

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting-Tribal Council Chambers  
7500 Odawa Circle Harbor Springs, MI 49740  
April 21, 2013

Closed Session: yes

Call to Order: Meeting was called to order at: 9:01 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader Melvin L. Kiogima, Secretary Regina Gasco-Bentley, Councilor Bill A. Denemy, Councilor John Keshick, Councilor Aaron Otto, and Councilor Kevin Gasco.

Absent: Councilor Winnay Wemigwase and Councilor Bardwell and Treasurer Bott.

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, General Counsel James Bransky, Legislative Office Manager Michele LaCount, Treasury Director Michael Garrow, Administrative Assistant Yvonne McShane

Executive Officials and Staff Present: Natural Resource Commission: Renee Dillard, Daugherty Johnson III, Frederick Holdorph, Gaming Regulatory Commission: Beverly Wemigwase, Regulatory Director Vince Cook, Planning Director Bryan Gillette

Public: Annette VanDeCar, Janice Shackelford, Bill Denemy, Sr., Dean Samuels, Brad Parker, Sam Shenoskey, Edward Shenoskey

Invited Guests: none

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9:06 a.m. Treasurer Bott arrived.

Motion made by Councilor Gasco and supported by Councilor Bott to adopt the agenda for April 21, 2013 with additions.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Otto and supported by Councilor Bott to approve the corrected minutes from April 7, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

9:27 a.m. Elder Comment: Bill Denemy Sr., talked about attending the Michigan Elders Association (MIEA) meeting in Battle Creek and how interesting and informative it was as MIEA received \$300 from Grand Traverse Bay Band and \$10,000 from Huron Pottawatomini for Tribal Youth scholarships.

Gaming Regulatory Commissioner Beverly Wemigwase had a question about the internet gaming. There was a discussion by Council and Legislative Attorney Michael Garrow about researching it more. Vince Cook (Regulatory Director) also brought up issues about Internet gaming.

Motion made by Councilor Denemy and supported by Councilor Otto to approve the LTBB MINIMUM INTERNAL CONTROL STANDARDS AMENDMENT REG-WOS 2005-06 040113-013.

Vote: 7-Yes, 0-No, 0-Abstained 2–Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Elder Comment: Janice Shackelford asked if there was a formal apology from Tribal Council to the Executive regarding the reason the Executive does not attend Tribal Council meetings. Secretary Gasco Bentley mentioned that there was a verbal apology given at the meeting in reference.

Elder Comment: Brad Baker spoke in opposition to Tribal Fisherman payment checks direct deposit into PNC Bank.

Legislative Leader Kiogima acknowledged Legislative Office of receipt of the 2012 Judicial Branch Annual Report.

Elder Comment: Brad Baker spoke regarding State of Michigan dredging at 9-mile Pointe and Garden Island because of water levels and the affect it has on Tribal fishing. Councilor Keshick responded to the status of the dredging. Brad also spoke in opposition to wolf hunting. Legislative Leader Kiogima provided an update regarding the wolf hunt and Michigan's action to stop the people from holding an election.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept the verbal report from Legislative Leader Kiogima for April 21, 2013.

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

Motion carried.

Elder Comment: Bill Denemy Sr., clarified he was speaking earlier on behalf of MIEA and not the local group of Elder's as independently established who speak their concerns for the Elder's Department.

Elder Comment: Janice Shackelford informed Tribal Council that the MIEA discusses issues at hand for local Tribes.

Elder Comment: Brad Baker commented that we need to hold on to our money and not let the state control it, for instance making our own slot machines.

10:51 a.m. Recess called.

11:27 a.m. Meeting reconvened.

Natural Resources Commission (NRC) commented on the Chippewa Ottawa Resource Authority (CORA) funding, and getting to the Biological Services Division (BSD). The NRC would like the declaration that was drafted not to be sent out and indicated the Tribe has been withholding the \$46,000.00 that was slated to CORA due to not been receiving the benefits. The Sault Tribe is getting the benefits and no other Tribes in Michigan.

11:48 a.m. Public Comment opened.

Janice Shackelford: asked for clarification regarding current conversation about fishing in little traverse bay and the policing of commercial fishing and how are we guaranteed the fishing for 2020. Daugherty Johnson III (Duffy) responded that the Natural Resource Department staff monitors it.

Annette VanDeCar: stated that it is not necessary to give the Chairman a formal apology as it was the Executive's choice to make it a public matter. Annette also asked why the Executive states he cannot get an Executive Services Attorney, as there is legislation enacted to do so. Legislative Leader Kiogima responded that the Executive did provide information regard the use of an outside source of Olson, Bzdok & Howard and why they are not used for all Executive needs as approved by Tribal Council. Councilor Keshick mentioned that the Executive never submitted a Tribal Resolution for supplemental funding for an attorney otherwise.

11:55 a.m. Public Comment closed.

12:24 p.m. Recess called.

12:44 p.m. Meeting reconvened.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Secretary Gasco-Bentley verbal report.

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

Motion carried.

12:21 p.m. Lunch recess called.

12:45 p.m. Meeting reconvened.

3:02 p.m. Public Comment opened: No comments

3:03 p.m. Public Comment closed.

3:03 p.m. Recess called.

3:14 p.m. Meeting reconvened.

Motion made by Councilor Gasco and supported by Councilor Keshick to accept Treasurer Bott's verbal report for April 21, 2013.

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

Motion carried.

3:35 p.m. Motion made by Councilor Gasco and supported by Treasurer Bott to go into closed session for confidential business.

Vote: 7-Yes, 0-No, 0-Abstained, 2–Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

3:53 p.m. Motion made by Treasurer Bott and supported by Councilor Gasco to return to open session.

Vote: 7-Yes, 0-No, 0-Abstained, 2–Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Denemy and supported by Councilor Gasco to accept Tribal Council member reports from Councilors Gasco, Keshick, Otto and Treasurer Bott.

Vote: 7-Yes, 0-No, 0-Abstained, 2–Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

4:26 p.m. Recess called.

4:39 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Councilor Denemy to accept Gaming Authority Committee report from Councilor Gasco for April 21, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2–Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Bott and supported by Councilor Gasco to accept the Land and Reservation report from Legislative Leader Kiogima for April 21, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2–Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Legal and Legislative Report from Secretary Gasco-Bentley for April 21, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2–Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept the Ethics Committee Report from Councilor Otto for April 21, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2 –Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Bott to accept the Agricultural Assessment Work Group report from Councilor Keshick for April 21, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2–Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Hearing Aid Assessment Work Group, no report for April 21, 2013.

Junior Tribal Council Ad-Hoc Committee had no report for April 21, 2013.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the Treasury Report from Legislative Treasurer Garrow for April 21, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to accept the Legislative Services Attorney Report from Legislative Attorney Budnick for April 21, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the verbal Ejiinaaknegeng Report from General Counsel Bransky for April 21, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to acknowledge the receipt of the Native American Graves Protection Repatriation Act (N AGPRA) Report, First Quarter 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to acknowledge the receipt of the Traditional Tribal Burial Ground Report, First Quarter 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried

Motion made by Councilor Otto and supported by Treasurer Bott to acknowledge the receipt of Odawa Economic Development Management, Inc., Report, First Quarter 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Otto and supported by Councilor Denemy to acknowledge the receipt of Waganakising Odawak Development Report, First Quarter 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to acknowledge the receipt of Odawa Fishery Report, Inc., First Quarter 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to send Little Traverse Bay Bands of Odawa Indians Title VI Plan as required by the Michigan Department of Transportation (MDOT) Grant to the Legal and Legislative Committee meeting on May 9, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made Treasurer Bott and supported by Secretary Gasco-Bentley to Override Executive Veto of Tribal Resolution: 021713-01 Confirmation of the Appropriations of \$37,000 and Supplemental Funding of \$21,303.56 for Planning Department Land Survey and Studies Budget to come from prior period funds.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Keshick and supported by Councilor Denemy to Table Executive Vetoed Tribal Resolution: 021713-02 refinancing of the Tribe's Notes and Other Economic Development Opportunities Including the potential Mackinaw City Casino.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to pass the Worker's Compensation Statute.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to post Oversight Statute and Amendment to the Waganakising Odawak Statute #2008-011 Fair Employment Statute to the Legislative Calendar.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Secretary Gasco-Bentley and supported by Councilor Gasco to change of Tribal Council/Work-Session meeting dates from June 1 & 2, 2013, to June 8 & 9, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

6:45 p.m. Recess called.

7:02 p.m. Meeting reconvened.

Motion made by Treasurer Bott and supported by Councilor Gasco to adopt Tribal Resolution: Baby Veronica donation supplemental funding in the amount of \$10,000.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima- yes.  
Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Secretary Gasco-Bentley and supported by Treasurer Bott to adopt Tribal Resolution: Tribal Historic Preservation Office of Protection and Management - Native American Graves Protection Repatriation Act Supplemental Funding in the amount of \$40,000.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima- yes.  
Motion carried.

Motion made by Secretary Gasco-Bentley and supported by Treasurer Bott to adopt Tribal Resolution: Youth Services Supplemental Funding in the amount of \$24,752.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima- yes.  
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to adopt Tribal Resolution: Hatchery Project Supplemental Funding in the amount of \$50,000.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima- yes.  
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to amend the agenda to include receipt of the Executive Oversight Report for Feb 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to acknowledge receipt of the Executive Oversight Report for February 2013 received on April 21, 2013.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

7:39 p.m. Recess called.

7:53 p.m. Meeting reconvened.

8:00 p.m. Motion made by Treasurer Bott and supported by Councilor Otto to adjourn.

Vote: 7-Yes, 0-No, 0-Abstained, 2-Absent (Councilor Wemigwase, Councilor Bardwell)  
Motion carried.

Please contact the Legislative Office at 231-242-1403, 231-242-1404 or 231-242-1406 for additional updates and clarifications of these minutes as presented.

These Minutes have been read and approved as written:

Regina Gasco Bentley  
Regina Gasco Bentley, Tribal Council Secretary

5-5-13  
Date

