

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740
September 3, 2015

Closed Session: Yes
Call to Order: 9:04 a.m.
Opening Ceremony: Beatrice A. Law

Roll Call:

Council Present: Secretary Julia Shananaquet, Treasurer Marcella Reyes, Councilor Bill A. Denemy, Councilor John Keshick, Councilor Beatrice A. Law, Councilor Michael Naganashe

Absent at time of Roll Call: Councilor Aaron Otto, Councilor Winnay Wemigwase

Legislative Office Staff Present: Legislative Office Manager Michele Portman-LaCount, Legislative Services Attorney Donna Budnick, General Counsel James Bransky, Sr. Financial Analyst Stella Kay

Executive Officials and Staff Present: Chairperson Regina Gasco-Bentley, Chief Financial Officer Carrie Carlson, Tribal Administrator Albert Colby

Public: Dexter McNamara, Carla Osawamick, Andrew Stich, Renee Dillard, JoEllen Keller-Crossett, David Dominic

Invited Guests: Andrea Otto, Simon Otto, Blue Cross Check presentors - Shelley Dufort and Regina Brubaker-Carver, Odawa Casino Personnel-General Manager Eric McLester, Human Resources Director Katie Eberly, Chief Financial Officer Roger Borton, Property Management Director Barry Laughlin, Marketing Director Britta Erickson, Hospitality Director Hank Rowland, Slots Director Dennis Shananaquet, Table Games Director Shane Robertson

9:10 a.m. Councilor Winnay Wemigwase arrives.

9:10 a.m. Councilor Aaron Otto arrives.

Motion made by Secretary Shananaquet and supported by Treasurer Reyes to adopt the agenda of September 3, 2015 as amended.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

Motion made by Councilor Law and supported by Councilor Denemy to approve the minutes of the Regular Meeting held on August 20, 2015.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Executive Updates

Discussion Items: North Central Michigan College grand opening of new stationary CNC Lab. Salt shed and reimbursement funds. New carpet installation. Upgrading Internet and telephone system. BIA Road Funding Projects. Tentative Date of Percapita Distribution.

Motion made by Councilor Law and supported by Secretary Shananaquet to acknowledge the verbal and written report as presented by Chairperson Regina Gasco Bentley on September 3, 2015.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Legislative Leader Report - Position is currently vacant.

Secretary Report:

The following Tribal Council adopted/approved documents were delivered/signed by the Executive:

- Tribal Resolution #082015-01; Authorizing Odawa Homecoming Jiingtamok/Pow-wow Committee to Carryover Funds
08-28-15 - Delivered to the Executive Department.
08-28-15 - Signed by the Executive Department

Veto: None

Phone Polls: None

Discussion Items:

-10/19/08 Legislative Reduction Plan FY 2008-2009 as approved by Tribal Council. Request that Council begin working on new Legislative Reduction Plan for FY 2016. This may include: Dissolution of Committees and incorporating this into work sessions, Limiting Travel, Eliminating mileage for attendance at Tribal Council work sessions and meetings, etc.

-Acknowledgment and thank you to the Youth for attending Tuesdays Work Session and expressing their opinions on the use and effect of Native Mascots/Logos.

Motion made by Councilor Law and supported by Treasurer Reyes to accept Secretary Shananaquet's verbal report as presented on September 3, 2015.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Treasurer Report:

Motion made by Secretary Shananaquet and supported by Councilor Wemigwase to accept Treasurer Reyes' verbal report as presented on September 3, 2015.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

Tribal Council Travel Reports:

Motion made by Secretary Shananaquet and supported by Treasurer Reyes to acknowledge verbal travel report for Councilor Keshick attendance to the Chippewa Ottawa Resource Authority meeting, held in Traverse City, MI, on August 20, 2015 and phone conference on September 2, 2015.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

10:00 a.m. Blue Cross Award Check as presented by Shelley DuFort and Regina Brubaker-Carver. Little Traverse Bay Bands received 2nd place (47 member participation)

10:10 a.m. Break

10:21 a.m. Resume

Tribal Council Reports:

FYI: Councilor Keshick voiced his support of utilizing surplus funds to support the Youth Department.

Tribal Council Committee Reports:

Agriculture Assessment Work Group

Motion made by Councilor Law and supported by Secretary Shananaquet to accept the verbal report of the Agriculture Ad-hoc Work Group as presented by Councilor Keshick, Committee Chairman.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

Land and Reservation Committee

Discussion: Councilor Keshick recommends the two Tribal Members participate on the Water Quality Work Group.

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

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

10:30 a.m. Gaming Enterprise Board-Odawa Casino Resort: (Closed Session for Confidential Business Matters)

Discussion Items: Waganakising Odawak Statute 2013-006 Amendment to 2002-004 Indian Preference in Tribal Employment and July General Manager Report.

11:01 a.m. Motion made by Councilor Law and supported by Councilor Wemigwase to go into closed session for Confidential business matters.
Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
Motion carried.

11:51 a.m. Motion made by Secretary Shananaquet and supported by Councilor Law to return to open session.
Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Law to acknowledge receipt of the July 2015 Odawa Casino Report as presented by Eric McLester, General Manager and OCR Managers.
Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
Motion carried.

11:53 a.m. Public Comment Opens:

- Jo Ellen Keller-Crosset – Commented on several subjects and submitted signed copy of items discussed during Public Comment.
- Citizen Carla Oswamack supported Tribal Statute and Resolution regarding Native mascots and logos.
- Citizen Andrew Stich commented on missing Tribal Council Travel Reports, AdHoc Agricultural Work Group status.
- Citizen Renee Dillard commented on supporting current Tribal Statute and Resolution regarding stance on use of Native American Mascot.

12:17 p.m. Public comment closes.

12:17 p.m. Lunch Break

1:35 p.m. Meeting Resumes

Legal Legislative Committee

Motion made by Secretary Shananaquet and supported by Councilor Naganashe to accept the verbal report of the Legal and Legislative Committee as presented by Councilor Law, Committee Chairperson.
Vote: 8-Yes, 0-No, 0-Abstained, 0–Absent
Motion carried.

(Mechanical Disruption with recording system)

Ethics Committee – No report.

Legislative Office Reports:

Sr. Financial Analyst Report

Motion made by Councilor Law and supported by Councilor Wemigwase to accept Sr. Financial Analyst Stella Kay's verbal and written report as presented on September 3, 2015.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

Legislative Services Attorney Report

Motion made by Councilor Wemigwase and supported by Councilor Keshick to accept Legislative Services Attorney Budnick's verbal and written report as presented on September 3, 2015.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

2:33 p.m. Break

2:44 p.m. Resume

Enjinaaknegeng: Report interrupted 3:09 p.m. in order to open floor to public comment.

3:10 p.m. Public Comment opens:

- Andrea Otto commented on Saginaw Chippewa disenrollment.
- Tribal Elder Citizen David Dominic also commented on disenrollment.

3:22 p.m. Public Comment closes.

3:22 p.m. Enjinaaknegeng Report Resumes.

Discussion regarding occupancy at Harbor Springs Second Street property.

3:31 p.m. Motion made by Councilor Law and supported by Councilor Wemigwase to go into closed session for legal matters.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried

3:51 p.m. Motion made by Secretary Shananaquet and supported by Councilor Law to return to open session.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

3:51 p.m. Break

4:07 p.m. Resume

Councilor Naganashe absent.

Motion made by Secretary Shananaquet and supported by Councilor Keshick to authorize the Tribal Chairperson to sign on to the Tribal Leader Letter for Support for the Tribal Labor Sovereignty Act.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Naganashe)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to accept General Counsel Bransky's verbal and written report as presented on September 3, 2015.

Vote: 7-Yes, 0-No, 0-Abstained, 1-Absent (Councilor Naganashe)

Motion carried.

Councilor Naganashe arrives

Councilor Naganashe returns to meeting

Legislative Office Manager

Motion made by Councilor Denemy and supported by Councilor Wemigwase to accept Legislative Office Manager LaCount's verbal and written report as presented on September 3, 2015.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

LTBB Charter and/or Enterprise Committee/Board Reports

Gaming Enterprise Board

FYI: No quorum at last meeting

Action Items – Motions

Motion made by Councilor Keshick and supported by Councilor Law to approve Enrollment List C Voluntary Relinquishment dated August 20, 2015 for a total of 1.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

Motion made by Councilor Law and supported by Councilor Keshick to acknowledge receipt of Citizenship List D Disenrollment dated August 24, 2015 and set a hearing date for March 3, 2016 at 10:00 a.m. In accordance with Constitution Article V. Membership H. Disenrollment.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Naganashe to accept the Executive Judicial Nomination of John Bott for Appellate Justice and set up an interview.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent

Motion carried.

Table Gaming Enterprise Board Letter of Interest until next meeting (Marvin Mulholland).

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to acknowledge receipt of the letter of interest and resume from Tanya M. Gibbs for the Odawa Economic Development Management, Inc. and to set up an interview.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Councilor Denemy and supported by Councilor Law to post to the Legislative Calendar Waganakising Odawak Statute: Elder and Adult Conservatorship and Guardian Statute.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to post to the Legislative Calendar Waganakising Odawak Statute: Domestic Violence Statute.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Councilor Law and supported by Councilor Wemigwase to post to the Legislative Calendar the changes to the Administrative Procedures Act.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Councilor Law and supported by Councilor Wemigwase to post to the Legislative Calendar the Youth Services Department Statute sponsored by Councilor Law.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Law to approve Secretary Julie Shananaquet to sign and send the letter to the Judicial Branch dated Sept. 03, 2015 regarding Rules of Civil Procedure for Election Cases.
Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Reyes to approve Denise Petoskey to serve a three (3) year term on the Gaming Enterprise Board upon obtaining a Primary Gaming license from the Gaming Regulatory Commission.
Vote: 7-Yes, 1-No (Councilor Wemigwase), 0-Abstained, 0-Absent
Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Denemy to approve Billi Jo Head to serve a three (3) year term on the Gaming Enterprise Board upon obtaining a Primary Gaming license from the Gaming Regulatory Commission.

Vote: 6-Yes, 2-No (Councilor Keshick, Councilor Wemigwase), 0-Abstained, 0-Absent
Motion carried.

Motion made by Councilor Law and supported by Councilor Keshick to designate and assign the property, structure, assets and equipment at 229 South Huron Avenue, Mackinaw City, Michigan to the Executive and authorize the Executive oversight of Bell's Fishery, the business also located at the property, upon the enactment and implementation of the dissolution of assets of the Waganakising Odawak Statute, Repeal of WOS 2011-012, Odawa Fishery Incorporated Statute.

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

Motion made by Secretary Shananaquet and supported by Councilor Keshick to amend the agenda to include the following motion to authorize and approve the Tribe to offer its employees a 457(b) plan as an additional tax deferred account and to repost the Waganakising Odawak Statute, Repeal of WOS 2011-012, Odawa Fishery Incorporated Statute.

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

Motion made by Councilor Law and supported by Secretary Shananaquet to authorize and approve the Tribe to offer its employees a 457(b) plan as an additional tax deferred account.

Vote: 8-Yes, 0-No, 0-Abstained, 0-Absent
Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to repost the Waganakising Odawak Statute, Repeal of WOS 2011-012, Odawa Fishery Incorporated Statute.

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

Action Items: Roll Call Votes

Motion made by Councilor Law and supported by Secretary Shananaquet to pass Waganakising Odawak Statute Amendment to Gaming Enterprise Board Statute as sponsored by Councilor Law.

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

Motion made by Secretary Shananaquet and supported by Councilor Denemy to pass Waganakising Odawak Statute Budget Formulation Process as sponsored by Secretary Shananaquet.

