, 2015, as corrected.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

9:12 a.m.: Elder comments –

- Citizen Wes Andrews raised questions regarding the Cemetery boundaries as discussed at the Land and Reservation Committee meeting

9:13 a.m. Councilor Wemigwase arrives.

10:14 a.m. - 10:19 a.m. Presentation and update: Wes Andrews regarding Traditional Tribal Burial Board, Inc. activities i.e. cost savings, and establishing legal perimeters for cemetery properties.

Motion made by Councilor Law and supported by Councilor Denemy to acknowledge the verbal report of Wes Andrews, Traditional Tribal Burial Board, Inc. as presented on February 19, 2015.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Treasurer Reyes)

Motion carried.

Executive Updates

Motion made by Councilor Law and supported by Councilor Wemigwase to acknowledge the verbal Executive report of Chairperson Gasco-Bentley and acknowledge receipt of the February 2015 Executive Oversight Report (EOR) as presented on February 19, 2015.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Treasurer Reyes)

Motion carried.

Legislative Leader Report - Position is currently vacant

Secretary Report:

The following Tribal Council adopted/approved documents were delivered to the Executive for signature:

- Waganakising Odawak Statute 2015- 001: Elders Statute.
Signed by the Executive on 02-10-15

Veto: None

Phone Polls: Conducted on 02-09-15

Motion to recommend Tribal Council approval of: Certified Motion #020915-01: Request for Funding from the Office on Violence against Women FY 2015 Grants to Enhance Culturally Specific Services for Victims of Sexual Assault, Domestic Violence, Dating Violence and Stalking Program and to authorize Tribal Council Phone Poll to meet required deadline. Phone Poll passed 8-yes.

Motion made by Councilor Naganashe and supported by Councilor Wemigwase to accept Secretary Shananaquet's report as presented on February 19, 2015.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Treasurer Reyes)

Motion carried.

Treasurer Report:

Motion made by Councilor Law and supported by Councilor Naganashe to accept the Treasurer's report as presented by Secretary Shananaquet on February 19, 2015.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Treasurer Reyes)

Motion carried.

Tribal Council Committee Reports:

Gaming Authority Committee – Next meeting date: February 24, 2015

Motion made by Councilor Law and supported by Councilor Wemigwase to accept the verbal report of the Gaming Authority Committee as presented by Councilor Otto, Committee Chairman.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Treasurer Reyes)

Motion carried.

Agriculture Assessment Work Group - Next meeting date is February 25, 2015

Land and Reservation Committee

Motion made by Councilor Law and supported by Councilor Otto to accept the verbal report of the Land and Reservation Committee as presented by Councilor Keshick, Committee Chairman.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Treasurer Reyes)

Motion carried.

Legal Legislative Committee - Next meeting will be held March 3, 2015

Ethics Committee

Motion made by Secretary Shananaquet and supported by Councilor Wemigwase to accept the verbal report of the Ethic's Committee as presented by Councilor Otto, Committee Chairperson.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Treasurer Reyes)

Motion carried.

Tribal Council Member Reports:

Councilor Wemigwase is sponsoring presentation by Citizen Renee Dillard regarding Native American Artistry of natural fibers.

Citizen Dillard is requesting support in the form of mileage and per diem in effort to further expand her knowledge of traditional artwork i.e. natural fiber art (twine pouches/bags). Citizen Wes Andrews voiced his support of Renee Dillard's efforts to expand her knowledge of traditional artwork.

10:57 a.m. Break

11:17 a.m. Resume

11:18 a.m. – 11:39 a.m. Elder Comment

- Citizen Michael Smith commented on his denied request for a closed session regarding Executive personnel. He handed out a signed transcribed report of recorded personnel conversations. Mr. Smith was advised that he had the right to file a civil case in Tribal Court.
- Citizen Wes Andrews feels sad about the situation presented by Citizen Michael Smith stating that the Tribal Citizens do not need to fight amongst themselves.

Legislative Office Reports:

Treasury Director Report

Motion made by Councilor Denemy and supported by Councilor Wemigwase to accept Treasury Director Garrow's verbal and written report as presented on February 19, 2015.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Treasurer Reyes)

Motion carried.

11:42 p.m. Public Comment opens

- Citizen Stich wants his comments to be in a transcribed manner, including Tribal Council responses.
- Citizen Dillard commented on key card use and building closures notifications.
- Citizen Proctor passed out flyers for two separate trainings. **Michigan State University Extension** – A Comprehensive Grass Roots Approach to Community Development. Dates of Trainings: March 9th – 10th, April 13th – 14th, May 7th – 8th. **2015 4-H Crooked Tree Youth Leadership Academy** – February 23rd, February 25th, and March 5th. Update on Annual Community Meeting.

12:07 p.m. Public Comment closes

12:07 p.m. Lunch Break

1:30 p.m. Meeting Resumes

Councilor Wemigwase absent

Legislative Services Attorney Report

Motion made by Councilor Law and supported by Councilor Denemy to accept Legislative Services Attorney Budnick's verbal report as presented on February 19, 2015.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Enjinaaknegeng

General Counsel Bransky and Office of Citizens Legal Assistant Cherie Dominic (WOS 2012-006) presented need to revise Statute.

2:24 p.m. Break

2:38 p.m. Meeting Resumes

2:39 p.m. Motion made by Councilor Law and supported by Councilor Denemy to go into closed session for personnel.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

3:17 p.m. Motion made by Councilor Law and supported by Councilor Otto to return to open session.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Law to accept General Counsel Bransky's verbal and written report as presented on February 19, 2015.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Denemy to approve and authorize the action item contained with Legal Memo 021915-01 from General Counsel Bransky.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

3:20 p.m. Public Comment – No comments

3:20 p.m. Public Comment closes

Legislative Office Manager

Motion made by Councilor Denemy and supported by Councilor Naganashe to accept Legislative Office Manager LaCount's verbal and written report as presented on February 19, 2015.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Action Items

Motion made by Councilor Law and supported by Councilor Denemy to approve Certified Motion #021915-01: Request for funding from the Office on Violence against Women FY 2015 Transitional Housing Assistance Grants for Victims of Sexual Assault Domestic Violence, Dating Violence and Stalking.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Otto to approve Certified Motion #021915-02: Request for funding from the Institute of Museum and Library Services, Little Traverse Bay Bands of Odawa Indians Basic Library Services Grant.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Otto to approve Certified Motion #021915-03: Request for funding from Center of American Indians and Minority Health University of Minnesota Indians into medicine (UM INMED) Community-Based Science Activities L.T.B.B. Summer Youth Education Program.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Otto to approve Certified Motion #021915-04: Request for funding from the Institute of Museum and Library Services, Native American Library Services Enhancement Grant FY 2015.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Naganashe to approve Certified Motion #021915-05: Request for funding from Michigan Humanities Council 2015 Heritage Grants Mandabeekee Dance Troupe Documentary Project.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Law to approve Certified Motion #021915-06: Request for funding from First Nations Development Institute Native Youth & Culture Fund FY 2015 Land-Based Education Program.

Vote: 6-Yes, 0-No, 0-Abstained, 2–Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Denemy to approve Little Traverse Bay Bands of Odawa Indians Tribal Council and Ethics Committee Hearing Policy for General Rules of Conduct.

Vote: 6-Yes, 0-No, 0-Abstained, 2–Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Otto to acknowledge the receipt of the nominees of Lily Anderson, Catherine Laba, and Angie Woodin for the Education Appeals Board from the Executive Department and to set up interviews.

Vote: 6-Yes, 0-No, 0-Abstained, 2–Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Otto and supported by Councilor Law to approve Memorandum of Understanding (MOU) for use of the Strategic National Stockpile in the Event of a Mass Medical Emergency.

Vote: 6-Yes, 0-No, 0-Abstained, 2–Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Otto to approve Tribal Council travel to the “Native Nations Events Inaugural Symposium-Marijuana: The next Big Thing in Native American Economic Development?” March 30, 2015 in San Diego, CA.

Vote: 4-Yes, 2-No, 0-Abstained, 2–Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Otto to not pursue land parcel #87.

Vote: 5-Yes, 1-No (Councilor Naganashe), 0-Abstained, 2–Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Naganashe to pursue Land Parcel #84 and refer the matter to the Appropriation and Finance Committee.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Otto to approve the site plan of the Administrative Complex to include the Archives Expansion, known as Preliminary Concept Option 2 dated February 13, 2015.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Naganashe to approve the GPS coordinate maps for Murray Road and Osborne Road for the land use designated to the Traditional Tribal Burial, Inc. dated October 21, 2014 and February 11, 2015.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Denemy to approve Leases of LTBB Trust Lands Regulations REG-WOS 2014-017 012015-002.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Law to approve Tribal Council attendance at all LTBB Governmental Personnel Policy Handbook work group meeting as scheduled for 2015.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Keshick to re-post to the Legislative Agenda in the Odawa Register the updated draft of the Tribal Government Human Resource Department proposed legislation.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Law to set the hearing date for Complaint No. 111214-01, on March 13, 2015 at 10:00 a.m.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Keshick to amend the agenda to include Tribal Resolution, Funding for FY 2015, Shortfall for Health Department.

Vote: 6-Yes, 0-No, 0-Abstained, 2--Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Law to adopt Tribal Resolution: Approval of the Gaming Authority Committee FY 2015 Amended Budget for an Additional Sum of \$15,000.00 for Legal Consulting Services.

Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Reyes-absent, Secretary Shananaquet-yes

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Keshick to adopt Tribal Resolution: Supplemental Funding for Traditional Burial Grounds Board in the Amount of \$27,000.00 for Fiscal Year 2015 to come from Prior Period Funds.

Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Reyes-absent, Secretary Shananaquet-yes

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Law to adopt Tribal Resolution: Supplemental Funding in the Amount of \$215,000 for Security Systems at the Government Buildings.

Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Reyes-absent, Secretary Shananaquet-yes

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Denemy to pass Waganakising Odawak Statute Recall of an Official and Leave of Absence.

Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Reyes-absent, Secretary Shananaquet-yes

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Denemy to adopt Tribal Resolution Funding for FY 2015, Shortfall for Health Department. To increase by \$70,500 to come from Third-Party Revenue Fund Balance.

Roll call: Councilor Denemy-yes, Councilor Keshick-yes, Councilor Law-yes, Councilor Naganashe-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Reyes-absent, Secretary Shananaquet-yes

Motion carried.

Other Items of Business (Prior to Adjournment)

4:06 p.m. Break

4:17 p.m. Meeting Resumes

4:22 p.m. Motion made by Councilor Law and supported by Councilor Naganashe to go into closed session for Legal.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

4:35 p.m. Motion made by Councilor Law and supported by Councilor Keshick to return to open session.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Keshick to approve scheduling of March 27, 2015 Special meeting at 10:00 a.m.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

4:37 p.m. Motion made by Councilor Otto and supported by Councilor Naganashe to go into closed session for personnel.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

5:20 p.m. Motion made by Councilor Law and supported by Councilor Denemy to return to open session.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Law and supported by Councilor Naganashe to approve the Employment Contract dated **February 19, 2015** between Donna L. Budnick, Legislative Services Attorney, and the Little Traverse Bay Bands of Odawa Indians, and authorize Treasurer Reyes to sign contract.

Vote: 6-Yes, 0-No, 0-Abstained, 2-Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

