

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
April 6, 2017**

Call to Order: 9:08 a.m.

Opening ceremony:

Closed Session:

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

Absent: Councilor Frank Bernard, Councilor Emily Proctor

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 Regina Gasco Bentley, CFO Carrie Carlson, Direct Services Administrator Phil Harmon.

Judicial Officials and Staff:

Public:

Invited:

Agenda:

Motion made by Councilor Law and supported by Treasurer Reyes to approve the agenda of April 6, 2017 as amended.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Dedication: *Dedication will occur at the second meeting of the month.*

Minutes:

Motion made by Councilor Law and supported by Treasurer Reyes to approve the Regular Meeting Minutes of March 23, 2017.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Motion made by Councilor Law and supported by Secretary Shananaquet to approve the Special Meeting Minutes of March 28, 2017.

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

9:25 a.m. – 9:44 a.m. Tribal Historic Preservation Officer – Wesley Andrews, 2017 1st Quarter Report

Motion made by Councilor Law and supported by Secretary Shananaquet to acknowledge receipt of the verbal and written 2017 1st Quarter Tribal Historic Preservation Report as presented by Wes Andrews on April 6, 2017.

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

9:45 a.m. - a.m. Gaming Enterprise Board

Motion made by Secretary Shananaquet and supported by Councilor Law to acknowledge request from the LTBB Gaming Enterprise Board (GEB) for limited waiver of sovereign immunity as presented on April 6, 2017.

Vote: 6- Yes, 0 - No, 1 – Abstained(Councilor Harrington), 2– Absent (Councilor Bernard, Councilor Proctor)
Motion carried.

Executive Report:

Discussion: 1) Introduction of new staff. 2)Health Department- Closure of health building. Dental update regarding new dentist. 3)CORA, 4) Wellness Center Project, Tribal Resolution MCEA,

10:42 a.m. Break
10:56 a.m. Resume

Motion made by Councilor Law and supported by Secretary Shananaquet to acknowledge the Executive updates as presented by Chairperson Regina Gasco Bentley, and Direct Services Administrator Phil Harmon.

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

Tribal Council Officer Reports:

Legislative Leader Report

Discussion: Working on Administrative issues and job postings.

Motion made by Secretary Shananaquet and supported by Councilor Naganashe to accept Legislative Leader Otto's verbal report as presented on April 6, 2017.

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



Secretary Report

The following documents were delivered to the Executive:

- Waganakising Odawak Statute Ethics for Governmental Officials was delivered to the Executive on 03-14-17 and still pending.
- Tribal Resolution #032317-01: Authorizing Refinancing Loan from Wells Fargo Bank, National Association and related Documents, Authorizing Tribal Appropriations for Payments of the Loan, Reaffirming and Re-adopting Law Governing the Arbitration of Disputes related to the Loan, Reaffirming and Re-adopting Law Regarding Security Interests and Addressing Related Matters
Submitted to Executive on 03-24-17 and signed on 03-24-17.
- Tribal Resolution: Ad-hoc Land Management Office Committee was Submitted to Executive on 03-24-17, status: still pending.
- Tribal Resolution: Supplemental Funding in the amount of \$25,000.00 for Judiciary Attorney's Fees from General Fund Balance – Supplemental Funding.
Submitted to Executive on 03-24-17, status: still pending.

Vetoes: Housing Department Statute

Phone Polls:

The following polls were conducted:

03-29-17 Motion to approve the Legislative Leader to make an offer to candidate #1 for the position of Deputy Tribal Historic Preservation Office in the amount as set forth in Confidential Memo 032917-01.

Vote: 8-yes; 0-no; 0-abstained; 1-absent

Correspondence: Thank you Citizen Warren Petoskey for stories-via e-mail.

Discussion: Legislative Services Attorney is tentatively slated to discuss the General Welfare Exclusion Act with Kim Dunn, IRS on Tuesday, April 11th at 2 p.m.

Motion made by Treasurer Reyes and supported by Councilor Naganashe to accept Secretary Shananaquet's verbal report as presented on April 6, 2017

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Public Comment:

11:45 a.m. Public comment opens and closes with no comments made.



Treasurer Report

Appropriations and Finance Committee

- Last Meeting: March 14, 2017

The Budget Hearing process began and the following meetings were held:

- March 29, 2017 9:00 a.m. Special Budget Review Meeting
- April 3, 2017 9:00 a.m. Budget Hearing
- April 5, 2017 9:00 a.m. Budget Hearing

Next meetings in the Council Chambers:

- April 7, 2017 1:30 p.m. Budget Hearing
- April 11, 2017 1:00 p.m. Regular Meeting
- April 13, 2017 1:00 p.m.-4:00 p.m. Public Budget Hearing

Motion made by Councilor McNamara and supported by Councilor Law to accept the Appropriation and Finance Committee report as presented on April 6, 2017 by Committee Chairperson Reyes.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

11:58 a.m. Lunch Break

1:36 p.m. Lunch Resumes

Tribal Council Travel Reports

Councilor Michael Naganashe - United Tribes of Michigan

Motion made by Councilor McNamara and supported by Councilor Law to acknowledge receipt of Councilor Naganashe's verbal and written report for attendance at the United Tribes of Michigan, held in Lansing, MI.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Treasurer Marcella Reyes – Midwest Alliance of Sovereign Tribes (MAST)

Motion made by Councilor Law and supported by Councilor Naganashe to acknowledge receipt of Treasurer Reyes' verbal and written report for attendance at Midwest Alliance of Sovereign Tribes (MAST), held in Washington, DC

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Tribal Council Member Reports/Updates

Tribal Council Committees

Land and Reservation Committee

03/31/17 Special Meeting – Odawa Hotel, @ 9:00 a.m.

Next meeting: Regular Meeting– TC Chambers, April 13, 2017 @ 9:00 a.m.

Motion made by Councilor Law and supported by Legislative Leader Otto to accept the Land and Reservation Committee Special Meeting report as presented on April 6, 2017 by Committee Chairperson Reyes.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2– Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Ethics Committee

- Next meeting: TBD

Legislative Office Reports

Legislative Services Attorney Report

Motion made by Councilor Law and supported by Treasurer Reyes to accept the April 6, 2017 Legislative Services Attorney Budnick's verbal and written report.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2– Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Law to approve the Tribal Council Annual Report for May 2016 to April 2017, with technical revisions, to be distributed at the Annual Community Meeting.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2– Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Enjinaaknegeng

Motion made by Treasurer Reyes and supported by Councilor Naganashe to accept the April 6, 2017, Enjinaaknegeng verbal report as presented by General Counsel Bransky.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2– Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Legislative Office Manager Report

Motion made by Treasurer Reyes and supported by Councilor Law to accept the April 6, 2017 Legislative Office Manager's verbal and written report as presented by Legislative Office Manager, Michele Portman-LaCount.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2– Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Office of Finance and Revenue Report - Position currently vacant.

Discussion:

Corporate Charters and/or Board Updates

Odawa Economic Development Management, Inc.

Traditional Tribal Burial Board, Inc.

Ziibimijwang, Inc.

Gaming Enterprise Board

Action Items - Motions

Motion made by Treasurer Reyes and supported by Councilor Law to authorize and approve Tribal Councilor McNamara and the Tribal Chairperson Regina Gasco Bentley to present the LTBB Tribal Flag along with the Journey to Sovereignty and The Four Directions CDs to the School Board of Mackinaw City Public Schools, at its School Board meeting on April 19, 2017, at 5:00 P.M.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Law to approve Enrollment List A-Eligible for Citizenship dated March 27, 2017 for a total of 7.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Law to approve Enrollment List B-Declination (Ineligible) for Citizenship dated March 27, 2017 for a total of 1.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

Public Comment

3:00 p.m. – 3:01 p.m. Opens and closes with no comments made

3:03 p.m. Break

3:18 p.m. Resume

Motion made by Councilor Law and supported by Treasurer Reyes to approve Certified Motion 040617-01 National Indian Gaming Association (NIGA) Representative for LTBB.

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

Motion carried.

Motion made by Councilor Law and supported by Councilor Naganashe to table the override of the Executive Housing Department Statute veto.



Vote: 4- Yes, 3 – No (Councilor Harrington, Councilor McNamara, Secretary Shananaquet), 0 - Abstained, 2– Absent (Councilor Bernard, Councilor Proctor)
Motion carried.

Motion made by Councilor Naganashe and supported by Councilor Law to assign Blair Miller to the Ziibimijwang, Inc. to a 2-year term ending January 8, 2019.
Vote: 5- Yes, 1- No (Treasurer Reyes), 1 – Abstained (Legislative Leader Otto), 2– Absent (Councilor Bernard, Councilor Proctor)
Motion carried.

Motion made by Councilor Harrington and supported by Councilor Law to acknowledge receipt of the Executive Nomination of Sean Cahill for Appellate Justice and to place the nomination on the next agenda of April 20, 2017 for official vote.
Vote: 7- Yes, 0 – No, 0 - Abstained, 2– Absent (Councilor Bernard, Councilor Proctor)
Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Law to approve Little Traverse Bay Bands of Odawa Indians Legislative Branch Travel and Reimbursement Policy.
Vote: 6- Yes, 1 – No (Legislative Leader Otto), 0 - Abstained, 2– Absent (Councilor Bernard, Councilor Proctor)
Motion carried.

Motion made by Secretary Shananaquet and supported by Councilor Naganashe to approve Tribal Council travel to United Tribes of Michigan May 10-11, 2017 in Sault Ste Marie, MI.
Vote: 7- Yes, 0 - No, 0 - Abstained, 2– Absent (Councilor Bernard, Councilor Proctor)
Motion carried.

Motion made by Councilor Law and supported by Councilor Naganashe to authorize Odawa Casino Resort to accept the Apple Developer Agreement, and the Google Play Developer Distribution Agreement, including a limited waiver of sovereign immunity for the choice of law and jurisdiction in their standard dispute resolution provisions, for on-line recreational games to enhance marketing.
Vote: 6- Yes, 0 - No, 1 – Abstained (Councilor Harrington), 2– Absent (Councilor Bernard, Councilor Proctor)
Motion carried.

Motion made by Councilor Harrington and supported by Councilor Law to approve Personal Protection Orders Regulations REG-WOS 2015-008 031617-001

Action Items - Roll Call Votes

Motion made by Councilor McNamara and supported by Secretary Shananaquet to pass Waganakising Odawak Statute Amendment to Waganakising Odawak Statute 2015-019 Administrative Procedures Statute.

Roll Call: Councilor Bernard-absent , Councilor Harrington-yes, Councilor Law-yes, Councilor McNamara-yes, Councilor Naganashe-yes, Councilor Proctor-absent , Legislative Leader Otto-yes, Secretary Shananaquet-yes, Treasurer Reyes-yes

Motion carried

Other Items of Business - Personnel

4:17 p.m. Motion made by Treasurer Reyes and supported by Councilor Law to go into closed session for personnel

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

4:40 p.m. Motion made by Councilor Harrington and supported by Councilor Law to return to open session

Vote: 7- Yes, 0 - No, 0 - Abstained, 2- Absent (Councilor Bernard, Councilor Proctor)

Motion carried.

4:52 p.m. Councilor Naganashe exits

Motion made by Secretary Shananaquet and supported by Councilor Law to approve the Legislative Leader to make an offer to candidate #1 for the position of Deputy Tribal Historic Preservation Office in the amount as set forth in Confidential Memo 040617-01.

Vote: 6- Yes, 0 - No, 0 - Abstained, 3- Absent (Councilor Bernard, Councilor Proctor, Councilor Naganashe))

Motion carried.

Adjourn

4:58 p.m. Motion made by Councilor McNamara and supported by Councilor Law to adjourn meeting.

Vote: 6- Yes, 0 - No, 0 - Abstained, 3- Absent (Councilor Bernard, Councilor Proctor, Councilor Naganashe)

Motion carried

These Minutes have been read and are approved as corrected.



Julie Shananaquet, Tribal Council Secretary

4-21-17

Date