

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Legislative Meeting
915 Emmet Street, Administrative Building
October 24, 1999
9:30 a.m.

Closed Session: Yes

Called to Order: Meeting was called to order at 9:34 a.m.

Opening Ceremony: Conducted by Dorothy Gasco and George Anthony.

Council Present: Chairman Gerald V. Chingwa, Vice-Chairwoman Alice Yellowbank, Secretary Dorothy Gasco, Treasurer Rita Shananaquet, Councilor Janet Shomin, Councilor George Anthony and Councilor Susan Wysocki.

Council Absent: None.

Staff Present: See attached list

Guests: See attached list

Motion made by **Councilor Anthony** and **Supported** by **Councilor Yellowbank** to adopt the Agenda as presented and amended.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Anthony** and **Supported** by **Councilor Shomin** to go into closed session for discussion of personnel issues.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Closed Session: Called at 9:46 a.m.

Open Session: Called at 9:54 a.m.

Motion made by **Councilor Shomin** and **Supported** by **Councilor Yellowbank** to accept the minutes of the October 10, 1999 Tribal Council meeting as corrected.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

LTBB Minutes of Tribal Council Mtg10/24/99

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Anthony** to accept into the minutes, the phone poll conducted at 6:10 p.m. during the conference call of September 28, 1999 for LTBB to intervene in Sault Ste. Marie v. U.S. Department of the Interior.

Vote: 7 Yes 0 No 0 Abstained 0 Absent
Motion Carried

Motion made by **Councilor Yellowbank** and **Supported** by **Councilor Shananaquet** to accept into the minutes, the phone poll conducted at 6:12 p.m. during the conference call of September 28, 1999 for LTBB to request a Change of Venue in Sault Ste. Marie v. U.S. Department of the Interior.

Vote: 7 Yes 0 No 0 Abstained 0 Absent
Motion Carried

Motion made by **Councilor Anthony** and **Supported** by **Councilor Shomin** to accept into the minutes, the phone poll conducted at 6:16 p.m. during the conference call of September 28, 1999 stating that LTBB Tribal Council agrees with the briefing schedule presented in Sault Ste. Marie v. U.S. Department of the Interior.

Vote: 7 Yes 0 No 0 Abstained 0 Absent
Motion Carried

Motion made by **Councilor Yellowbank** and **Supported** by **Councilor Shananaquet** to accept into the minutes, the phone poll conducted at 6:20 p.m. during the conference call of September 28, 1999 for LTBB Tribal Council to explore the feasibility of Class II Gaming.

Vote: 7 Yes 0 No 0 Abstained 0 Absent
Motion Carried

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Anthony** to accept into the minutes, the phone poll conducted at 6:30 p.m. during the conference call of September 28, 1999 to lay-off all employees of the Victories Casino with the exception of those required by law.

Vote: 7 Yes 0 No 0 Abstained 0 Absent
Motion Carried

Motion made by **Councilor Yellowbank** and **Supported** by **Councilor Wysocki** to accept into the minutes, the phone poll conducted at 6:38 p.m. during the conference call of September 28, 1999 to authorize an exploratory trip to Madison, WI, to visit a Class II gaming facility with expenses being paid from the Discretionary Fund.

Vote: 7 Yes 0 No 0 Abstained 0 Absent
Motion Carried

LTBB Minutes of Tribal Council Mtg. 10/24/99

Judicial Panel Meeting: Tribal Council met with the Judicial Panel of the LTBB Tribal Court from 10:14 a.m to 11:03 a.m. Judge Michael Petoskey presented the Schedule of Fees, Foreign Judgement Court Rule and information on upcoming training.

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Shomin** to accept the distribution plan for the filing fees and fines collected by

the LTBB Tribal Court as presented by Judge Michael Petoskey and the Judicial Panel.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Recess: Called at 11:04 a.m. with meeting reconvening at 11:19 a.m.

Motion made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to not approve the request for a donation by the Substance Abuse Program to support the Harbor Hall Seminar since the request was made after the program had already been presented.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Anthony** and **Supported** by **Councilor Wysocki** to appoint Pat Dyer-Deckrow to the Education Commission for a three (3) year term commencing on 10/24/99.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Wysocki** to appoint Shirley Oldman to the Education Commission for a two (2) year term commencing on 10/24/99.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Anthony** and **Supported** by **Councilor Wysocki** to appoint Alice Yellowbank to the Education Commission for a four (4) year term commencing on 10/24/99.

Vote: 6 Yes 0 No 1 Abstained (**Councilor Yellowbank**) 0 Absent

Motion Carried

LTBB Minutes of Tribal Council Mtg. 10/24/99

Motion made by **Councilor Anthony** and **Supported** by **Councilor Shomin** to place on the next legislative agenda Waganakising Odawak Statute 1998012, Commissions, Boards and Committees Procedures, for Tribal Council review.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Anthony** to postpone any official action on Waganakising Odawak Statute 1998017 as amended by Waganakising Odawak Statute 1999001, the Tribal

Elections, to the next legislative session and to provide the proposed revisions to the Election Board for review.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Public Comment: Opened at 12:25 p.m. Comments were provided by Timothy Harrington, Carter McFall, other Victories managers, Shirley Oldman, Wes Andrews, Rosemary Knapp and Winnay Wemigwase.

Public Comment: Closed at 1:29 p.m.

Recess: Called at 1:30 p.m. with meeting reconvening at 2:42 p.m.

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Yellowbank** to accept the FY'98 Audit, prepared by Plante & Moran, LLP, titled Financial Report ending December 31, 1998.

Vote: 6 Yes 1 No (**Councilor Shomin**) 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Gasco** and **Supported** by **Councilor Yellowbank** to approve the Indirect Cost Budget as revised.

Vote: 5 Yes 2 No (**Councilors Shomin/Shananaquet**) 0 Abstained
0 Absent

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to approve the proposed Discretionary Fund Budget through 12/31/99.

Vote: 6 Yes 1 No (**Councilor Wysocki**) 0 Abstained 0 Absent

Motion Carried

LTBB Minutes of Tribal Council Mtg. 10/24/99

Motion made by **Councilor Gasco** and **Supported** by **Councilor Yellowbank** to approve the NRC Budget Modification #2/1999, Litigation Support 2019/29, Contract CTF60T47708 as presented.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Gasco** and **Supported** by **Councilor Shananaquet** to approve the I.H.S. Budget Modification #7, Contract 239-96-0042 as presented.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to approve the LTBB Planning Department ISTE A Transportation Planning Budget Modification #1, Contract CTF60T47706 as presented.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Anthony** to postpone discussion of the LTBB Governmental Complex to the next Tribal Council meeting on November 7, 1999.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Yellowbank** and **Supported** by **Councilor Anthony** to postpone the TERO Statute to the next legislative session on November 21, 1999.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Wysocki** to accept List A of persons eligible for enrollment for membership to the LTBB as requested and approved by the Enrollment Office and Commission.

Vote: 6 Yes 1 No (**Councilor Shananaquet**) 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Anthony** to accept List B of persons ineligible for membership to the LTBB as requested and approved by the Enrollment Office and Commission.

Vote: 6 Yes 1 No (**Councilor Shananaquet**) 0 Abstained 0 Absent

Motion Carried

LTBB Minutes of Tribal Council Mtg. 10/24/99

Motion made by **Councilor Shomin** and **Supported** by **Councilor Yellowbank** to accept List C of persons eligible for enrollment for membership to the LTBB as requested and approved by the Enrollment Office and Commission.

Vote: 6 Yes 1 No (**Councilor Shananaquet**) 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Yellowbank** to approve the posting of the revisions to Waganakising Odawak Statute 1999005, Tribal Enrollment, as presented to Tribal Council by the Enrollment Commission.

Vote: 6 Yes 1 No (**Councilor Shananaquet**) 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Anthony** to postpone discussion of the State of Michigan Tax Agreement until the next legislative session on November 21, 1999.

Vote: 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shananaquet**)

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to accept the Gaming Administration report as presented by Marilyn Williams, Gaming Administration Chairperson.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Anthony** to accept the letter from Mike Skippergosh, dated October 10, 1999, as his letter of resignation from the Gaming Administration.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Anthony** and **Supported** by **Councilor Shananaquet** to authorize **Chairman Chingwa** to sign the necessary documents to close on the purchase of the Manthei property.

Vote: 6 Yes 0 No 1 Abstained (**Chairman Chingwa**) 0 Absent

Motion Carried

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Shomin** to approve the loan documents presented for use by LTBB in the development of the housing project.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

LTBB Minutes of Tribal Council Mtg. 10/24/99

Motion made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to postpone the consideration of the community meeting until we receive a legal opinion from Attorney Bransky regarding the legality of the Petition presented on 10/10/99.

Vote: 6 Yes 1 No (**Councilor Wysocki**) 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shomin** and **Supported** by **Councilor Shananaquet** to provide Dr. Ben Ramirez with a letter of support regarding his proposed development of the American Indian Research Institute at Central Michigan University.

Vote: 7 Yes 0 No 0 Abstained 0 Absent

Motion Carried

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Yellowbank** to approve stipend and mileage for George Anthony to attend the US v. Michigan mediation process on October 27th and 28th at Higgins Lake from the Discretionary Fund.

Vote: 6 Yes 0 No 1 Abstained (**Councilor Anthony**) 0 Absent

Motion Carried

Council Leaves: Councilor Shomin departs at 7:46 p.m.

Motion made by **Councilor Anthony** and **Supported** by **Councilor Shananaquet** to accept **Chairman Chingwa's** verbal report.

Vote: 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shomin**)

Motion Carried

Motion made by **Councilor Wysocki** and **Supported** by **Councilor Anthony** to discuss the Civil Codes for LTBB Tribal Court at the next legislative session on November 21, 1999.

Vote: 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shomin**)

Motion Carried

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Yellowbank** to authorize payment of \$50,000 to Leonard, Street & Deinard for legal services from the Indirect and/or Discretionary Fund, depending upon the availability of funds.

Vote: 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shomin**)

Motion Carried

LTBB Minutes of Tribal Council Mtg. 10/24/99

Motion made by **Councilor Shananaquet** and **Supported** by **Councilor Gasco** to adjourn the Legislative Session of the Tribal Council for October 24, 1999 at 8:04 p.m.

Vote: 6 Yes 0 No 0 Abstained 1 Absent (**Councilor Shomin**)

Motion Carried

These Minutes have been read and approved as written:

Dorothy Gasco, Tribal Council Secretary

Date

LTBB Minutes of Tribal Council Mtg. 10/24/99