

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle Harbor Springs, MI 49740
June 9, 2013

Closed Session: yes

Call to Order: Meeting was called to order at: 9:00 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader Melvin L. Kiogima, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Bill A. Denemy, Councilor John Keshick, Councilor Aaron Otto

Absent: Councilor Kevin Gasco, Councilor Winnay Wemigwase

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount, Treasury Director Michael Garrow

Executive Officials and Staff Present: none

Public: Bill I. Denemy

Invited Guests: none

9:10 a.m. Councilor Wemigwase arrived.

Motion made by Secretary Gasco Bentley and supported by Councilor Wemigwase to adopt the agenda as amend for June 9, 2013 in honor of all 2013 graduates.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Bott approve the minutes of May 19, 2013 as presented.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott to approve the Special Meeting minutes of June 8, 2013 as presented.

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

Motion carried.

9:23 a.m. Elder comments: no comments at this time.

Motion made by Secretary Gasco Bentley and supported by Councilor Keshick to acknowledge receipt of the Executive Oversight written report for April 2013.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept Legislative Leader Kiogima's verbal report for June 9, 2013.

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

Motion carried.

Secretary Gasco Bentley read into the minutes the Phone Poll dated 052913: To approve the contract with Sovereign Finance dated April 29, 2013, pursuant to Tribal Resolution #051513-01, Refinancing of the Tribe's Notes and Other Economic Development Opportunities Including the Potential Mackinaw City Casino, in the amount of \$145,000 which will come from the M-Project capital fund, with \$15,000 due and payable upon execution of the contract and authorize Tribal Treasurer Bott to execute the contract. The phone poll passed: 6-yes, 2-no (Secretary Gasco-Bentley, Councilor Wemigwase), 0-abstain, 1-absent (Treasurer Bott).

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Otto to accept Secretary Gasco Bentley's verbal report for June 9, 2013.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Otto to accept Treasurer Bott's verbal report for June 9, 2013.

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

Motion carried.

10:33 a.m. Recess called.

10:54 a.m. Meeting reconvened.

Motion made by Councilor Bardwell and supported by Councilor Wemigwase to accept the Gaming Authority Committee verbal report as presented by Committee Secretary, Otto for June 9, 2013.

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

Motion carried.

11:15 a.m. Motion made by Councilor Wemigwase and supported by Treasurer Bott to go into closed session for legal purposes.

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

Motion carried.

11:29 a.m. Motion made by Councilor Bardwell and supported by Councilor Wemigwase to return to open session.

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

Motion carried.

11:29 a.m. Motion made by Councilor Otto and supported by Treasurer Bott to go into closed session for land purposes.

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

Motion carried.

11:48 a.m. Motion made by Councilor Bardwell and supported by Councilor Wemigwase to return to open session.

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

Motion carried.

11:49 a.m. Public Comment opened: no comments.

11:49 a.m. Public comment closed.

Motion made by Councilor Bardwell and supported by Councilor Otto to accept the Land and Reservation Committee verbal report as presented by Committee Chairperson Kiogima for June 9, 2013.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept the Legal and Legislative Committee verbal report as presented by Committee Chairperson Gasco Bentley for June 9, 2013.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Secretary Gasco Bentley to accept the Ethics Committee verbal report as presented by Committee Chairperson Otto for June 9, 2013.

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

Motion carried.

12:00 p.m. Lunch recess called.

1:28 p.m. Meeting Reconvened. Legislative Leader Kiogima and Councilor Wemigwase left the meeting.

Motion made by Councilor Bardwell and supported by Treasurer Bott to accept the Agricultural Assessment Work Group report from Councilor Keshick for June 9, 2013.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Keshick and supported by Treasurer Bott to accept Treasury Department Director Garrow's written report for June 9, 2013.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to accept Legislative Services Attorney Budnick's verbal report for June 9, 2013.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Otto to accept the Legislative Office Manager LaCount's verbal and written report for June 9, 2013.

Vote: 6 - Yes, 0 - No, - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to adopt Tribal Resolution: To Establish an Ad-hoc Violence Against Women Act / Tribal Law and Order Act Committee.

Roll Call: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-absent, Councilor Keshick-yes, Councilor Otto-no, Councilor Wemigwase-absent, Treasurer Bott-yes, Treasurer Bott-yes, Legislative Leader Kiogima-absent.

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to table agenda item: Consideration of Anthony Little for Judicial Appointment of Associate Judge to fill the remainder of a 4-year term ending February 20, 2016.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Bott to table the Appleyard \$108,985 Appropriation Request and refer to the Appropriations and Finance Committee to review the revised budget received from the Executive on May 23, 2013, at its next committee meeting scheduled for June 14, 2013.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)

Motion carried.

2:37 p.m. Recess called.

2:50 p.m. Meeting reconvened.

Motion made by Councilor Bardwell and supported by Treasurer Bott to approve Enrollment List A – Eligible for Citizenship dated May 29, 2013 for a total of 06.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)
Motion carried.

Motion made by Treasurer Bott and supported by to Secretary Gasco Bentley to approve Enrollment List B – Declination (Ineligible) dated May 29, 2013 for a total of 12.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)
Motion carried.

Motion made by Councilor Denemy and supported by Councilor Bardwell to pass Amendment to Waganakising Odawak Statute 2002-04 Indian Preference in Tribal Employment.
Roll Call: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-absent, Councilor Keshick-yes, Councilor Otto-no, Councilor Wemigwase-absent, Treasurer Bott-yes, Treasurer Bott-yes, Legislative Leader Kiogima-absent.
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Bardwell to remove from the Legislative Calendar: Odawa Gaming Enterprise Management Inc., Corporate Charter, Odawa Gaming Enterprise Management, DRAFT Statute, Friend of the Court DRAFT Statute, Amendment to 2006-016 Wetlands Protection Statute-vetoed, Amendment to 2002-04 Indian Preference in Employment Statute-vetoed, Amendment to Interim Criminal Code DRAFT Statute and Amendment to 2001-004 Natural Resource Commission-vetoed Statute.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to table agenda item: Motion to Override Executive veto of the Contract Statute.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to designate Pond Street Parcel as a Wildlife area and for the Natural Resource Department to oversee that property.
Vote: 5 - Yes, 0 - No, 1 – Abstained (Councilor Keshick), 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)
Motion carried.

Motion made by Councilor Denemy and supported by Councilor Otto to expressly consent to a limited waiver of sovereign immunity as set forth in the terms of the Contract between the Gaming Authority and General Manager Wolf, through the term of the contract, May 24, 2013-May 23, 2016.

Vote: 5 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Bardwell and supported by Treasurer Bott approve the Mtigwaakiis Site Plan, Revision #8, dated May 25, 2013, to allow for 7.5 acres of moderate intensity agricultural use which will be overseen by the Natural Resource Department.

Vote: 5 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Denemy and supported by Councilor Bardwell to approve the letter to President Hingston of the Village of Mackinaw Council, dated June 9, 2013, and approve and authorize the Tribal Chair McNamara to sign and submit such letter.

Vote: 4 - Yes, 2 – No (Councilor Keshick, Secretary Gasco Bentley), 0 - Abstained, 3 – Absent (Councilor Gasco, Legislative Leader Kiogima, Councilor Wemigwase)

Motion carried.

3:13 p.m. Legislative Leader Kiogima arrived.

Motion made by Councilor Bardwell and supported by Councilor Denemy to approve the contract with Sovereign Finance dated April 29, 2013, pursuant to Tribal Resolution #051513-01, Refinancing of the Tribe's Notes and Other Economic Development Opportunities Including the Potential Mackinaw City Casino, in the amount of \$15,000 which will come from the M-Project capital fund, and payable upon execution of the contract and approve and authorize Tribal Chair McNamara and Tribal Treasurer Bott to execute the contract.

Vote: 5 - Yes, 1 – No (Secretary Gasco Bentley), 1 – Abstained (Treasurer Bott), 2 – Absent (Councilor Gasco, Councilor Wemigwase)

Motion carried.

3:16 p.m. Public Comment opened: no comments.

3:16 p.m. Public Comment closed.

Motion made by Treasurer Bott and supported by Councilor Denemy to approve action item contained within Confidential Memo 060913-01.

Vote: 6 - Yes, 1 – No (Secretary Gasco Bentley), 0 - Abstained, 2 – Absent (Councilor Gasco, Councilor Wemigwase)

Motion carried.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to appoint Yvonne McShane to the Odawa Fishery Inc., Corporate Charter Board for a term expiring May 1, 2016.

Vote: 6 - Yes, 1 - No (Councilor Keshick), 0 - Abstained, 2 - Absent (Councilor Gasco, Councilor Wemigwase)

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Bardwell to amend the agenda to the Amendment to include the Amendment to Waganakising Odawak Statute Land and Reservation 2008-002.

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

Motion carried.

Motion by Secretary Gasco Bentley and supported by Councilor Keshick to post to the Legislative Calendar the Amendment to Waganakising Odawak Statute Land and Reservation 2008-002.

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

Motion carried.

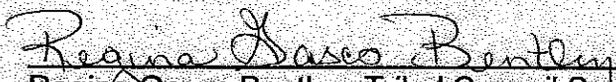
3:29 p.m. Motion made by Treasurer Bott and supported by Councilor Denemy to adjourn.

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

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, Tribal Council Secretary

6-24-13
Date