

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
June 12, 2011

Closed Session: yes

Call to Order: Meeting was called to order at: 9:11 a.m.

Opening Ceremony: Melvin K. Kiogima

Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Aaron Otto, Councilor Melvin L. Kiogima, Councilor Marvin Mulholland

Absent: Councilor Belinda Bardwell, Councilor Rita Shananaquet, Councilor Gerald V. Chingwa

Legislative Office Staff and Enjinaaknegeng: Office Manager Michele LaCount, Legislative Services Attorney Donna Budnick, Legal Interns Cherie Dominic and Lily Nierenberg

Executive Officials and Staff Present: none

Public: Billy McNamara, Daugherty Johnson, Jr., Nancy Kiogima

Invited Guests: none

9:19 a.m. Councilor Chingwa arrived.

Motion made by Legislative Leader Julie Shananaquet and supported by Secretary Gasco Bentley to adopt the agenda for June 12, 2011 with changes.

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

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Treasurer Bott to approve the minutes of May 22, 2011 as presented.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Kiogima to accept Legislative Leader J. Shananaquet's verbal report for June 12, 2011.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Bardwell, Councilor R. Shananaquet, Councilor Otto)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to request from the Executive a nomination for Special Prosecutor in accordance with Waganakising Odawak Statute 2011-006 Section IX (C) that provides for a Special Prosecutor and appointment for 2 years and to submit such nomination within 30 days from this motion.

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

Motion carried.

Motion made by Treasurer Bott and supported by Legislative Leader J. Shananaquet to accept Secretary Gasco Bentley's verbal report for June 12, 2011.

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

Motion carried.

Motion made by Councilor Mulholland and supported by Treasurer Bott to accept the Appropriations and Finance Committee report as presented by Committee Member Kiogima for June 12, 2011.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Kiogima to appropriate supplemental funding in the amount of \$60,000.00 of prior period funds to cover the costs of a feasibility study to be conducted by the Executive for a hotel to be built onto Odawa Casino Resort to be performed by Innovation Group and further the amount will be added to the Executive budget and authorizes the Executive to administer such funds.

Vote: 2 - Yes, 5 - No (Councilor Mulholland, Councilor Chingwa, Legislative Leader Julie Shananaquet, Treasurer Bott, Secretary Gasco Bentley), 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor R. Shananaquet)

Motion failed.

Motion made by Secretary Gasco Bentley and supported by Councilor Mulholland to approve the appropriation of supplemental funding in the amount of \$20,000.00 to the Election Board to come from Prior year funds for costs related to a recall election of the Chairman and Vice-Chairman and authorize the Executive to administer such funds.

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

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Treasurer Bott to approve the appropriation of supplemental funding in the form of a grant in the amount of \$125,000.00 to the Odawa Fishery, Inc. to come from Prior year

funds for costs related to start-up of the business formerly known as "Bells Fishery" and approve the compensation of the board members in the amount of \$500.00 a month per board member, provided availability of funding.

Vote: 5 - Yes, 2 - No (Councilor Mulholland, Secretary Gasco Bentley), 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor R. Shananaquet)

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Kiogima to approve for the Executive to direct and transfer all remaining account balances formerly in the possession of the business formerly known as Bell's Fishery as of the date of Thursday, June 16, 2011, and any outstanding debts related to Bell's Fishery shall not be assumed by the Odawa Fishery, Inc., and authorize the Executive to direct such transfer.

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

Motion carried.

10:47 a.m. Recess called.

11:05 a.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Legislative Leader J. Shananaquet to adopt Tribal Resolution: to Rescind and Repeal Tribal Resolution #032209-07, #030710-10, and #100707-01 Related to the Line-of-Credit for the Business formerly known as Bell's Fishery.

Roll call vote: Councilor Bardwell-absent, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-absent, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Chingwa to accept the Land and Reservation Committee verbal report as presented by Committee Chairperson Kiogima.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Kiogima to redesignate the land use of 31 W. Wilderness Dr., to include economic development.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to accept the Legal and Legislative Committee verbal report as presented by Councilor Chingwa for June 12, 2011.

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

Motion carried.

11:53 a.m. Public Comment opened.

11:54 a.m. Public Comment closed.

Motion made by Councilor Kiogima and supported by Legislative Leader J. Shananaquet to accept the Ethics Committee report as presented by Committee Chairperson Otto for June 12, 2011.

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

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Treasurer Bott to accept the Gaming Authority Committee verbal report as presented by Committee Chairperson Otto for June 12, 2011.

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

Motion carried.

12:16 p.m. Lunch recess called. Treasurer Bott left the meeting.

1:38 p.m. Meeting reconvened.

1:43 p.m. Motion made by Councilor Otto and supported by Councilor Mulholland to go into Closed Session for legal.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor Bardwell, Councilor R. Shananaquet, Treasurer Bott, Secretary Gasco Bentley)

Motion carried.

2:05 p.m. Motion made by Councilor Otto and supported by Councilor Kiogima to return to Open Session.

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

Motion carried.

Motion made by Councilor Kiogima and supported by Legislative Leader J. Shananaquet to accept Legislative Services Attorney Budnick's verbal and written report for June 12, 2011.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to approve Certified Motion: Request for Funding from the U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Children's Bureau, Little Traverse Bay Bands of Odawa Indians Community-Based Child Abuse Prevention Project.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to approve Certified Motion: Request for Funding from the U.S Department of Health and Human Services Administration for Children and Families Administration on Children, Youth and Families/Family and Youth Services Bureau Little Traverse Bay Bands of Odawa Indians Family Violence Prevention and Services Program.

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

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Otto to approve Certified Motion: Request for Funding from the U.S. Department of Health and Human Services Administration Center for Disease Control and Prevention Public Prevention Health Fund: Community Transformation Grants Little Traverse Bay Bands of Odawa Indians Community Transformation – Capacity Building Project.

Vote: 5 - Yes, 1 – No (Secretary Gasco Bentley), 0 – Abstained, 3 – Absent (Councilor Bardwell, Councilor R. Shananaquet, Treasurer Bott)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to approve Enrollment List A – Eligible for Citizenship dated May 17, 2011 for a total of 2.

Vote: 5 - Yes, 1 – No (Councilor Chingwa), 0 - Abstained, 3 – Absent (Councilor Bardwell, Councilor R. Shananaquet, Treasurer Bott)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to approve Enrollment List B - Declination In-Eligible for Citizenship dated May 17, 2011 for a total of 3.

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

Motion carried.

2:35 p.m. Motion made by Councilor Kiogima and supported by Councilor Otto to go into Closed Session for Confidential Business Matters.

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

Motion carried.

2:50 p.m. Motion made by Legislative Leader J. Shananaquet and supported by Councilor Chingwa to return to Open Session.

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

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Secretary Gasco Bentley to pass Waganakising Odawak Statute Stalking, Personal Protection Orders and Criminal Offenses.

Roll call vote: Councilor Bardwell-absent, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-absent, Councilor Otto-yes, Treasurer Bott-absent, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Chingwa to table the judicial appointment for Chief Judge.

Vote: 5- Yes, 1- No (Councilor Otto), 0 - Abstained, 3 – Absent (Councilor Bardwell, Councilor R. Shananaquet, Treasurer Bott)

Motion carried.

Motion made by Councilor Otto and supported by Councilor Chingwa to accept the resignation of Eleanor Barber from the Election Board.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Legislative Leader J. Shananaquet to acknowledge receipt of the Prosecutor report dated June 6, 2011.

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

Motion carried.

3:00 p.m. Public Comment opened: no comments.

3:02 p.m. Public Comment closed.

3:02 p.m. Recess called.

3:14 p.m. Meeting reconvened.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Chingwa to accept the verbal report of the Odawa Fishery, Inc. Corporate Charter.

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

Motion carried.

Motion made by Legislative Leader J. Shananaquet and supported by Councilor Chingwa to approve the Odawa Fishery, Inc. use of the Legislative Services Attorney's Office for legal services and advice in accordance with the Odawa Fishery, Inc. Charter, Article XII.

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

Motion carried.

4:04 p.m. Motion made by Secretary Gasco Bentley and supported by Councilor Mulholland to adjourn.

Vote: 5 - Yes, 1 - No (Councilor Otto), 3 - Absent (Councilor Bardwell, Councilor R. Shananaquet, Treasurer Bott)

Motion carried.

These Minutes have been read and approved as written.

Regina Gasco Bentley, Tribal Council Secretary

6-28-11

Date