

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

Closed Session: yes

Call to Order: Meeting was called to order at: 9:05 a.m.

Opening Ceremony: Beatrice A. Law

Council Present: Secretary Aaron Otto, Treasurer Marcella Reyes, Councilor Frank Bernard, Councilor David Harrington, Councilor Beatrice Law, Councilor McNamara, Councilor Michael Naganashe, Councilor Julia Shananaquet
Absent: none

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele Portman-LaCount, Sr. Financial Analyst Stella Kay

Executive Officials and Staff Present: Tribal Chair Regina Gasco Bentley, Tribal Administrator Albert Colby, Jr.

Judicial Officials and Staff: none

Invited Guests: Ziibimijwang Inc., Regina Brubaker-Carver, Tribal Historic Preservation Officer Wesley Andrews

Motion made by Councilor Law and supported by Treasurer Reyes to adopt the agenda for January 7, 2016 as amended.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Law to approve the minutes of December 10, 2015 as corrected.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to acknowledge receipt of the Ziibimijwang Inc., verbal 2015 4th Quarter report for as presented by Regina Brubaker-Carver.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Law and supported by Councilor Shananaquet to accept the verbal and written Executive Oversight Report as presented by Chairperson Gasco-Bentley.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Legislative Leader Report: Absent

10:23 a.m. Break. Councilor Naganashe left the meeting.

10:39 a.m. Resumed.

Secretary Report:

i. Documents Delivered to the Executive:

Tribal Resolution #121015-01; Supplemental Funding in the Amount of \$40,000, for Department of Kikaajik.

Submitted to the Executive on 12-14-15 and signed on 12-14-15.

Tribal Resolution #121015-02; Authorizing Gijigowi Anishinaabemowin Language Department to Carryover Department Raised Revenue.

Submitted to the Executive on 12-14-15 and signed on 12-14-15.

Tribal Resolution #121015-03; Budget Modification for Employee Appreciation.

Submitted to the Executive on 12-14-15 and signed on 12-14-15.

Tribal Resolution #121015-04; Budget Modification for Communication budget.

Submitted to the Executive on 12-14-15 and signed on 12-14-15.

Tribal Resolution #121015-05; Use of 3rd Party Billing Funds, in the amount of \$7,438.00, for Dental Clinic Construction.

Submitted to the Executive on 12-14-15 and signed on 12-14-15.

Tribal Resolution # 121015-06; Authorizing Swap Documents and Related Documents from Wells Fargo Bank, National Association, Authorizing Tribal Appropriations for Payments of the Swap Obligations, Affirming Adoption of Law Governing the Arbitration of Disputes related to the Loan (including the Swap), and Law Regarding Security Interests and Addressing Related Matters.

Submitted to the Executive on 12-10-15 and signed on 12-10-15.

Tribal Resolution #121015-07; Supplemental Funding Request to Operate Bell's Fisheries for FY 2016.

Submitted to the Executive on 12-14-15 and signed on 12-14-15.

Tribal Resolution #122115-01; Authorizing Department of Natural Resources Department to Carryover FY 2015 Treaty Enhancement Funds, in the amount of approximately \$30,000.00.

Submitted to the Executive on 12-23-15 and signed on 12-23-15.

Tribal Resolution #122115-02; Amendment to Tribal Resolution # 042715-01, Appropriation of Funds for the 2016 Operating Budgets and Restatement of Funding Allocation for the 2016 Fiscal Year, to address FY 2016 Budget Emergency.

Submitted to the Executive on 12-23-15 and signed on 12-23-15.

ii. Vetoes: None

iii. Phone Polls:

12-21-15: Reason for Phone Poll: to adopt Tribal Resolution: Amendment to Tribal Resolution # 042715-01, Appropriation of Funds for the 2016 Operating Budgets and Restatement of Funding Allocation for the 2016 Fiscal Year, to address FY 2016 Budget
Vote- 8-yes; 0-no; 0-Abstained; 0-Absent

12-21-15: Reason for Phone Poll: to approve Certified Motion: Request for Funding from Michigan Department of Environmental Quality FY 2017 Coastal and Estuarine Land Conservation WyCamp Creek Project.
Vote- 8-yes; 0-no; 0-Abstained; 0-Absent

12-21-15: Reason for Phone Poll: to adopt Tribal Resolution Authorizing Department of Natural Resources Department to Carryover FY 2015 Treaty Enhancement Funds, in the amount of approximately \$30,000.00.
Vote- 8-yes; 0-no; 0-Abstained; 0-Absent

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to acknowledge receipt of Secretary Otto's verbal and written report as presented on the agenda for January 7, 2016.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor Shananaquet to accept Treasurer Reyes' verbal report for January 7, 2016.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Naganashe)

Motion carried.

Tribal Council Travel Reports: none at this time.

10:56 a.m. Motion made by Councilor McNamara and supported by Councilor Shananaquet to go into closed session for land.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Naganashe)

Motion carried.

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

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Harrington)

Motion carried.

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

11:49 a.m. Public Comment closed.

Land and Reservation Committee: no meeting, no report. Next meeting is January 15, 2016 at 9:00 a.m.

Ethics Committee Meeting: no meeting, no report. 1st meeting will be at January 15, 2015 1:30 p.m. in the Tribal Council Chambers.

11:52 a.m. Lunch recess.

1:30 p.m. Meeting resumed.

Motion made by Councilor Law and supported by Treasurer Reyes to accept Sr. Financial Analyst Stella Kay's verbal and written report for January 7, 2016.

Vote: 7 - Yes, 1 – No (Councilor McNamara), 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Councilor Law and supported by Councilor Shananaquet to accept Legislative Services Attorney Budnick's verbal and written report for January 7, 2016.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried.

2:06 p.m. Motion made by Councilor Law and supported by Treasurer Reyes to go into closed session for legal.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried.

2:42 p.m. Motion made by Councilor Shananaquet and supported by Councilor Harrington to return to open session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to accept the Enjinaaknegeng Report as presented by General Counsel Bransky for January 7, 2016.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Harrington to accept Legislative Office Manager Portman-LaCount's verbal and written report for January 7, 2016.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Law to amend the agenda to include the following: Reservation litigation travel; Tax Agreement Appendix A; Posting of the Constitutionally Mandated Compensation for Tribal Prosecutor; Living Wage Assessment; and Taskforce for National Association of Food Distribution Program on Indian Reservations (NAFDPIR).

Vote: 8 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

2:59 p.m. Councilor Bernard left the meeting.

2:59 p.m. Public comment opened: no comments.

3:00 p.m. Public Comment closed.

3:01 p.m. Break.

3:10 p.m. Meeting resumed.

Motion made by Councilor Shananaquet and supported by Councilor Harrington to accept the Tribal Burial Board Inc., Corporate Charter 2015 4th Quarter Report as presented by Wesley Andrews Board Chairperson.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)

Motion carried.

Motion made by Councilor Law and supported by Councilor Shananaquet to approve the Independent Contracting Agreement between Little Traverse Bay Bands of Odawa Indians and Wesley Andrews, d.b.a. Andrews Cultural Resources for Native American Graves Protection and Repatriation Act (NAGPRA); Michigan Anishnaabeg Cultural Preservation and Repatriation Alliance (MACPRA); and Tribal Historical Preservation Office (THPO) services.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Law to acknowledge receipt of Beverly Wemigwase's resignation from the Gaming Regulatory Commission as received by the Legislative Office on December 16, 2015, and to extend a Chi Miigwech for her 16 years of services on this Commission.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Harrington to appoint David Dominic to the Natural Resources Commission to serve the remainder of a four (4) year term ending December 31, 2017.

Vote: 3 - Yes, 4 - No (Councilor Shananaquet, Treasurer Reyes, Councilor McNamara, Councilor Naganashe), 0 - Abstained, 1 - Absent (Councilor Bernard)

Motion failed.

Motion made by Councilor Law and supported by Treasurer Reyes to assign Lisa Flynn to the Traditional Tribal Burial Board, Inc. to serve a four (4) year term ending January 5, 2020.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to assign Joseph VanAlstine to the Ziibimijwang, Inc. to serve the remainder of a term ending January 8, 2019 and approve Ziibimijwang, Inc. Corporate Charter as updated.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)

Motion carried.

Review Denemy Letter of Interest and Resume' for qualifying factors.

Motion made by Treasurer Reyes and supported by Councilor Law to acknowledge receipt of the letter of interest from William A. Denemy for the Gaming Enterprise Board and set up an interview.

Vote: 6 - Yes, 0 - No, 1 - Abstained (Councilor Harrington), 1 - Absent (Councilor Bernard)

Motion carried.

Review Harrington Letter of Interest and Resume' for qualifying factors.

Motion made by Councilor McNamara and supported by Councilor Shananaquet to acknowledge receipt of the letter of interest from Ken Harrington for the Gaming Enterprise Board.

Vote: 6 - Yes, 0 - No, 1 - Abstained (Councilor Harrington), 1 - Absent (Councilor Bernard)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Law to re-post the Compensation for Tribal Council Draft Statute to the Legislative Calendar as sponsored by Councilor Law.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to approve Certified Motion #010716-01; Request for Funding from U.S. Environmental Protection Agency, GLNPO, Great Lakes Restoration Initiative Funding; Lakewide action and Management Plan Projects.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bernard, Councilor Harrington)

Motion carried.

Motion made by Councilor Law and supported by Councilor Harrington to approve Certified Motion #010716-02; Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs; Fire Management Funds, Natural Resources Department Fire management/Fuel Reduction Funds Project.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Law to approve Tribal Council Travel to the United Tribes of Michigan meeting on February 9 and 10, 2016 in Lansing, Michigan.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

Motion carried.

Motion made by Councilor Naganashe and supported by Treasurer Reyes to disapprove Tribal Minimum Internal Control Standards REG-WOS 2005-006 121015-015 as submitted by the Executive Department on 12-10-15.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Councilor Harrington), 1 – Absent (Councilor Bernard)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Naganashe to approve Tribal Minimum Internal Control Standards REG-WOS 2005-006 010616-016 as submitted by the Executive Department on 01-06-16.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Councilor Harrington), 1 – Absent (Councilor Bernard)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Law to authorize and approve the travel of one or two Tribal Councilors to attend meetings in Michigan, Minneapolis and Washington, D.C. regarding Reservation litigation for FY 2016.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

Motion carried.

Motion made by Councilor Law and supported by Councilor Harrington to post the Constitutionally Mandated Compensation for Tribal Prosecutor Statute to the Odawa Register.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)
Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to acknowledge receipt of the memo from Senior Financial Analyst that included an assessment of the current living wage, in accordance with WOS 2013-010, Section XIII.A.4.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)
Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to NOT adjust the living wage for FY 2016 based on the assessment presented by the Senior Financial Analyst, in accordance with WOS 2013-010, Section XIII.A.4.

Vote: 6 - Yes, 1 - No (Secretary Otto), 0 - Abstained, 1 - Absent (Councilor Bernard)
Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to approve and authorize the Chairperson to sign the revised Appendix A of the Tax Agreement with the State of Michigan.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)
Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to approve Certified Motion #010716-03 for Representation at the Taskforce for National Association of Food Distribution Program on Indian Reservations (NAFDPIR).

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bernard, Councilor McNamara)
Motion carried.

4:39 p.m. Motion made by Councilor Shananaquet and supported by Councilor Law to adjourn.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bernard, Councilor McNamara)
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 corrected:



Aaron Otto, Tribal Council Secretary

1-21-2016

Date