

The Little Traverse Bay Bands of Odawa Indians
Tribal Council
April 27, 2003
Tribal Court Room 7500 Odawa Circle
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:35 a.m.

Council Present: Chairman Gerald V. Chingwa, Vice-Chairman George Anthony, Secretary Beatrice A. Law, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Janet Shomin

Council Absent: none

Staff Present: See Attached list

Guests: See attached list

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to adopt the agenda the agenda for April 27, 2003 as amended.
Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained
Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., by to approve the minutes of April 6, 2003 as presented.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairman George Anthony to adopt into the record the phone poll dated April 11, 2003, and the reason for the phone poll to rescind motion made on April 6, 2003, which reads as follows: "Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Beatrice A. Law to contract for a maximum of \$2,950,000 the renovation of Victories Hotel with CCI providing CCI place \$200,000 in an escrow account established by LTBB Legal Department to be returned upon satisfactory completion of the project and \$800,000 will be withheld until all relevant inspections are met satisfactorily and authorize the Chairman to sign and further authorize the Casino General Manager to act as a project manager". The phone poll passed.
Vote: 4 Yes, 3 No (Councilor Fred Harrington, Jr., Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Absent, 0 Abstained
Motion carried

Motion made by Secretary Beatrice A. Law and supported by Vice-Chairman George Anthony to adopt into the record the phone poll of April 17, 2003 and the reason for the phone poll is to authorize Chairman Chingwa to execute a contract with the Christman Company for construction management of the Victories Hotel renovation, so long as the total cost of the project stays under the \$5,010,690

cap set by the Tribal Council motion of December 15, 2002, the phone poll passed.

Support withdrawn

Motion made by Secretary Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to ratify and enter into the record the phone poll of April 17, 2003 and the reason for the phone poll is to authorize the Chairman to execute a contract with the Christman Company for construction management of the Victories Hotel renovation, so long as the total cost of the project stays under the \$5,010,690 cap set by Tribal Council motion of December 15, 2002, and the reason for the emergency action was to prevent further construction costs caused by delay of the hotel project and the phone poll passed.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to accept the Tribal Administrator's report for April 27, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Vice-Chairman George Anthony and supported by Secretary Beatrice A. Law to assign the Trap Net Fisheries management to Economic Development Department Director Jaime Barrientoz and authorize the Economic Development Department Director signing responsibility for Trap Net Fishery funding.

Vote: 5 Yes, 2 No (Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve the "Clinical Services Agreement between the Little Traverse Bay Bands of Odawa Indians and the Northwest Michigan Community Health Agency", and authorize the Tribal Chairman to sign the agreement.

Vote: 5 Yes, 2 No (Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to direct the Tribal Administrator to develop a proposal for home visits by the Tribal Doctor.

Vote: 4 Yes, 3 No (Councilor Janet Shomin, Councilor Rita Shananaquet, Vice-Chairman George Anthony), 0 Absent, 0 Abstained

Motion carried

Motion made by Secretary Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to approve the Native American Fish and Wildlife Society's request for \$500 to help sponsor the banquet for the Annual Conference Great

Lakes Region Native American Fish and Wildlife Society, to come from the Enterprise Fund-donations line item.

Vote: 5 Yes, 2 No (Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice-Chairman George Anthony to send the Tribal Chairman and another veteran of his choice to travel to Washington D.C. and participate in the ceremonies for PFC Lori Piestewa and direct the Tribal Administrator to make arrangements with Hopi Nation Tribal Government/Senator Daschle. Additionally we will make a \$2,000 donation to the memorial fund in honor of PFC Lori Piestewa.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairman George Anthony to accept the Tribal Chairman written and verbal report for April 27, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

11:45 a.m. Public Comment opened: Andrew Stich, Regina Bentley, John Keshick, Jr., Shirley Oldman, Ken Harrington, Gary Shomin, Katherine Laba

11:53 a.m. Public Comment closed.

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Gaming Regulatory's quarterly report April 27, 2003.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Secretary Beatrice A. Law and supported by Vice-Chairman George Anthony to accept the LTBB Housing Commission report dated April 27, 2003

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

12:15 p.m. Lunch recess until 1:45 p.m.

12:45 p.m. Meeting reconvened

Motion made by Councilor Janet Shomin and supported by Vice-Chairman George Anthony to enter into the record the report given by the Natural Resource Commission as presented.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Janet Shomin and supported by Vice-Chairman George Anthony that the Tribal Council support the letter regarding the Emerald

Ash Borer epidemic and the letter be sent to Carl Levin and authorize the Chairman to sign.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Janet Shomin and supported by Vice-Chairman George Anthony to approve an exclusive limited contract with James McClerkin for cultural research and preparation of a report as recommended by the Natural Resource Commission and to support \$25,000 funding to come from Gaming Revenue, Government Operations- consultants line item.

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

Motion carried

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank that we accept the Trust Board's Quarterly report April 27, 2003, presented by Carol Jeffers.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet to accept into the record the Gaming Administrations verbal and written report presented to Tribal Council given by General Manager Mr. Olson and accept into the record the financials statements and impendent auditor's report December 31, 2002 and 2001 and note that Victories Casino has received unqualified audit opinions for the years ending December 2002, 2001 & 2000.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by (Councilor Janet Shomin and supported by Councilor Fred Harrington, Jr.) to reluctantly accept the resignation from John Gasco from the Gaming Administration, and thank him for all of the work he has done on that Commission.

Vote: 4Yes, 3 No (Councilor Rita Shananaquet, Secretary Beatrice A. Law, Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Beatrice A. Law to dedicate the public meeting on May 3, 2003 as Waganakising Odawak Commissions Boards and Committees day in honor of all the work our Commission Boards and Commission members have accomplished on behalf of the membership.

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

Motion carried

Motion made by Councilor Janet Shomin to exclude the non-Tribal Members from the meeting for a short time.

Motion dies due to lack of support

Motion made Councilor Janet Shomin and supported by Vice-Chairman George Anthony to re-appoint Doris K. Adams to the appellates for a period of one year, effective today.

Motion withdrawn

Motion made by Councilor Fred Harrington, Jr. and supported by Vice-Chairman George Anthony to appoint Doris Adams to the appellate court for 6 years.

Vote: 3 Yes, 3 No (Councilor Rita Shananaquet, Treasurer Alice Yellowbank, Secretary Beatrice A. Law), 1 Absent (Councilor Janet Shomin), 0 Abstained

Motion failed

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank for the Court to apply for two grants for the Juvenile Drug Court Implementation Grant and the Tribal Youth Program, and the Chairman will sign giving permission for submission on line through the GMS web site.

Vote: 5 Yes, 1 No (Councilor Rita Shananaquet), 1 Absent (Councilor Janet Shomin), 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Beatrice A. Law to approve Burial request A0049 for \$5,000.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to approve paragraphs 3-7 for \$78,000 of the arena, public restrooms portion of the Pow Wow Committees proposal to come from the Enterprise Capital Improvements line item.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Absent, 0 Abstained

Motion carried

4:08 p.m. recess called.

4:14 p.m. meeting reconvened.

4:15 p.m. Public Comment opened: Catherine Laba, Andrew Stich

4:17 p.m. Public Comment closed.

Motion made by Councilor Rita Shananaquet and supported by Secretary Beatrice A. Law to donate \$5,000 for the purpose of purchasing equipment for LaCount Tree Fellers/Trenching Services.

Vote: 5 Yes, 2 No (Fred Harrington, Jr., Councilor Janet Shomin), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to donate \$1,000 to Junior Achievement of the Michigan Great Lakes Inc., to be used in the Harbor Springs school system.

Vote: 6 Yes, 1 No (Councilor Janet Shomin), 0 Absent, 0 Abstained
Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to donate \$1,000 to the Native American Rights Fund.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to donate \$4,800 for equipment purchases for Camp Daggett boys and girls camp.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank to donate \$2,000 to the North Central Michigan College foundation to come from the Donations/ Contributions line item.

Vote: 6 Yes, 0 No, 0 Absent, 1 Abstained (Fred Harrington, Jr.)
Motion carried

Motion made by Secretary Beatrice A. Law and supported by Vice-Chairman George Anthony to donate \$1,000 for the Petoskey High School Student Landscaping Project and the Petoskey High School Horticulture Project.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained
Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairman George Anthony that we donate \$3,000 to Beaver Island Light House School for their Native American Cultural/Arts history program.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained
Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Beatrice A. Law that we donate \$5,000 to National Congress of American Indians to support their activities on behalf of all the Tribes in the United States.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to adopt Waganakising Odawak Statute 2003-03 Economic Development Commission Statute Amendment.

Roll call vote: Tribal Chairman Gerald V. Chingwa-yes, Vice-Chairman George Anthony-yes, Secretary Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Councilor Rita Shananaquet-yes, Councilor Janet Shomin-yes, Councilor Fred Harrington, Jr.-yes
Motion carried

Motion made by Councilor Rita Shananaquet and supported by Secretary Beatrice A. Law to adopt the Little Traverse Bay Bands of Odawa Indians Health Department Contract Health Services eligibility criteria as presented.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to adopt Resolution 042703-01 to apply for Grant Proposal Abstract for Children & Youth Initiative IHS Grant Program and authorize the Chairman to sign.

Roll call vote: Tribal Chairman Gerald V. Chingwa –yes, Vice-Chairman George Anthony-yes, Secretary Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Councilor Janet Shomin-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes.

Motion carried

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank that we donate \$5,000 to the Odawa institute for their Spring Celebration and Language classes to come from the Small Grants fund.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet to approve the Small Grant Request for \$5,000 from the Grand River Bands of Ottawa Indians, it meets the Small Grants criteria.

Vote: 5 Yes, 2 No (Treasurer Alice Yellowbank, Tribal Chairman Gerald V. Chingwa), 0 Absent, 0 Abstained

Motion carried

Motion made by Secretary Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to adjust the 2002 Enterprise Fund allocation to record \$3,084,028 for the hotel purchase as a direct distribution to the Economic Development Fund, 9930-00 and to allocate the remaining casino distribution based on pre-approved distribution rates.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Secretary Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to move the funds used for the \$50, 2002 holiday assistance checks to tribal members from fund 3000-04 to the general fund.

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

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Fred Harrington, Jr., to adopt resolution 042703-02 Designation of Tobacco Wholesaler and retailer under tax agreement.

Roll call vote: Vice-Chairman George Anthony-no, Gerald V. Chingwa-yes, Councilor Fred Harrington, Jr.-yes, Secretary Beatrice A. Law-yes, Councilor Rita

Shananaquet-absent, Councilor Janet Shomin-yes, Treasurer Alice Yellowbank-no

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to donate \$2,000 to the Crooked Tree Arts Council to bring in the Sisters of the Great Lakes Exhibit.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Beatrice A. Law to approve the contracts policy manual as presented by Kristi Houghton

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice-Chairman George Anthony to send a letter of recognition and certificate to Ogiishkimanisiinh's for obtaining the rank of Eagle Scout and authorize the Chairman to sign achievement.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

5:59 p.m. Recessed called

6:05 p.m. Meeting reconvened

6:35 p.m. Motion made by Vice-Chairman George Anthony and supported by Councilor Rita Shananaquet to go into executive session for personnel and land acquisition.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion carried

8:20 p.m. Motion made by Vice-Chairman George Anthony and supported by Councilor Rita Shananaquet to go out of closed session

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Fred Harrington, Jr. that we eliminate Senior Accountant Internship agreement effective immediately and to classify Melvin Kiogima, II, as the Mid Level Manager of Accounting to be paid at a yearly rate of \$45,000.

Vote: 6 Yes, 1 No (Tribal Chairman Gerald V. Chingwa), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Janet Shomin to direct the Regulatory Director to eliminate the following positions, one Compliance Official and three Compliance Inspectors. These positions shall be replaced with one full time internal auditor.

Vote: 4 Yes, 3 No (Councilor Fred Harrington, Jr., Treasurer Alice Yellowbank, Secretary Beatrice A. Law), 0 Absent, 0 Abstained
Motion carried

8:35 p.m. Motion made by Vice-Chairman George Anthony and supported by Councilor Rita Shananaquet.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion carried

These Minutes have been read and approved as written:
Approved:

Beatrice A. Law, Tribal Secretary

Date