

1 The Little Traverse Bay Bands of Odawa Indians
2 Tribal Council
3 March 16, 2003
4 Tribal Court Room 7500 Odawa Circle
5 Smudging 9:15 a.m.
6 9:30 a.m.
7
8

9 Executive Session: yes

10 Call to Order: Meeting was called to order at 9:50 a.m.

11 Council Present: Chairman Gerald V. Chingwa, Vice-Chairman George Anthony,
12 Secretary Beatrice A. Law, Treasurer Alice Yellowbank, Councilor Rita Shananaquet,
13 Councilor Fred Harrington, Jr., Councilor Janet Shomin

14 Council Absent: none

15 Staff Present: See Attached list

16 Guests: See attached list
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20 Motion made by Vice-Chairman George Anthony and supported by Councilor Fred
21 Harrington, Jr., to approve the agenda for March 16, 2003.

22 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

23 Motion carried
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25 Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred
26 Harrington, Jr., to approve the minutes of March 2, 2003 as presented.

27 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

28 Motion carried
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30 Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet
31 to enter in to the record the phone poll dated March 11, 2003 regarding acquisition of
32 property. The phone poll passed.

33 Vote: 6 Yes, 1 No, (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

34 Motion carried
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36 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A.
37 Law to enter into the record the text of the phone poll: In talking with our confidential
38 broker and James Bransky regarding the Mackinaw City property, it looks like parcels
39 are available that would allow us to carry out our proposal to the State. This phone poll
40 seeks authorization to put up to \$25,000 down to hold the parcel(s) for 90 days. On
41 March 12, 2003 we will meet with the Governor in Lansing and this will give us the
42 opportunity to tell her that we are investing resources to support our proposal. This will
43 also save us from encroachment from the Sault Ste Marie and Bay Mills Tribes from
44 moving into our area.

45 Vote: 4 Yes, 2 No (Councilor Rita Shananaquet, Chairman Gerald V. Chingwa), 1
46 Absent (Councilor Janet Shomin), 0 Abstained

47 Motion carried
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Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to accept the Tribal Administrator's verbal and written report for March 16, 2003.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A. Law to approve the Administration Building Commons Area Events Policy as presented by the Tribal Administrator.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

Motion made by Secretary Beatrice A. Law and supported by Vice-Chairman George Anthony to approve the Little Traverse Bay Bands of Odawa Indians Tribal Buildings Security Policy as presented by the Tribal Administrator.

Motion withdrawn

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve expenses totaling \$2,015 in support of the Little Traverse Bay Bands of Odawa Indians Community meeting scheduled for May 3, 2003 at the Petoskey Middle School, out of the Governmental Operations, miscellaneous program support.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to establish a line item for 2002 holiday expense checks and authorize the Tribal Administrator to take actions necessary to remedy return checks using this line item.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank to direct the Tribal Administrator to start inputting information on Tribal Membership in support of the proposed development of a Distribution Plan for allocating \$500 to each member.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank, to schedule programs strategic plan with Council for May 16, 2003 starting at 10 a.m. in the morning at the Government Building.

Vote: 4 Yes, 3 No (Councilor Rita Shananaquet, Councilor Janet Shomin, Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion carried

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Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank to schedule a work session with the Planning Department and other personnel needed to finalize the complete decision process and model for Victories Casino II.

Vote: 5 Yes, 2 No (Councilor Fred Harrington, Jr., Councilor Janet Shomin), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to accept into the record the Tribal Chairman's verbal and written report for March 16, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to request the resignation of Commissioner Dexter McNamara.

Vote: 5 Yes, 2 No (Secretary Beatrice A. Law, Treasurer Alice Yellowbank), 0 Absent, 0 Abstained

Motion carried

Recessed called at: 11:43 a.m.

Meeting recessed at: 11:53 a.m.

Public Comment opens at: 11:54 a.m.: Tim LaCroix, Yvonne Sandell, Ken Harrington

Public Comment closed at: 12:04 p.m.

Lunch recess called until 1:30 p.m.

Meeting reconvened at 1:30 p.m.

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the Little Traverse Bay Bands of Odawa Indians Corporation Code as presented by the Economic Development Commission and Economic Development Department, March 8, 2003.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Councilor Janet Shomin)

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Beatrice A. Law that we appoint Rita Shepard to the Michigan Indian Elders Association (M.I.E.A.) as a Little Traverse Bay Bands of Odawa Indians delegate.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet Councilor Janet Shomin), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Janet Shomin to send all 5 applicants to the Michigan Indian Elders Association Conference as a caucus and allow them to decide who will represent as an Elders group.

Motion withdrawn

1 Motion made by Treasurer Alice Yellowbank and supported by Secretary Beatrice A.
2 Law that we adopt resolution #031603-01 to appoint Rita Shepard, and Richard
3 Wemigwase as delegates and Doris Adams as Alternate Delegate to the Michigan
4 Indian Elders Association as representatives of Little Traverse Bay Bands of Odawa
5 Indians, for 2 years.
6 Roll call: Chairman Gerald V. Chingwa-Yes, Vice-Chairman George Anthony-Yes,
7 Treasurer Alice Yellowbank-Yes, Secretary Beatrice A. Law-Yes, Councilor Rita
8 Shananaquet-Yes, Councilor Janet Shomin-No, Councilor Fred Harrington, Jr. -Yes.
9 Motion carried
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11 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A.
12 Law to adopt resolution #031603-02 Elders Advisory Board appointing Rita Shepard,
13 Doris Adams and Richard Wemigwase as the advisory board for the Administration on
14 Aging (A.O.A.) Title VII Grant.
15 Roll call Chairman Gerald V. Chingwa-Yes, Vice-Chairman George Anthony-Yes,
16 Treasurer Alice Yellowbank-Yes, Secretary Beatrice A. Law-Yes, Councilor Rita
17 Shananaquet-Yes, Councilor Janet Shomin-Yes, Councilor Fred Harrington, Jr.-Yes.
18 Motion carried
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20 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A.
21 Law to approve the Small Grant request for the Three Kings, Return Supper as
22 presented by Robert Shagonaby for \$1,800.
23 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
24 Motion carried
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26 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A.
27 Law to direct the Legal Department to submit the trademark of the Tribal logo to the
28 United States Patent office at a cost of \$4,020 to come from Enterprise Fund,
29 governmental operations
30 Vote: 6 Yes, 1 No (Treasurer Alice Yellowbank), 0 Absent, 0 Abstained
31 Motion carried
32
33 Motion made by Councilor Janet Shomin and supported by Councilor Fred Harrington,
34 Jr., to support the donation request from Tribal Member Keith Kiogima in the amount of
35 \$500 to support his effort for a trip to France and Spain.
36 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
37 Motion carried
38
39 Motion made by Councilor Janet Shomin and supported by Vice-Chairman George
40 Anthony to support a \$100 donation for the request for North American Indian Student
41 Organization (N.A.I.S.O) Pow Wow program at Michigan State University.
42 Vote: 3 Yes, 3 No, 1 Absent Councilor Fred Harrington, Jr., 0 Abstained
43 Motion failed
44
45 Motion made by Secretary Beatrice A. Law and supported by Councilor Fred Harrington,
46 Jr., that we donate \$200 to the Michigan State University Chapter of the American Indian
47 Science and Engineering Society.
48 Vote: 3 Yes, 4 No (Chairman Gerald V. Chingwa, Vice-Chairman George Anthony,
49 Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Absent, 0 Abstained
50 Motion failed
51

1 Motion made by Councilor Janet Shomin to send a contribution for the kick off for the
2 2004 Presidential Campaign for Dick Gephardt.

3 Motion dies due to lack of support

4

5 Motion made by Secretary Beatrice A. Law that with donate \$200 for the senior party
6 graduating class 2003 at Charlevoix High School, check to be made out to the Senior
7 Planning Committee.

8 Motion dies due to lack of support

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10 Motion made by Secretary Beatrice A. Law, and supported by Councilor Fred
11 Harrington, Jr., that we donate \$200 to the Junior Achievement of Michigan Great Lakes
12 Inc. with monies ear marked for the Black Bird Elementary, Shay Elementary, Harbor
13 Springs Middle School and Harbor Springs High School.

14 Support withdrawn

15 Motion dies due to lack of support

16 Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred
17 Harrington, Jr., that we donate \$2,000 to the Ogichidaa Award foundation to support the
18 Native American students in law.

19 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

20 Motion carried

21

22 Recess called at 3:17 p.m.

23 Meeting reconvened at: 3:27 p.m.

24

25 Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice
26 Yellowbank to approve the Spirit of the Eagles Tobacco Grant Fund request from the
27 National Cancer Institute and authorize the Tribal Chairman to sign the application and
28 send a letter of support with the application.

29 Vote: 6 Yes, 0 No, 1 Absent (Secretary Beatrice A. Law), 0 Abstained

30 Motion carried

31

32 Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman
33 George Anthony to declare May 11-17, 2003 as National Women's Health Week.

34 Vote: 6 Yes, 0 No, 1 Absent (Secretary Beatrice A. Law), 0 Abstained

35 Motion carried

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37 Motion made by Secretary Beatrice A. Law and supported by Councilor Fred Harrington,
38 Jr., that we support the Native American Day, Thursday May 1, 2003 at North Central
39 Michigan College in the amount of \$3,000 to come from the General Welfare, cultural
40 activities line item 9930-00-5570.

41 Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Absent, 0
42 Abstained

43 Motion carried

44

45 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A.
46 Law to include option #2 in the design work for the problems for the house on lot 27 and
47 further direct the Legal Department to determine if there is a corporation or business that
48 is at fault for the water problems at Wah-Wahs-Noo-Da-Ke Housing Development.

49 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

50 Motion carried

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1 Public Comment: 4:00 p.m.: Dexter McNamara, Ken Harrington
2 Public Comment closed at 4:01 p.m.

3
4 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A.
5 Law to approve the Net Com Phone System Proposal for the Natural Resource
6 Department building at a total cost of \$18,184.84 to come from the Enterprise Fund
7 Economic Development, capital improvements.
8 Vote: 6 Yes, 1 No (Councilor Janet Shomin), 0 Absent, 0 Abstained
9 Motion carried

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11 Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman
12 George Anthony to approve the Natural Resource Department proposal from Data Com
13 for networking support for the Natural Resource Department building at a total cost of
14 \$16,136.50 to come from the Enterprise Fund, Economic Development, capital
15 improvements.
16 Vote: 5 Yes, 2 No (Councilor Janet Shomin Councilor Rita Shananaquet), 0 Absent, 0
17 Abstained
18 Motion carried

19
20 Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice
21 Yellowbank to begin a pilot program of the Human Resource Temporary Employee
22 proposal at a cost of \$15,000 to come from the Enterprise Fund, operations line item.
23 Vote: 5 Yes, 2 No Councilor Rita Shananaquet Councilor Janet Shomin), 0 Absent, 0
24 Abstained
25 Motion carried

26
27 Motion made by Councilor Rita Shananaquet and supported by Councilor Janet Shomin
28 to use only 638 funds for the service area and to utilize all revenue for per capita
29 payment to the membership.
30 Vote: 2 Yes, 5 No Councilor Fred Harrington, Jr., Vice-Chairman George Anthony
31 Chairman Gerald V. Chingwa Treasurer Alice Yellowbank, Secretary Beatrice A. Law, 0
32 Absent, 0 Abstained
33 Motion failed

34
35 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A.
36 Law to place a Hotel Room Tax Statute on the Legislative agenda.
37 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
38 Motion carried

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40 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A.
41 Law to suspend Tribal Council travel excluding the Tribal Chairman until a policy
42 regarding written reports of travel activities is adopted, effective April 6, 2003.
43 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
44 Motion carried

45
46 Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice
47 Yellowbank to give all Tribal Members the same discount as Tribal Council receives at
48 all Tribal facilities.
49 Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained
50 Motion carried

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1 Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Janet
2 Shomin to add Tribal Council Compensation to the Legislative Agenda.

3 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

4 Motion carried

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6 Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Janet
7 Shomin to place Protection of Tribal Assets on the Legislative Agenda.

8 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

9 Motion carried

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11 Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A.
12 Law to adopt resolution #031603-03 Designation of Motor Fuel Wholesaler and Retailer
13 Under Tax Agreement.

14 Roll Call: Vice-Chairman George Anthony-Yes Chairman Gerald V. Chingwa-Yes,
15 Councilor Fred Harrington, Jr.-Yes Secretary Beatrice A. Law-Yes, Councilor Rita
16 Shananaquet-Yes, Councilor Janet Shomin-Yes, Treasurer Alice Yellowbank-Yes

17 Motion carried

18
19 Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet
20 that the Tribal Chairman, along with the Tribal Council have a reception on April 12,
21 2003 to meet and greet Legislators that are being invited to come to the Tribal
22 Governmental Offices.

23 Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

24 Motion carried

25
26 Motion made by Treasurer Alice Yellowbank and supported by Secretary Beatrice A.
27 Law that we approve this contract for the Gaming Regulatory Department with Joseph
28 Eve for their quarterly audit in the amount of \$38,000 and authorize the Tribal Chairman
29 to sign it.

30 Vote: 5 Yes, 2 No (Councilor Rita Shananaquet Councilor Janet Shomin), 0 Absent, 0
31 Abstained

32 Motion carried

33
34 Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice
35 Yellowbank to rescind the motion of March 2, 2003, made by Councilor Rita
36 Shananaquet and supported by Councilor Janet Shomin to override the decision of
37 Gaming Regulatory Commission to revoke the license of Mr. Barry Crowell. This motion
38 is based on the Gaming Regulatory's denial of Mr. Crowell's right to due process
39 regarding-instatement to be made effective immediately. Further that documents sent to
40 or given to members of Tribal Council from Gaming Regulatory Commission marked
41 "Confidential" be reviewed and discussed with legal counsel present.

42 Vote: 3 Yes, 4No (Chairman Gerald V. Chingwa, Vice-Chairman George Anthony,
43 Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Absent, 0 Abstained

44 Motion failed

45
46 Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice
47 Yellowbank to rescind the motion of March 2, 2003, made by Fred Harrington, Jr.,
48 supported by Beatrice A. Law to direct the Gaming Regulatory to cease writing violations
49 for actions not covered in the Minimum Internal Control Standards and to separate the
50 activities of the Compliance and Surveillance Departments and use Surveillance for loss
51 control exclusively, and further that the Surveillance Department while they shall reply to
52 all Compliance Department requests for tapes and other information shall not comply

1 with requests that interfere with loss control as their primary function. Further that Tribal
2 Council defines the meaning of "loss control".

3 Vote: 2 Yes, 5 (Chairman Gerald V. Chingwa, Vice-Chairman George Anthony,
4 Councilor Rita Shananaquet, Councilor Janet Shomin, Councilor Fred Harrington, Jr.), 0
5 No, 0 Absent, 0 Abstained

6 Motion failed

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8 Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice
9 Yellowbank to rescind the motion of March 2, 2003 made by Fred Harrington, Jr., and
10 supported by Vice-Chairman George Anthony to adopt the Federal Minimum Internal
11 Control Standards 25 CFR 542 as the Tribal Internal Control Standards with no
12 additions, and with omissions for items that are not applicable to our Gaming Enterprise.
13 Further that Tribal Council with legal counsel present; review the proposal Draft of
14 Regulatory Departments Proposed MICS.

15 Vote: 2 Yes, 5 No (Chairman Gerald V. Chingwa, Vice-Chairman George Anthony,
16 Councilor Rita Shananaquet, Councilor Rita Shananaquet, Councilor Janet Shomin,
17 Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

18 Motion failed

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20 Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice
21 Yellowbank to direct the Gaming Regulatory to ensure that the established policies and
22 procedures are adhered to in the Gaming Enterprise, Victories Casino Executive Policies
23 and Procedures as reviewed and approved by the Gaming Regulatory.

24 Vote: 2 Yes, 5 No (Chairman Gerald V. Chingwa, Vice-Chairman George Anthony,
25 Councilor Rita Shananaquet, Councilor Janet Shomin, Councilor Fred Harrington, Jr.) 0
26 Absent, 0 Abstained

27 Motion failed

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29 Motion made by Secretary Beatrice A. Law and supported by Councilor Rita
30 Shananaquet that we donate a flag to The Grand Traverse Band of Ottawa and
31 Chippewa Indians and the U.S. Attorney Office in Grand Rapids and also one for the
32 Office of Tribal Justice in Washington D.C.

33 Vote: 6 Yes, 0 No, 1 Absent (Councilor Janet Shomin), 0 Abstained

34 Motion carried

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36 Motion made by Councilor Rita Shananaquet and supported by Councilor Janet Shomin
37 to prohibit Kenneth Pheasant from participating in any Tribal activity or function and to
38 be notified in writing by the Tribal Chairman.

39 Vote: 3 Yes, 4 No (Councilor Fred Harrington, Jr., Vice-Chairman George Anthony
40 Treasurer Alice Yellowbank Secretary Beatrice A. Law), 0 Absent, 0 Abstained

41 Motion failed

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43 Motion made by Vice-Chairman George Anthony to go into executive session.

44 Motion dies due to lack of support.

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46 6:06 p.m. recess called

47 6:15 p.m. meeting reconvened

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49 6:16 p.m. Motion made by Vice-Chairman George Anthony and supported by Councilor
50 Rita Shananaquet to go into executive session for legal and personnel.

51 Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

52 Motion carried

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6:43 p.m. Motion made by Secretary Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to go out of executive session.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

6:44 p.m. Motion made by Vice-Chairman George Anthony and supported by Councilor Fred Harrington, Jr., to adjourn.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

These Minutes have been read and approved as written:
Approved:

Beatrice A. Law, Tribal Secretary Date