

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
October 9, 2005
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 9:47 a.m.

Council Present: Legislative Leader Beatrice A. Law, Secretary Melvin L. Kiogima, Treasurer Shirley Oldman, Councilor Dexter McNamara, Councilor Mary Roberts, Councilor Fred Harrington, Jr.

Absent: Councilor Regina Gasco Bentley, Councilor Rita Shananaquet, Councilor Alice Yellowbank

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount-Executive Assistant, Valerie Tweedie-Chief Financial Officer, Dawn Shenoskey-Court Administrator

Guests: Harvey Gibson, Carol McFall

Opening Ceremony: Dexter McNamara

Motion made by Councilor McNamara and supported by Councilor Roberts to adopt the agenda for October 9, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)

Motion Carried

Motion made by Councilor McNamara and supported by Councilor Harrington to approve the minutes for September 25, 2005 as presented.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)

Motion Carried

Motion made by Councilor McNamara and supported by Councilor Harrington to ratify the Inter Tribal Council (ITC) phone poll dated September 30, 2005 into the record, the phone poll said "to allow Emergency Short-term funding for ITC to avoid layoff of Little Traverse Bay Bands of Odawa Indians Head Start Site Supervisor by adding \$3,937.00 to the donations line item for ITC Head Start Program to cover one month salary and fringe for the remainder of ITC FY2004-05, to come from prior period funds. Additional to adopt Resolution #093005-01 Appropriation of \$3,937.00 in Additional Funds to Executive Budget FY2005-1107-00 for Donation to Inter Tribal Council of Michigan to cover L.T.B.B. Head

Start FY 04-05, Funding Emergency.” The phone poll passed, excluding the fringe payment.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)

Motion Carried

Motion made by Councilor McNamara and supported by Councilor Roberts to approve Enrollment List A - Eligible for Membership, dated September 20, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)

Motion Carried

Motion made by Councilor Roberts and supported by Councilor McNamara to approve Enrollment List B - Declination (Ineligible) Dated September 20, 2005.

Vote: 4 Yes, 2 No (Councilor Harrington, Councilor McNamara), 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)

Motion Carried

Motion made by Councilor McNamara and supported by Councilor Harrington to approve Enrollment List C - Eligible for Membership dated October 4, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)

Motion Carried

10:18 a.m. recess called

10:29 a.m. meeting reconvened

Motion made by Councilor Harrington and supported by Councilor McNamara to approve Bureau of Indian Affairs Tribal Court Budget Modification #FY2005-3109-3 with no increase in the bottom line.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)

Motion Carried

Motion made by Councilor McNamara and supported by Secretary Kiogima to accept the verbal and written report from Legal Counsel as presented by James Bransky for October 9, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)

Motion Carried

11:45 a.m. Public Comment opened: no Public Comment

11:45 a.m. Public Comment Closed

Motion made by Councilor Harrington and supported by Treasurer Oldman to adopt Resolution #100905-01 Providing for Priority Funding Allocation for 2007 Fiscal Year.

Roll Call Vote: Councilor McNamara-yes, Councilor Shananaquet-absent, Councilor Yellowbank-absent Councilor Gasco Bentley-absent, Legislative Leader Law-yes, Councilor Harrington-yes, Secretary Kiogima-yes, Councilor Roberts-yes, Treasurer Oldman-yes
Motion Carried

Motion made by Councilor Roberts and supported by Secretary Kiogima to authorize the Legal Department to utilize the law firm of Dykema Gosset as co-counsel in the TOMAC appeal to the Michigan Supreme Court with authorization for the Tribal Chairman to sign the contract.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)
Motion Carried

12:08 p.m. Lunch recess

1:47 p.m. meeting resumed, Councilor Harrington absent

1:50 p.m. Councilor Harrington arrived

Motion made by Councilor McNamara and supported by Secretary Kiogima to accept the Executive Report, verbal and written, which included the Tribal Administrator and Chief Financial Officer reports as presented by Tribal Chairman Frank Ettawageshik for October 9, 2005.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)
Motion Carried

Motion made by Councilor Harrington and supported by Treasurer Oldman to adopt Disaster Relief Project Policy #Exect-HS 525-00.

Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)
Motion Carried

Motion made by Councilor McNamara and supported by Councilor Oldman to adopt Resolution #100905-02 Approval of Middle Village Park Management Committee Budget for FY 2003-2004.

Roll Call Vote: Legislative Leader Law-yes, Councilor Yellowbank-absent, Councilor McNamara-yes, Councilor Harrington-yes, Councilor Shananaquet-absent, Councilor Gasco Bentley-absent, Secretary Kiogima-yes, Councilor Roberts-yes, Treasurer Oldman-yes
Motion Carried

Motion made by Treasurer Oldman and supported by Councilor McNamara to adopt Resolution #100905-03 Approval of Middle Village Park Management Committee Budget for FY 2005-2006.

Roll Call Vote: Legislative Leader Law-yes, Councilor Yellowbank-absent, Councilor McNamara-yes, Councilor Shananaquet-absent, Councilor Gasco Bentley-absent, Secretary Kiogima-yes, Councilor Roberts-yes, Treasurer Oldman-yes

Motion Carried

Motion made by Councilor McNamara and supported by Councilor Roberts to adopt resolution #100905-04 Authorizing Little Traverse Bay Bands of Odawa Indians Membership in the National Congress of American Indians Membership and Appropriating funds for Membership Dues.

Roll Call Vote: Legislative Leader Law-yes, Councilor Yellowbank-absent, Councilor McNamara-yes, Councilor Harrington-yes, Councilor Shananaquet-absent, Councilor Gasco Bentley-absent, Secretary Kiogima-yes, Councilor Roberts-yes, Treasurer Oldman-yes

Motion Carried

Motion made by Treasurer Oldman and supported by Councilor McNamara to adopt resolution #100905-05 Recovery of Sacred Object from Field Museum.

Roll Call Vote: Councilor McNamara-yes, Councilor Shananaquet-absent, Councilor Yellowbank-absent, Councilor Gasco Bentley-absent, Legislative Leader Law-yes, Councilor Harrington-yes, Secretary Kiogima-yes, Councilor Roberts-yes, Treasurer Oldman-yes

Motion Carried

3:53 p.m. Recess Called until 4:00 p.m.

4:08 p.m. meeting reconvened

4:08 p.m. Public Comment opened: no comments

4:09 p.m. Public Comment closed

Motion made by Secretary Kiogima and supported by Councilor McNamara that we adopt Resolution #100905-06 Providing for Amendment of Revenue Allocation Plan.

Roll Call Vote: Legislative Leader Law-yes, Councilor Yellowbank-absent, Councilor McNamara-yes, Councilor Harrington-yes, Councilor Shananaquet-absent, Councilor Gasco Bentley-absent, Secretary Kiogima-yes, Councilor Roberts-abstained, Treasurer Oldman-abstained

Motion Carried

Motion made by Councilor McNamara and supported by Secretary Kiogima to adopt Resolution #100905-07 Authorize Sale of Notes and Related Actions.

Roll Call Vote: Councilor McNamara-yes, Councilor Shananaquet-absent, Councilor Yellowbank-absent, Councilor Gasco Bentley-absent, Legislative Leader Law-yes, Councilor Harrington-yes, Secretary Kiogima-yes, Councilor Roberts-abstained, Treasurer Oldman-abstained

Motion Carried

Motion made by Councilor McNamara and supported by Secretary Kiogima to adopt Resolution #100905-08 Guaranteed Maximum Price Authorization.

Roll Call Vote: Councilor McNamara-yes, Councilor Shananaquet-absent, Councilor Yellowbank-absent, Councilor Gasco Bentley-absent, Legislative

Leader Law-yes, Councilor Harrington-yes, Secretary Kiogima-yes, Councilor Roberts-abstained, Treasurer Oldman-abstained
Motion Carried

Motion made by Secretary Kiogima and supported by Councilor McNamara that we accept the confidential memo from the Gaming Board of Directors dated September 29, 2005 which was attached to the Executive Report.
Motion Withdrawn

Motion made by Councilor Harrington and supported by Councilor McNamara to place Waganakising Odawak Statute Membership in Midwest Alliance of Sovereign Tribes and National Congress of American Indians on the Legislative Agenda, sponsored by Fred Harrington.
Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)
Motion Carried

Motion made by Councilor Harrington and supported by Councilor McNamara to enact Waganakising Odawak Statute, Felony Defined.
Roll Call Vote: Councilor McNamara-yes, Councilor Shananaquet-absent, Councilor Yellowbank-absent, Councilor Gasco Bentley-absent, Legislative Leader Law-yes, Councilor Harrington-yes, Secretary Kiogima-yes, Councilor Roberts-yes, Treasurer Oldman-yes
Motion Carried

Motion made by Councilor Harrington and supported by Councilor Roberts to enact Waganakising Odawak Statute Tribal Treasurer Responsibilities.
Roll Call Vote: Councilor McNamara-yes, Councilor Shananaquet-absent, Councilor Yellowbank-absent, Councilor Gasco Bentley-absent, Legislative Leader Law-yes, Councilor Harrington-yes, Secretary Kiogima-yes, Councilor Roberts-yes, Treasurer Oldman-yes
Motion Carried

Motion made by Councilor McNamara and supported by Councilor Roberts to authorize Beatrice A. Law, Shirley Oldman and Michele LaCount to sign on Tribal Council approved budgets 1101-00 and 2000-01.
Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)
Motion Carried

Motion made by Councilor McNamara and supported by to authorize to attend Midwest Alliance of Sovereign Tribes meeting in November 2005.
Motion dies due to lack of support

Motion made by Councilor Harrington and supported by Secretary Kiogima to adopt Resolution #100905-09 Directives to the Gaming Board of Directors for the Expansion of the Tribes Gaming Enterprise.

Roll Call Vote: Councilor McNamara-yes, Councilor Shananaquet-absent, Councilor Yellowbank-absent, Councilor Gasco Bentley-absent, Legislative Leader Law-yes, Councilor Harrington-yes, Secretary Kiogima-yes, Councilor Roberts-abstained, Treasurer Oldman-abstained
Motion Carried

8:02 p.m. Motion made by Councilor Roberts and supported by Treasurer Oldman that we adjourn.
Vote: 6 Yes, 0 No, 0 Abstained, 3 Absent (Councilor Gasco Bentley, Councilor Shananaquet, Councilor Yellowbank)
Motion Carried

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

Melvin Kiogima, Tribal Secretary

Date