

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
January 9, 2011

Opening Ceremony: Moment of Silence
Closed Session: yes

Call to Order: Meeting was called to order at: 9:06 a.m.

Physical Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Aaron Otto, Councilor Rita Shananaquet, Councilor Gerald V. Chingwa

Absent: Councilor Marvin Mulholland, Councilor Melvin L. Kiogima

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount

Executive Officials and Staff Present: Tribal Chairman Ken Harrington, Vice-Chairman Dexter McNamara, General Counsel James Bransky

Guests: Cathy Bradley, Linda Gasco, Fred Kiogima, Bill Denemy Sr., Alice Yellowbank, Bea Law, Isaac Dillard, Carol McFall, William McMillan, John Harrington

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to adopt the agenda for January 9, 2011 with changes.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor Kiogima)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to approve the minutes of December 19, 2010 as presented.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor Kiogima)

Motion carried.

Elder Comments: no comments.

9:30 a.m. Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to go into closed session for personnel.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor Kiogima)

Motion carried.

9:39 a.m. Councilor Kiogima arrived.

9:58 a.m. Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to return to open session
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

10:00 a.m. Motion made by Councilor Otto and supported by Councilor Chingwa to go into closed session for legal.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

10:32 a.m. Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to return to open session.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

10:33 a.m. Recess called.
10:44 a.m. Meeting reconvened.

10:45 a.m. Motion made by Councilor R. Shananaquet and supported by Councilor Otto to go into closed session for legal.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

11:13 a.m. Motion made by Councilor R. Shananaquet and supported by Councilor Otto to return to open session.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Councilor Bardwell and supported by Councilor R. Shananaquet to accept the Legislative Leader J. Shananaquet's verbal report for January 9, 2011.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to table the requirements of Section I. of the Nomination for Judges, Justices and Prosecutors Policy and Procedures until such time that Tribal Council has an opportunity to interview the nominee for Chief Judge and has set the date for the interview of Nominee Bernadece Kiogima for January 22, 2011.
Vote: 1 – Yes , 6 – No Councilor Otto, Secretary Gasco Bentley, Treasurer Bott, Legislative Leader J. Shananaquet, Councilor Chingwa, Councilor Bardwell), 1 – Abstained (Councilor Kiogima), 1 – Absent (Councilor Mulholland)
Motion failed.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept Secretary Gasco Bentley's verbal report for January 9, 2011.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

11:44 a.m. Public Comment opened: Bea Law spoke regarding constitutional question with the Gaming Delegation and Authority Statute and The Elections and Election Board Statute. Cathy Bradley expressed her discouragement regarding the process of the implementation and notification of the Gaming Authority and Delegation Statute. Carol McFall mentioned the Gaming Board of Directors was not notified. Bea Law also expressed opinion regarding the process of notification regarding the Gaming Board of Directors. Fred Kiogima spoke regarding the Gaming Board of Directors and all Tribal staff removal. Isaac Dillard spoke regarding prejudice at the casino.
11:57 a.m. Public comment closed.

12:13 p.m. Lunch recess called.
1:32 p.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Legislative Leader J. Shananaquet to accept Treasurer Bott's Treasurer and Appropriations and Finance Committee verbal and written report for January 9, 2011.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to approve Rehmann Groups the auditor for the Tribal Government, beginning January 01, 2010 through December 31, 2010 and authorizes the Tribal Chair to sign all engagement agreements for such audits.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to post to the Legislative Calendar Amendment to Waganakising Odawak Statute 2005-010 Amendment to Legislative Procedures Statute.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to adopt Tribal Resolution: United States Department of the Interior Bureau of Indian Affairs Authorization for P.L. 93-638 Contract.
Roll Call vote: Councilor Bardwell – yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-absent, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Verbal update: Land and Reservation Committee Chairperson Kiogima update.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to accept the Legal and Legislative Committee update as presented by Committee Chairperson Chingwa.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to approve the Legal and Legislative Committee Strategic Plan.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to rescind the Cellular Equipment and Service Plan.

Vote: 6 - Yes, 2 – No Councilor Bardwell, Councilor Otto), 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept the Gaming Authority Committee verbal report as presented by Gaming Authority Committee Chairperson Chingwa.

Vote: 7 - Yes, - No, 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Mulholland)

Motion carried.

3:03 p.m. Public Comment opened: no comments.

3:04 p.m. Public Comment closed.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to adopt Tribal Resolution: Authorization of Odawa Casino Resort Check Signing Authority.

Roll Call vote: Councilor Bardwell – yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-absent, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-abstained, Secretary Gasco Bentley-no, Legislative Leader J. Shananaquet-yes

Motion carried.

3:08 p.m. Recess called.

3:18 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept Legislative Services Attorney Budnick's verbal report for January 9, 2011.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa to approve: Request for Funding from Prevention Network Foundation Little Traverse Bay Bands of Odawa Indians Youth Leadership Project.

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

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to approve: Request for Continuation Funding from the Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention Little Traverse Bay Bands of Odawa Indians, Strategic Prevention Framework State/Tribal Incentive Grant Program SPRING Project.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to approve: Request for Funding from the Institute of Museum and Library Services, Little Traverse Bay Bands of Odawa Indians 2011 Basic Library Services Grant.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader Julie Shananaquet to approve Enrollment List A - Eligible for Citizenship dated December 29, 2011 for a total of 6.
Vote: 7 - Yes, 1 – No (Councilor Chingwa), 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader Julie Shananaquet to acknowledge the receipt of Enrollment List -B Voluntary Relinquishment dated January 5, 2011 for a total of 1.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Chingwa to override Executive vetoed Tribal Resolution 120510-01 Establishment of the "Legislative/Executive Team" for Bay Mills/Vanderbilt Casino Matters.
Vote: 5 - Yes, 3 – No (Councilor Otto, Councilor R. Shananaquet, Councilor Kiogima), 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion failed based on the need of an affirmative vote of 7 to override a veto.

Motion made by Councilor Bardwell and supported by Treasurer Bott to pass Waganakising Odawak Statute Political Solicitation Prohibition Statute.
Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland – absent, Councilor R. Shananaquet-no, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Councilor Chingwa and supported by Councilor R. Shananaquet to pass Waganakising Odawak Statute Medical Marijuana Patient Protection.
Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland – absent, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to pass Waganakising Odawak Statute Financial Disclosure by Tribal Officials.
Motion Withdrawn

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to remove the Reemployment Rights and Discrimination Rights of Elected or Appointed Officials draft Statute from the Legislative Calendar.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to post to the Legislative Calendar Shirley Oldman Naganashe Oldman Merit Scholarship Draft Statute.
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

4:28 p.m. Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to adjourn.
Vote: 7 - Yes, 1 – No (Councilor Otto), 0 - Abstained, 1 – Absent (Councilor Mulholland)
Motion carried.

These Minutes have been read and approved as written:

Regina Gasco Bentley, Tribal Council Secretary

1-23-11

Date