

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

Tribal Council Regular Meeting
November 17, 2016

Call to Order: 9:07 a.m.
Opening ceremony: Beatrice Law
Closed Session: yes

Council Present: Legislative Leader Aaron Otto, Secretary Julie Shananaquet, Treasurer Marcella Reyes, Councilor Frank Bernard, Councilor David Harrington, Councilor Beatrice Law, Councilor Dexter McNamara, Councilor Michael Naganashe, Councilor Emily Proctor

Absent: none

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, General Counsel James Bransky, Legislative Office Manager Michele Portman-LaCount

Executive Officials and Staff Present: Chairperson Gasco Bentley, Vice-Chair Stella Kay, Direct Services Administrator, Phil Harmon, Chief Financial Officer Carrie Carlson, Gaming Regulatory Director Vince Cook and Gaming Regulatory Board Member David Dominic, Law Enforcement Chief Cobe, chief Conservation Officer Kevin Willis

Judicial Officials and Staff: none

Public: Andrew Stich, Ken Harrington, Renee Dillard

Invited Guest: Odawa Casino Resort General Manager Eric McLester, and Gaming Enterprise Board Chairperson, Denise Petoskey; Bureau of Indian Affairs Special Agent in Charge, Bureau of Indian Affairs-Office of Justice Services Department of Interior District 7 Office Mario Redlegs; Ziibimijwang Inc. Chairperson Regina Brubacker-Carver

Agenda:

Motion made by Councilor Law and supported by Councilor Harrington to approve the agenda of November 17, 2016, as presented.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Minutes:

Motion made by Treasurer Reyes and supported by Councilor Proctor to approve the minutes of November 3, 2016, as presented.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.



9:30 a.m. Gaming Enterprise Board-Odawa Casino Resort 2016 3rd Quarter Report

10:01 a.m. Break

10:13 a.m. Resume

10:15 a.m. Motion made by Councilor Law and supported by Treasurer Reyes to go into closed session for confidential business matters.

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

Motion carried.

11:46 a.m. Motion made by Councilor Harrington and supported by Councilor Law to return to open session.

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

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Proctor to acknowledge the written and verbal 2016 3rd Quarter and Gaming Enterprise Report as presented by Gaming Enterprise Board Chairperson Denise Petoskey and General Manager Eric McLester and on November 17, 2016.

Vote: 6 - Yes, 0 - No, 1 - Abstained, 2 - Absent (Councilor McNamara, and Councilor Bernard)

Motion carried.

11:49 a.m. Public Comment Opens

- Citizen Andrew Stich would like to know if presidential election will have an effect on the reservation jurisdiction case.
- Citizen Ken Harrington commented on new U.S. 131 development. New site has obstructed expansion of Health Building. Snow mobile club trail.
- Renee Dillard commented on Council's need to know and use language.
- Citizen David Harrington commented on need to have Native tutors in school

12:08 p.m. Public Comment closes

12:09 p.m. Lunch Break

1:33 p.m. Meeting Resumes

1:33 p.m. Mario Redlegs Bureau of Indian Affairs Special Agent in Charge, Bureau of Indian Affairs-Office of Justice Services Department of Interior District 7 Office Meet and Greet.

Executive Report:

Discussion: Introduction of new Indirect Services Administrator, discussed letter of complaint from Tribal Citizen. National Congress of American Indians (NCAI) election results and effect on Indian Country. Tribes need to assist with

laws and clearly defining intent of laws. (NCAI) reports that election results are a devastating blow to Indian Country. Income tax credits for housing.

Motion made by Councilor Law and supported by Councilor Proctor to acknowledge the November 17, 2016, verbal report as presented by Chairperson Regina Gasco Bentley and Vice-Chairperson Stella Kay.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Legislative Officer Reports:

Legislative Leader Report

Discussion: Mondays are designated for office time to assist Legislative staff if necessary. The Monday of the week of Tribal Council meeting is designated for Tribal Council Officers. Legislative Leader Aaron Otto will not be available to oversee meeting of December 15, 2016.

Motion made by Councilor Law and supported by Treasurer Reyes to accept the November 17, 2016 verbal Legislative Leader Report as presented by Legislative Leader Otto.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Secretary Report

i. Documents Delivered to Executive:

Tribal Resolution 110316-01; Amendment to the Legislative Branch Operations Governmental Employee Personnel Policies Handbook Section II Employee Benefits & Compensation Program.
11/07/16 - Delivered to the Executive Department.
11/07/16 - Signed by the Executive

ii. Vetoes: none

iii. Phone Polls: none

Motion made by Treasurer Reyes and supported by Councilor Harrington to accept the November 17, 2016 verbal Secretary Report as presented by Secretary Shananaquet.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Treasurer Report

i. Appropriations and Finance Committee

-Last meeting: November 8, 2016

-Next meeting: December 6, 2016

ii. Phone Poll(s): none

Motion made by Secretary Shananaquet and supported by Councilor Harrington to accept the November 17, 2016, verbal Treasurer Report and Appropriation and Finance Committee (AFC) update as presented by Treasurer Reyes.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

3:06 p.m. Public Comment opens and closes with no comments made

3:07 p.m. Break

3:21 p.m. Resume

Tribal Council Travel Reports:

Tribal Council Member Reports

Treasurer Reyes - Veterans Tribute at Pattengill Middle School

Motion made by Secretary Shananaquet and supported by Councilor Naganashe to accept Treasurer Reyes' November 17, 2016, verbal Tribal Council Member report regarding attendance at the Veteran's Tribute at Pattengill Middle School in Lansing, MI.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Councilor Proctor - Veterans Day Pow wow

Motion made by Secretary Shananaquet and supported by Councilor Law to accept Councilor Proctor's November 17, 2016, verbal Tribal Council Member Report regarding Attendance at the Veteran's Day Pow wow in Harbor Springs, MI.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Tribal Council Committee Reports:

Land and Reservation Committee

Meeting dates:

- Last meeting November 4, 2016
- Next meeting: December 9, 2016 at 9:00 a.m.

Discussion:

Councilor Harrington requested that the Odawa Hotel be assigned as a possible Independent business and forwarded to Land and Reservation for discussion.

Motion made by Councilor Law and supported by Secretary Shananaquet to accept the November 17, 2016, verbal report of the Land and Reservation Committee as presented by Land and Reservation Committee Chairperson, Treasurer Reyes.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Ethics Committee

Meeting dates:

- Last meeting: October 25, 2016
- Next meeting: December 20, 2016 @ 9:00 a.m.

Legislative Staff Reports:

Tribal Historic Preservation Office – No Report

Legislative Services Attorney Report

Motion made by Councilor Law and supported by Treasurer Reyes to accept the November 17, 2016 Legislative Services Attorney's (LSA) verbal and written report as presented by Legal Services Attorney Donna Budnick.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried.

Enjinaaknegeng Report – Tentative Closed Session

Discussion: Ramah case settled. Nestle meeting scheduled for December. Line 5 update/possible violation of treaty right: assess the strength of tentative suit. Fredericks, Peebles advised using caution when pursuing 8A contracts. IE: (RB Construction Company) Federal Torts claim regarding accidents involving employees of the Tribe. Odawa Fishery

Motion made by Councilor Law and supported by Councilor Harrington accept the November 17, 2016 Enjinaaknegeng verbal report as presented by General Counsel Bransky.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried.

Legislative Office Manager Report

Motion made by Treasurer Reyes and supported by Councilor Proctor to accept the November 17, 2016 Legislative Office Manager's verbal and written report as presented by Legislative Office Manager, Michele Portman-LaCount.

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

Motion carried.

Sr. Financial Analyst Report: Position currently vacant.

Corporate Charters and/or Board Updates

Odawa Economic Development Management, Inc. No Report

Traditional Tribal Burial Board – No Report

Ziibimijwang, Inc.:

Discussion: Letter of resignation, eventually take on home grown project, seed give away, bee colony update, three sister's garden, successful fall encampment, tractor update, BDO audit on tract. Difficult finding "farmers"

Motion made by Secretary Shananaquet and supported by Councilor Naganashe to acknowledge the November 17, 2016 verbal 2016 3rd Quarter Ziibimijwang, Inc. Report as presented by Board Chairperson Regina Brubaker-Carver.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Action Items: (Motions)

Motion made by Councilor Law and supported by Councilor Naganashe to approve the 2017 Legislative Branch Regular Work Session and Regular Meeting Schedule.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Proctor to acknowledge receipt of Netawn Kiogima's letter of interest for the Tribal Traditional Burial Board, Inc., and to set up an interview.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Law and supported by Councilor Naganashe to acknowledge receipt of Shiloh Slomsky's letter of interest for Odawa Economic Development Management, Inc. and to set up an interview.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Law and supported by Councilor Proctor to approve Certified Motion #111716-01; Request for funding from the U.S. Department of Health and Human Services, Administration on Aging (AOA), Title VI of the Older Americans Act, Part A, Part C, and NSIP FY 2017 Application

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Naganashe to approve Certified Motion #111716-02; Request for Funding from U.S. Environmental Protection Agency Section 103 of the Clean Air Act, FY 2017-FY 2018 Region 5 Tribal Air Grant, Clean Air Program.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Law to approve Certified Motion #111716-03; Request for Funding from the U.S. Department of Health and Human Services Indian Health Service Emergency Furnace Repairs.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Proctor to approve Certified Motion #111716-04; Request for Funding from N7 Fund LTBB Youth Services Fitness Program.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Law and supported by Councilor Harrington to approve the Tentative 2018 Budget Formulation calendar as recommended by the Appropriations and Finance Committee.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to approve Certified Motion 111716-05, Assignment of Wycamp River Land Parcel, 4982 Chippewa Drive, Harbor Springs, MI 49740 as recommended by the Land and Reservation Committee.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Law to authorize Legislative Leader Otto to sign and send letter to Tribal Chairperson requesting a complete plan for the Monroe Street Property based on Developmental Overview presented to the Land and Reservation Committee on 09-09-16 by Housing Director John Givens.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Law and supported by Councilor Proctor to approve Little Traverse Bay Bands of Odawa Indians 2017 Reservation Natural Resources Rules and Regulations REG-WOS 2013-004-110116-001A.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Legislative Leader Otto and supported by Councilor Harrington to approve Little Traverse Bay Bands of Odawa Indians 1836 Ceded Territory 2017 Natural Resources Rules and Regulations REG-WOS 2013-004-110116-001B.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Law and supported by Councilor Proctor to acknowledge receipt of the Gaming Enterprise Board October 2016 Budget and Expenditures report.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Action Items – (Roll Call Votes)

Motion made by Councilor Law and supported by Councilor Proctor to adopt Tribal Resolution # 111716-01: To Revise Tribal Resolution #042116-03

Appropriation of Funds

Roll call vote: Councilor Bernard-no, Councilor Harrington-no, Councilor Law-yes, Councilor McNamara-no, Councilor Naganashe-no, Councilor Proctor-no, Secretary Shananaquet-yes, Treasurer Reyes-no, Legislative Leader Otto-no

Motion failed.

Adjournment:

5:33 p.m. Motion made by Secretary Shananaquet and supported by Councilor Law to adjourn.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent

Motion carried

Next Tribal Council Meeting
Regular: December 1, 2016

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 are approved as corrected.



Julie Shananaquet, Tribal Council Secretary

12-1-16

Date