

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
February 20, 2011

Closed Session: yes

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

Opening Ceremony: Moment of Silence.

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

Absent: Councilor Marvin Mulholland

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

Executive Officials and Staff Present: Tribal Chairman Ken Harrington

Casino Staff Present: General Manager David Wolf, Human Resource Director Melissa Richards, Director of Marketing Phil Gonzales, Director of Finance Roger Borton

Public: Rose Smalley, Sarah VanDeCar, Annette VanDeCar, Bill Denemy, Sr., Yvonne McShane, Cathy Bradley, Richard Wemigwase, Jeannie Norris, Bernadece Kiogima, Carol McFall, Steve Sochay, Starr Behrens, Doug Emery, Bea Law, Joe Lucier

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to adopt the agenda for February 20, 2011 with additions.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Otto to approve the minutes of February 6, 2011 as presented.

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

Motion carried.

Elder Comments: Sarah VanDeCar spoke in support of the Powwow Committee supplemental funding need. Rose Smalley spoke against the Tribal Chairman utilizing the front page of the Odawa Trails.

Motion made by Councilor Bardwell and supported by Councilor R. Shananaquet to accept the Legislative Leader J. Shananaquet's verbal report for February 20, 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 accept Secretary Gasco Bentley's verbal report for February 20, 2011.

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 accept Treasurer Bott's Treasurer and Appropriations and Finance Committee update for February 20, 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 allocate \$25,000 to the Tribal Elder's Dental Program with funding to come from Prior Period Funds.

Vote: 7 - Yes, 1 – No (Legislative Leader Julie Shananaquet), 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to accept Land and Reservation Committee Chairperson Kiogima's verbal report for February 20, 2011.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Treasurer Bott to accept the Legal and Legislative Committee updated from Committee Chairperson Chingwa for February 20, 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 instruct the Tribal Chairman to develop the Administrative Procedure as cited in the Waganakising Odawak Statute 2006-003 Judicial and Prosecutorial Appointments, and in accordance with the Administrative Procedures Statute, and shall submit said procedures to Tribal Council no later than March 20, 2011.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to approve and grandfather the use of the former Victories site for a snowmobile trail until March 31, 2011, any extensions of such use will need to be approved

by the Odawa Economic Management Development Tribally Chartered Corporation, in accordance with Waganakising Odawak Statute 2009-024 Odawa Economic Development Management.

Vote: 6 - Yes, 2 – No (Councilor R. Shananaquet, Treasurer Bott), 0 - Abstained, 1 – Absent (Councilor Mulholland)

Motion carried.

Councilor Otto Ethics Committee Chairperson reports that there was no Rules of Conduct violation reports received at this time.

10:19 a.m. Recess called.

10:31 a.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to accept Legislative Services Attorney Budnick' verbal and written report for February 20, 2011.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Otto to acknowledge receipt of Tribal Chairman Harrington's verbal and written report with confidential items contained therein for February 20, 2011.

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 adopt Tribal Resolution: Request for funding from the Administration for Children and Families, Administration for Native Americans, Native American Language Preservation and Maintenance, Little Traverse Bay Bands of Odawa Indians Waganakising Community Language Implementation Project.

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 Councilor R. Shananaquet and supported by Secretary Gasco Bentley to approve by Certified Motion: Request for Funding from the United States Department of Justice, Office on Violence Against Women (OVW), Fiscal Year 2011 Court Training and Improvements Program, Little Traverse Bay Bands of Odawa Indians FY 2011 OVW Court Training and Improvements Project.

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 approve by Certified Motion: Request for Funding from Charlevoix County Community Foundation Little Traverse Bay Bands of Odawa Indians Outreach Therapy Program.

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

Motion made by Councilor Otto and supported by Councilor Chingwa to approve by Certified Motion: Request for Funding from Petoskey Harbor Springs Area Community Foundation Little Traverse Bay Bands of Odawa Indians Parent and Child Outreach Therapy Project.

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 approve by Certified Motion: Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs, Little Traverse Bay Bands of Odawa Indians, FY2011-2012 Invasive Species Project.

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 approve Certified Motion: Request for Funding from the U.S. Environmental Protection Agency, GLNPO Lakewide Management Plan (LaMP) Program Capacity Funding Little Traverse Bay Bands of Odawa Indians LaMP Capacity Grant.

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

Motion made by Councilor Otto and supported by Councilor R. Shananaquet to amend the agenda and add the Rural Access to Emergency Devices and the Special Diabetes Program for Indians FY 2011 Continuation Certified Motions to the February 20, 2011 agenda.

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

Motion made by Councilor Otto and supported by Councilor R. Shananaquet to approve by Certified Motion: Request for Funding from the U.S. Department of Health and Human Services, Health Resources and Services Administration, Office of Rural Health Policy, Little Traverse Bay Bands of Odawa Indians Rural Access to Emergency Devices Project.

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

Motion made by Councilor Otto and supported by Councilor R. Shananaquet to approve by Certified Motion: Request for Funding from: U.S. Department of Health and Human Services Indian Health Service Little Traverse Bay Bands of Odawa Indians Special Diabetes Program for Indians FY 2011 Continuation.

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

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to acknowledge receipt of Enrollment List C Voluntary Relinquishment dated February 14, 2011 for a total of 2.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to pass the Gaming Regulatory Statute.

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

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to pass the Tribal Prosecutor Statute.

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 Councilor R. Shananaquet to rescind the Elder's Dental Supplemental Funding Tribal Resolution.

Motion Withdrawn.

11:45 a.m. Public Comment opened: Cathy Portman Bradley spoke about the Tribal Newsletter and the freedom of speech with regard to current funding source; an update regarding the Annual Community Meeting; the Tribal Wage Grid; and Casino Policies. Michele LaCount spoke on behalf of Michigan Developmental Disabilities Council. Richard Wemigwase spoke regarding water quality at the Harbor Springs Tribal housing complex. Bea Law spoke regarding snowmobile trail sponsorship line item allocated by Tribal Chairman; and support of Tribal Citizen involvement with the Tribe and other communities. Jeannie Norris spoke in support of Bernadece Kiogima for Chief Judge. Bea Law also spoke regarding sewage back up and asked who does the water testing. Richard Wemigwase clarified that the governmental facilities department does water quality assessments daily. Starr Behrens spoke in support of Bernadece Kiogima for Chief Judge.

12:03 Public Comment closed.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to appoint Bernadece Kiogima as Chief Judge to a 4-year term.

Vote: 2 - Yes, 5 – No (Councilor Bardwell, Councilor Chingwa, Legislative Leader Julie Shananaquet, Treasurer Bott, Councilor R. Shananaquet), 1- Abstained (Councilor Kiogima), 1 – Absent (Councilor Mulholland)

Motion failed.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to acknowledge receipt of Michael McCreery's resignation from the Gaming Regulatory Commission.

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

Motion carried.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley for reconsideration and to approve the Additional Appropriation of \$27,000 to the 2011 Odawa Homecoming Jiingtamok/Pow-Wow Committee to come from Prior Period Funds and in accordance with the Constitution, the Tribal Chairman shall administer his Executive oversight authority to the extent necessary to ensure the administration of such funds.

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

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor R. Shananaquet to accept the resignation of Councilor Belinda Bardwell from the Land and Reservation Committee and appoint Councilor Gerald V. Chingwa to the Land and Reservation Committee.

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

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Bardwell to accept the resignation of Councilor Gerald V. Chingwa from the Gaming Authority Commission and to appoint Councilor Rita Shananaquet to the Gaming Authority Commission.

Vote: 4 - Yes, 3 – No (Councilor Kiogima, Councilor Otto, Secretary Gasco Bentley), 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Mulholland)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to request that the Tribal Chairman submit nominations for the position of Chief Judge.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor R. Shananaquet to approve the Memorandum of Understanding between the Charlevoix County Prosecutor and the LTBB Prosecutor regarding federal grant program funding for domestic violence and sexual assault and authorizes Tribal Prosecutor Lesky to sign such necessary documents and to provide a signed copy of the document to the Tribal Council.

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

Motion carried.

12:26 p.m. Lunch recess called. Councilor Bardwell left the meeting.

1:39 p.m. Meeting reconvened.

1:41 p.m. Motion made by Councilor Otto and supported by Councilor R. Shananaquet to go into closed session for confidential business matters casino.

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

Motion carried.

2:08 p.m. Motion made by Councilor Otto and supported by Councilor R. Shananaquet to return to open session.

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

Motion carried.

The Gaming Authority Commission deferred to the Casino General Manager David Wolf for the 4th Quarter Report for February 20, 2011.

2:33 p.m. Recess called.

2:44 p.m. Meeting reconvened.

2:50 p.m. Public Comment: Doug Emery spoke regarding his work with Allie Greenleaf Maldonado-Assistant General Counsel to conclude his concerns with regard to both the Casino and Governmental hiring practice.

2:56 p.m. Public Comment closed.

2:58 p.m. Motion made by Councilor Otto and supported by Legislative Leader J. Shananaquet to go into closed session for confidential business.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Mulholland, Councilor Bardwell, Councilor R. Shananaquet)

Motion carried.

3:41 p.m. Motion made by Councilor Chingwa and supported by Treasurer Bott to return to open session.

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

Motion carried.

3:54 p.m. Motion made by Councilor R. Shananaquet and supported by Legislative Leader J. Shananaquet to adjourn.

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

Motion carried.

These Minutes have been read and approved as presented:

Regina Dasco Bentley, Tribal Council Secretary

3-6-11
Date