

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
February 18, 2016
Tribal Council Chambers
7500 Odawa Circle Harbor Springs, MI 49740

Closed Session: yes

Call to Order: Meeting was called to order at: 9:12 a.m.

Opening Ceremony by Councilor Law

Council Present: Secretary Aaron Otto, Frank Bernard, Councilor David Harrington, Councilor Beatrice Law, Councilor Dexter McNamara, Councilor Michael Naganashe, Councilor Julia Shananaquet

Absent: Treasurer Marcella Reyes, Councilor Michael Naganashe, Councilor Julia Shananaquet

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele Portman-LaCount, General Counsel James Bransky, Sr. Financial Analyst Stella Kay, Tribal Historic Preservation Officer Wesley Andrews

Executive Officials and Staff Present: Tribal Chair Regina Gasco Bentley, Elder's Director Arlene Naganashe, Human Resources Generalist Yvonne Brown, Regulatory Director Vince Cook

Judicial Officials and Staff: none

Public: David Dominic, Andrew Stich

Invited Guests: none

Motion made by Councilor Harrington and supported by Councilor Law to adopt the agenda for February 18, 2016 as amended.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

9:11 a.m. Councilor Harrington arrived.

Motion made by Councilor Law and supported by Councilor Harrington to approve the minutes of February 4, 2016.

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

Motion carried.

Statement from Councilor McNamara regarding: February 4, 2016 motion to accept Secretary Otto's verbal Secretary report and Washington DC Reservation Litigation meeting travel report with additional information regarding travel to be provided in closed session for February 4, 2016. Vote: 5 yes, 3 No (Councilor McNamara, Councilor Shananaquet, Councilor Harrington), 0 Abstained, 0 – Absent...”I did not vote No on this language, however I did say that it should say this because of the Upcoming report made later from the General Counsel in a closed session. This is not a true paragraph statement.”

Elder's Department Director Arlene Naganashe: Survey requested.

Motion made by Councilor Law and supported by Councilor McNamara to accept the verbal and written Executive Oversight report as presented by Chairperson Gasco-Bentley for February 18, 2016.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Legislative Leader: position currently absent.

Secretary Report:

- i. Documents Delivered to the Executive:
 - Waganakising Odawak Statute Removal of Commissioners Delivered to the Executive Department on 02-09-16 status pending.
- ii. Vetoes - None
- iii. Phone Polls- Conducted on 02-08-16:
 - *Reason for Phone Poll: Motion to authorize and approve the Tribal Chair to sign the letter from Little River Band of Ottawa Indians Tribe that requests the Michigan Attorney General- Bill Schuette support the Tribes in Michigan, and file an Amicus Brief in the US Supreme Court case of National Labor Relations Board v. Little River Band of Ottawa Indians Tribal Government. Vote 5-Yes; 3- No, 0-Abstained; 0-absent*

Motion made by Councilor McNamara and supported by Councilor Law to accept Secretary Otto's verbal and written report as provided on the agenda for February 18, 2016.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Treasurer February 9, 2016 Appropriations and Finance Committee meeting update as provided on the agenda:

- *Motion made by Councilor Law and supported by Councilor Shananaquet to recommend Tribal Council approval of Certified Motion #021816-01; Request for Funding from the U.S. Department of Health and Human Services FY 2016 Family Violence Prevention and Services Program.
Vote: 3-yes, 0-no, 0-abstain, 0-absent, 0-Abstained. Motion carried.*
- *Motion made by Councilor Law and supported by Councilor Shananaquet to recommend Tribal Council approval of Certified Motion #021816-02; Request for Funding from the Institute of Museum and Library Services, Little Traverse Bay Bands of Odawa Indians FY 2016 Basic Library Services Grant.
Vote: 3-yes, 0-no, 0-abstain, 0-absent, 0-Abstained. Motion carried.*
- *Motion made by Treasurer Reyes and supported by Councilor Shananaquet to recommend Tribal Council approval of Certified Motion #021816-03; Request for Funding from Institute of Museum and Library Services, Native American Library Services FY 2016 Enhancement Grant.
Vote: 3-yes, 0-no, 0-abstain, 0-absent, 0-Abstained. Motion carried.*
- *Motion made by Councilor Law and supported by Treasurer Reyes to recommend Tribal Council approval of Supplemental Funding in the amount of \$62,208 for Gaming Regulatory Department to come from General Funds.
Vote: 2-yes, 1-no (Councilor Shananaquet), 0-abstain, 0-absent, 0-Abstained. Motion carried.*
- *Motion made by Councilor Law and supported by Treasurer Reyes to recommend Tribal Council adopt Tribal Resolution; Supplemental Funding in the amount of \$1,000 for the 2016 Community Meeting to come from General Funds.
Vote: 2-yes, 1-no (Councilor Shananaquet), 0-abstain, 0-absent, 0-Abstained
Motion carried*
- *Motion made by Councilor Law and supported by Treasurer Reyes to recommend Tribal Council to adopt Tribal Resolution; Supplemental Funding in the amount of \$27,000.00 for the Election Board to come from General Funds.
Vote: 3-yes, 0-no, 0-abstain, 0-absent, 0-Abstained. Motion carried.*
- *Motion made by Councilor Law and supported by Councilor Shananaquet to recommend Tribal Council adopt Tribal Resolution ; Supplemental Funding in the amount of \$241,000 for Health Park renovations to come from 3 party billing, Access to Recovery Fund Balance.
Vote: 3-yes, 0-no, 0-abstain, 0-absent, 0-Abstained. Motion carried.*

Motion made by Councilor Harrington and supported by Secretary Otto to accept the Treasurer's written report as provided on the agenda and the Appropriations and Finance Committee Report verbal as presented by Committee Member Law:
Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)
Motion carried.

Treasurer Reyes – Amicus Brief: Saginaw Chippewa Tribe/National Labor Relations Board. Legislative Services Attorney Budnick provided brief verbal update regarding this travel.

Land and Reservation Committee:

Motion made by Councilor Bernard and supported by Councilor Law to accept the Land and Reservation Committee verbal report for February 18, 2016 as provided by Committee Member Harrington.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

The next Land and Reservation Committee Meeting will be held March 11, 2016 at 9:00 am in the Council Chambers.

Motion made by Councilor Law and supported by Councilor McNamara to accept the Tribal Historic Preservation Officer 2015 verbal monthly report as provided by Wesley Andrews for February 18, 2016.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

10:35 a.m. Recess

10:52 a.m. Resumed

Motion made by Councilor McNamara and supported by Secretary Otto to accept the Ethics Committee verbal report as presented February 18, 2016 by Committee Chair Law.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Next Ethics Committee Meeting: March 7, 2016 9:00 a.m. in the Tribal Council Chambers.

11:00 a.m. Motion made by Councilor Law and supported by Secretary Otto to go into Closed Session for Legal.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

11:29 a.m. Motion made by Councilor Law and supported by Councilor Harrington to return to Open Session.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor McNamara to accept Legislative Services Attorney Budnick's verbal report for February 18, 2016.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor Harrington to accept the Enjiinakneng verbal report for February 18, 2016 as presented by General Counsel Bransky.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor McNamara and supported by Secretary Otto to accept Stella Kay's Sr. Financial Analyst verbal and written Report as presented February 18, 2016.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

12:00 p.m. Public Comment opened: No public comment

12:00 p.m. Public comment closed

Motion made by Councilor Law and supported by Councilor Harrington to amend the agenda to include nominations submitted by the Executive for the Child Welfare and Citizenship Commissions.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

12:03 p.m. Lunch

1:30 p.m. Resumed

2:00 p.m. Motion made by Councilor Law and supported by Councilor McNamara to go into Closed Session for Confidential Business matters.

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

Motion carried.

2:28 p.m. Motion made by Councilor Law and supported by Councilor McNamara to return to open session.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

2:29 p.m. Recess.

2:38 p.m. Resumed.

Motion made by Councilor Law and supported by Councilor McNamara to approve the Gaming Enterprise Board 2016 Budget as presented.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Bernard to accept the Odawa Casino Resort verbal and written 2015 4th Quarter Report, and Gaming Enterprise Board Monthly Expenditure Report as presented by Board Chairperson Denise Petoskey.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Harrington to accept the Odawa Economic Development Management, Inc. verbal and written 2015 4th Quarter Report as presented by Charter President Alan Proctor and Vice President Bryan Gillett.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

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

3:00 p.m. Public Comment closed

Motion made by Councilor McNamara and supported by Councilor Law to adopt Tribal Resolution: Supplemental Funding in the amount of \$62,208.00 for Gaming Regulatory Department to come from General Funds.

Roll call vote: Councilor Bernard-yes, Councilor Harrington-abstained, Councilor Law-yes, Councilor McNamara-yes, Councilor Naganashe-absent, Councilor Shananaquet-absent, Treasurer Reyes-absent, Secretary Otto-yes

Motion carried.

Motion made by Councilor Law and supported by Councilor Bernard to approve the Memorandum of Understanding (MOU) made and entered into by and between, Little Traverse Bay Bands of Odawa Indians (LTBB) and the Charlevoix, Antrim, Kalkaska, and Emmet Counties (CAKE) Cooperative Invasive Species Management Area.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

3:40 p.m. Recess

3:50 p.m. Resumed

Motion made by Councilor Law and supported by Secretary Otto to accept Legislative Office Manager Portman-LaCount's verbal and written Report for February 18, 2016.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Harrington and supported by Councilor McNamara to approve Secretary Otto to attend the Executive Federal Emergency Management (FEMA) training to be held locally in April 2016.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor Harrington to approve Tribal Council attendance at the 34th Annual Protecting Our Children National American Indian Conference on Child Abuse and Neglect April 3-6, 2016 in St. Paul, Minnesota.

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

Motion failed.

Motion made by Councilor Law and supported by Secretary Otto to approve the Grants, Donations and Other Funding Policy as revised.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made Councilor McNamara and supported by Secretary Otto to approve Councilor Law to participate in the Voelker Foundation Film interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor Harrington to pass Certified Motion #021816-01; Request for Funding from the U.S. Department of Health and Human Services FY 2016 Family Violence Prevention and Services Program.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Law to pass Certified Motion #021816-02; Request for Funding from the Institute of Museum and Library Services, Little Traverse Bay Bands of Odawa Indians FY 2016 Basic Library Services Grant.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Secretary Otto to pass Certified Motion #021816-03; Request for Funding from Institute of Museum and Library Services, Native American Library Services FY 2016 Enhancement Grant.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

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

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor McNamara to authorize and approve the attendance and travel of one or two Councilors to attend hearings and any and all other court matters related to the Reservation Litigation case within Michigan for fiscal year 2016.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Harrington to acknowledge the receipt of the Executive nomination of Annette VanDeCar for the Housing Commission, and set up an interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Harrington to acknowledge the receipt of the Executive nomination of Larry Stead for the Housing Commission, and set up an interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor Bernard to acknowledge the receipt of the Executive nomination of Kevin Gasco for the Natural Resources Commission, and set up an interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Secretary Otto to acknowledge the receipt of the Executive nomination of Grace Zerbe for the Gaming Regulatory Commission, and set up an interview.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Harrington to acknowledge the receipt of the Executive nomination of Michele Portman-LaCount for the Planning and Zoning Board, and set up an interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor McNamara to acknowledge the receipt of the Executive nomination of Frank Ettawageshik for the Planning and Zoning Board, and set up an interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Secretary Otto to pass Certified Motion #021816-04; Elders Needs Survey.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor McNamara to authorize the action set out in Confidential Memo 021816-01 from General Counsel James Bransky regarding Land Parcel #97.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Law to acknowledge receipt of the Executive nomination of Sharon Sierzputowski for the Citizenship Commission and set up an interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Harrington and supported Councilor Law to acknowledge receipt of the Executive nomination of Carol McFall for the Citizenship Commission and set up an interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Councilor McNamara to acknowledge receipt of the Executive nomination of Heidi Bosma for the Child Welfare Commission and set up an interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)

Motion carried.

Motion made by Councilor Law and supported by Secretary Otto to adopt Tribal Resolution: Supplemental Funding in the amount of \$1,000.00 for the 2016 Community Meeting to come from General Funds.

Roll call vote: Councilor Bernard-yes, Councilor Harrington-yes, Councilor Law-yes, Councilor McNamara-yes, Councilor Naganashe-absent, Councilor Shananaquet-absent, Treasurer Reyes-absent, Secretary Otto-yes

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Harrington to adopt Tribal Resolution: Supplemental Funding in the Amount of \$27,000.00 for the Election Board to come from General Funds.

Roll call vote: Councilor Bernard-yes, Councilor Harrington-yes, Councilor Law-yes, Councilor McNamara-yes, Councilor Naganashe-absent, Councilor Shananaquet-absent, Treasurer Reyes-absent, Secretary Otto-yes

Motion carried.

Motion made by Councilor Law and supported by Councilor Harrington to adopt Tribal Resolution: Supplemental Funding in the amount of \$241,000.00 for Health Park renovations to come from the Third Party Revenue / Access to Recovery Fund Balance.

Roll call vote: Councilor Bernard-yes, Councilor Harrington-yes, Councilor Law-yes, Councilor McNamara-yes, Councilor Naganashe-absent, Councilor Shananaquet-absent, Treasurer Reyes-absent and Secretary Otto-yes

Motion carried.

Motion made by Councilor Law and supported Secretary Otto to pass Waganakising Odawak Statute Prosecutor Compensation Statute.

Roll call vote: Councilor Bernard-yes, Councilor Harrington-yes, Councilor Law-yes, Councilor McNamara-yes, Councilor Naganashe-absent, Councilor Shananaquet-absent, Treasurer Reyes-absent, Secretary Otto-yes

Motion carried.

Motion made by Councilor Law and supported by Councilor McNamara to adopt Tribal Resolution: Ad-hoc Violence Against Women Act Regulations Committee.
Roll call vote: Councilor Bernard-yes, Councilor Harrington-yes, Councilor Law-yes, Councilor McNamara-yes, Councilor Naganashe-absent, Councilor Shananaquet-absent, Treasurer Reyes-absent, Secretary Otto-yes
Motion carried.

4:56 p.m. Motion made by and supported by to adjourn.
Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Shananaquet, Councilor Naganashe)
Motion carried.

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

These Minutes have been read and approved as corrected:



Aaron Otto, Tribal Council Secretary

3-3-2016

Date