

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
March 17, 2016  
Tribal Council Chambers  
7500 Odawa Circle  
Harbor Springs, MI 49740

Closed Session: yes

Call to Order: Meeting was called to order at: 9:12 a.m.

Opening Ceremony: Councilor Beatrice A. Law

Council Present: Secretary Aaron Otto, Treasurer Marcella Reyes, Councilor Frank Bernard, Councilor Beatrice Law, Councilor Dexter McNamara, Councilor Julia Shananaquet

Absent: Legislative Leader, Councilor Michael Naganashe, Councilor David Harrington

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount, Sr. Financial Analyst Stella Kay, General Counsel James Bransky, Tribal Historic Preservation Officer Wesley Andrews

Executive Officials and Staff Present: Tribal Chair Regina Gasco Bentley, Tribal Administrator Albert Colby, Jr., Chief Financial Officer Carrie Carlson. Planning Director Bryan Gillett

Judicial Officials and Staff: none

Public: Richard Wemigwase, Annette VanDeCar, Rose Smalley, Diane Naganashe, Thomas Naganashe, Shanna Wemigwase, Kevin Gasco, Andrew Stich, Isaac Dillard

Invited Guests: none

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9:17 a.m. Councilor Harrington arrived.

Motion made by Councilor Law and supported by Treasurer Reyes to adopt the agenda for March 17, 2016 with additions

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

Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to approve the minutes of March 3, 2017 as presented.

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

Motion carried.

9:38 a.m. Councilor Naganashe arrived.

Motion made by Councilor Law and supported by Councilor Shananaquet to acknowledge receipt of the Tribal Historic Preservation Officer's verbal and written report which included the request for Section 106 processing rate increase as presented by Wesley Andrews.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Law to acknowledge receipt of the verbal and written Executive Oversight Report for March 17, 2016.

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

Motion carried.

10:54 a.m. Break.

11:11 a.m. Resumed.

Legislative Leader Report-Absent

**Secretary Report:**

- i. *Documents Delivered to Executive*  
- Tribal Resolution # 030316-01 To Amend the "Addendum A" to Tribal Resolution 061815-01, to Appropriate to Odawa Casino Resort the Amount of \$3,320,000.00 to come from the Restricted General Fund Balance Funds-Economic Development Reserve and allow for OCR to Reserve Profits to implement the Five Year Strategic Plan delivered to the Executive on 03-07-16 signed on 03-07-16.
- ii. *Vetoes*
- iii. *Phone Polls-03-09-16. Reason for Phone Poll: Motion to approve Certified Motion #030916-01; Funding from the United States Department of Agriculture (USDA), Food and Nutrition Services; Food Distribution Program Nutrition Education (FDPNE). Vote 8-yes; 0-no, 0-abstained, 0-absent*

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to accept Secretary Otto's verbal and written report as presented on the agenda for March 17, 2016.

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

Motion carried.

**Treasurer Report:** Appropriations and Finance Committee March 8, 2016 Meeting recommendations to Tribal Council:

*-Motion made by Councilor Law and supported by Councilor Shananaquet to recommend Tribal Council to Adopt Tribal Resolution: Supplemental Funding in the amount of \$25,000 for Attorney's Fees to come from General Fund.*

*-Motion made by Councilor Law and supported by Treasurer Reyes to recommend Tribal Council approval of Certified Motion #031716-01; Request for Funding from the Bureau of Indian Affairs FY 2016 Climate Control Funds. Vote: 3-yes, 0-no, 0-abstain, 0-absent Motion carried*

*-Motion made by Councilor Shananaquet and supported by Councilor Law to recommend Tribal Council approval of Certified Motion # ; Funding from the United States Department of Agriculture (USDA), Food and Nutrition Services Food Distribution Program Nutrition Education (FDPNE) and to recommend phone poll of Tribal Council as soon as possible to meet time constraints. Vote: 3-yes, 0-no, 0-abstain, 0-absent Motion carried*

*-Motion made by Councilor Law and supported by Treasurer Reyes to recommend Tribal Council approval of Certified Motion #031716-03; Request for Funding from the National Parks Service FY 2016 Historic Preservation Fund Tribal Heritage Grants St. Martin Island Lighthouse Project Planning. Vote: 3-yes, 0-no, 0-abstain, 0-absent Motion carried*

*- Motion made by Councilor Shananaquet and supported by Councilor Law to recommend Tribal Council approve Certified Motion #031716-04; Request for Funding from the U.S. Department of the Interior Bureau of Indian Affairs, Great Lakes Restoration Initiative Capacity Funding, Lakewide Management Plan (LaMP) Program Capacity Grant Supplemental Funding. Vote: 3-yes, 0-no, 0-abstain, 0-absent Motion carried*

*- Motion made by Councilor Shananaquet and supported by Councilor Law to acknowledge presentation regarding Supportive Housing as presented by Housing Director John Givens and to recommend Tribal Council approval for Housing to complete Application for Corporation for Supportive Housing (CSH) Project Initiation Loan (PIL) in the amount of \$50,000 and if awarded must meet approval of Tribal Council prior to acceptance. Vote: 3-yes, 0-no, 0-abstain, 0-absent Motion carried*

*- Motion made by Councilor Law and supported by Councilor Shananaquet to recommend that Tribal Council adopt FY 2016 Supplemental Funding in the amount of \$2,500 for the 2016 Homecoming Pow Wow to come from General Funds. Vote: 3-yes, 0-no, 0-abstain, 0-absent Motion carried*

*-Next Appropriations and Finance Committee meeting: April 12, 2016 at 1:00 pm Council Chambers.*

Motion made by Councilor Law and supported by Councilor Shananaquet to accept Treasurer Reyes' verbal and written Appropriations and Finance Committee report as presented on the agenda for March 17, 2016.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Naganashe to acknowledge receipt of Councilor Law's verbal and written report regarding March 9, 2016 Reservation Restoration, in Kalamazoo Michigan.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Naganashe to acknowledge receipt of Treasurer Reyes' written travel report regarding January 27th - January 28th, 2016 Reservation Restoration, in Washington D.C.

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

Motion carried.

**Land and Reservation Committee March 11, 2016 Meeting recommendations to Tribal Council:**

*- Motion made by Councilor Harrington and supported by Councilor Bernard to recommend Tribal Council to approve the Murray Rd-Conceptual Cemetery site plan, Version 5, dated March 8th, 2016.*

*Vote: 3-yes; 0-no; 0-abstain; 0-absent. No Comments Motion carries*

*- Motion made by Councilor Harrington and supported by Councilor Bernard to recommend Tribal Council NOT PURSUE Land Parcel #95.*

*Vote: 3-yes; 0-no; 0-abstain; 0-absent No Comments Motion Carries*

*-Motion made by Councilor Bernard and supported by Councilor Harrington to recommend Tribal Council NOT PURSUE Land Parcel #98.*

*Vote: 3-yes; 0-no; 0-abstain; 0-absent No Comments Motion Carries*

Motion made by Councilor Shananaquet and supported by Councilor Naganashe to acknowledge receipt of Land and Reservation Committee report as presented by committee chair Treasurer Reyes for March 17, 2016.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor McNamara to acknowledge receipt of the Ethics Committee verbal report as presented by Committee Chair Councilor Law for March 17, 2016.

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

Motion carried.

11:47 a.m. Public comment:

- Rose Smalley spoke regarding youth culture and education with regard to the Pow Wow and its budget cut; and the governmental building access, more communication.
- Andrew Stich asked why David Dominic was not appointed to the Natural Resource Commission.
- Shanna Wemigwase spoke regarding the Pow Wow budget cut, asked about Compensation Statute that is going to be posted.
- Annette VanDeCar spoke regarding the Pow Wow budget cut.
- Richard Wemigwase regarding the Pow Wow budget cut.
- Diane Naganashe spoke about sponsors for Miss Odawa, and how our future generation will have more girls than boys. Upcoming potential Miss Odawa participants.
- Isaac Dillard spoke about concern for Bell's Fishery and small boat fisherman being overlooked. Preserve our way of life and protecting our treaty rights.

12:33 p.m. Public Closed.

12:34 p.m. Lunch break.

1:46 p.m. Meeting resumed.

Motion made by Councilor Shananaquet and supported by Councilor Harrington to accept Sr. Financial Analyst Stella Kay's verbal and written report for March 17, 2016.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to accept Legislative Services Attorney Budnick's verbal and written report for March 17, 2016.

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

Motion carried.

2:52 p.m. Motion made by Councilor Law and supported by Treasurer Reyes to go into closed season for Legal matters.

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

Motion carried.

3:23 p.m. Motion made by Councilor Shananaquet and supported by Councilor Harrington to return to open session.

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

Motion carried.

3:24 p.m. Public Comment opened and closed. No comments.

Motion made by Councilor Law and supported by Treasurer Reyes to acknowledge receipt of the verbal Enjiinakneng report from General Counsel Bransky for March 17, 2016.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Shananaquet to accept Legislative Office Manager Portman-LaCount's verbal and written report for March 17, 2016.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to amend the agenda to include the letter to Superior Financial Services, the Tribal Historic Preservation Office 106 Fee Schedule and the Appropriation and Finance amended Budget Calendar.

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

Motion carried.

Motion made by Councilor Law and supported by Secretary Otto to re-post the draft Tribal Council Compensation Statute as sponsored by Councilor Law.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to approve the Ethics Committee Policy and Procedures.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Naganashe to approve Certified Motion #031716-01; Request for Funding from the Bureau of Indian Affairs FY 2016 Climate Control Funds.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Shananaquet to approve Certified Motion #031716-02; Request for Funding from the U.S. Department of the Interior Bureau of Indian Affairs, Great Lakes Restoration Initiative Capacity Funding, Lakewide Management Plan (LaMP) Program Capacity Grant.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Law to approve Certified Motion #031716-03; Request for Funding from the National Parks

Service FY 2016 Historic Preservation Fund Tribal Heritage Grants St. Martin Island Lighthouse Project Planning.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Law to approve the Housing Department to complete the Application to the Corporation for Supportive Housing (CSH) for a Project Initiation Loan (PIL), in the amount of \$50,000; and if awarded, must have approval of Tribal Council, prior to acceptance of the funds.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Harrington to approve the Murray Rd-Conceptual Cemetery Site Plan, Version 5, dated March 8, 2016.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Shananaquet to NOT pursue Land Parcel #95.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Secretary Otto to appoint Kevin Gasco to the Natural Resources Commission to serve the remainder of a 4-year term ending September 20, 2017.

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

Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to appoint Heidi Bosma to the Child Welfare Commission for a 3-year term ending March 31, 2019.

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

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Harrington to appoint Sharon Sierzputowski to the Citizenship Commission for a 3-year term ending March 31, 2019.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Shananaquet to appoint Carol McFall to the Citizenship Commission for a 3-year term ending March 31, 2019.

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

Motion made by Councilor McNamara and supported by Councilor Naganashe to appoint Annette VanDeCar to the Housing Commission for a 4-year term ending March 31, 2020.

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

Motion made by Councilor Law and supported by Treasurer Reyes to appoint Larry Stead to the Housing Commission for a 4-year term ending March 31, 2020.

Vote: 6 - Yes, 2 – No (Councilor Shananaquet, Councilor Bernard), 0 - Abstained, 0 – Absent  
Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to appoint Grace Zerbe to the Gaming Regulatory Commission for a 3-year term ending March 31, 2019.

Vote: 6 - Yes, 1 – No (Councilor Bernard), 0 - Abstained, 1 – Absent (Councilor Harrington)  
Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to appoint Frank Ettawageshik to the Zoning Appeals Board for a 2-year term ending March 31, 2018.

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

Motion made by Councilor Law and supported by Councilor Shananaquet to appoint Michele Portman-LaCount to the Zoning Appeals Board for a 3-year term ending March 31, 2019.

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

Motion made by Councilor Law and supported by Councilor McNamara to appoint Melvin L. Kiogima to the Gaming Regulatory Commission for a 3-year term ending March 31, 2019.

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

Motion made by Treasurer Reyes and supported by Councilor Law to approve and authorize the action item contained within Confidential Memo dated 031716-01 as submitted by General Counsel Bransky.

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

Motion made by Councilor Law and supported by Treasurer Reyes to approve and authorize the action item contained within Confidential Memo dated 031716-02 as submitted by General Counsel Bransky.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Law to authorize and approve Secretary Otto to sign the letter to Superior Financial Services, dated March 17, 2016, regarding Woodbridge Wealth options.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Harrington to approve the Tribal Historic Preservation Office, Fee Schedule for Services for Section 106 processes as submitted by the Tribal Historic Preservation Officer Andrews, dated March 17, 2016.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Law to amend the Appropriation and Finance Committee 2017 Budget Calendar to change the date of the "Remaining Branches / Departments Budget Hearings" and the "LTBB 2017 Proposed Annual Budget available to Tribal Citizens" from April 10, 2016 to April 8, 2016; and have the amended calendar posted and republished to the website calendar.

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

Motion carried.

4:44 p.m. Motion made by Councilor McNamara and supported by Councilor Harrington to go into closed session for land.

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

Motion carried.

4:52 p.m. Motion made by Councilor Harrington and supported by Councilor Law to return to open session.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Law to NOT pursue Land Parcel #98.

Vote: 4 - Yes, 4 - No (Councilor McNamara, Councilor Harrington, Councilor Bernard, Secretary Otto), 0 - Abstained, 0 – Absent

Motion fails.

Motion made by Councilor Shananaquet and supported by Councilor Naganashe to adopt Tribal Resolution: Supplemental Funding in the amount of \$25,000 for Judiciary Attorney's Fees to come from General Fund.

Roll call vote: Councilor Bernard-yes, Councilor Harrington-yes, Councilor Law-yes, Councilor McNamara-yes, Councilor Naganashe-yes, Councilor Shananaquet-yes, Treasurer Reyes-yes, Secretary Otto-yes  
Motion carried.

Motion made by Councilor Law and supported by Secretary Otto to adopt Tribal Resolution FY 2016 Supplemental Funding in the amount of \$2,500 for the 2016 Homecoming Pow Wow to come from General Funds.

Roll call vote: Councilor Bernard-yes, Councilor Harrington-yes, Councilor Law-yes, Councilor McNamara-yes, Councilor Naganashe-yes, Councilor Shananaquet-yes, Treasurer Reyes-yes, Secretary Otto-yes  
Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Law to approve the general counsel contract renewal between the Little Traverse Bay Bands of Odawa Indian and attorney James A. Bransky for an additional six (6) year term commencing February 20, 2017 and ending February 19, 2023 and authorize Secretary Aaron Otto to sign the contract renewal.

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

5:40 p.m. Motion made by Councilor Harrington and supported by Councilor Law to adjourn.

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

Please contact the Legislative Office at 231-242-1403, or 231-242-1404 for additional updates and clarifications of these minutes as presented.

These Minutes have been read and approved as corrected:

  
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Aaron Otto, Tribal Council Secretary

4-7-2016  
\_\_\_\_\_  
Date