

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
May 18, 2003  
Tribal Court Room 7500 Odawa Circle, Harbor Springs, MI  
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:43 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

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Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to adopt the agenda as amended for May 18, 2003.

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 approve the minutes of May 4, 2003 as corrected.

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 accept the Tribal Administrator's verbal and written report for May 18, 2003.

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 Trap Net Fisheries Plan for 2003-2005 as presented by the Tribal Administrator and Economic Development Director and to approve the allocation of \$23,000 to the Trap Net Fisheries budget to come from the Casino revenue-Tribal operations.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to establish the position of Tribal Accountant and direct the Human Resource Department to develop a job description for the position of Tribal Accountant.

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 add a line item, Tribal Trap Net Fisheries to Government Operations, Enterprise Fund and modify budget adding \$23,000 to the Trap Net budget, to reduce the Regulatory Department by \$23,000.

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

Motion carried

The Tribal Chairman appoints a committee to review job applications for Gaming Regulatory Director, and Internal Auditor. Appointee from Tribal Council is Councilor Rita Shananaquet, Gaming Regulatory will appoint one of their persons, and the appointee for the Human Resource Department is the Human Resource Director.

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to accept the Tribal Chairman verbal and written support for May 18, 2003 and to thank Tribal Chairman Chingwa for his many years of work for and on behalf of Indian people across the country.

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

Motion carried

11:26 a.m. Recess called

11:39 p.m. Meeting reconvened

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to thank Councilor Janet Shomin for her many years of work for and on behalf of our Tribal Members, especially those outside the service area.

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

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Janet Shomin to accept the quarterly Education Commission's report received on April 6, 2003 as a matter of record.

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

Motion carried

11:45 a.m. Public Comment: Andrew Stich, Carla McFall

11:48 a.m. Public Comment closed

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet to accept the verbal and written report presented from the Gaming Administration including the financial report received and reported by Barry Crowell CFO and Gaming Administration representative Janice Shackelford.

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 place \$200,000 into the Economic Development Department's budget for c-store un-encumbered monies, and gas for working capital to come from the Gaming Enterprise Revenue, Economic Development

Motion withdrawn

12:24 p.m. Lunch recess called until 2:00 p.m.

2:10 P.M. meeting reconvened

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank to transfer \$200,000 from the unencumbered funds in the Economic Development 13% portion of the Tribes' Enterprise Funds to a new line item in the Economic Department budget for the purpose of operating capital for the Old Sportsman

General Store, line item number to be designated by the Accounting Department. Economic Development Department Director will be responsible for administration of these funds for the purpose of uninterrupted operations of the store.

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

Motion carried

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept resolution # 051803-01 Interim Operation of Store.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A. Law, to comply with Waganakising Odawak Statute 1995020 and correct omitting expiration dates during the initial appointments of Appellate Judges we hereby establish the following staggered terms assigning Donna Budnick to fill the four year term commencing upon her swearing in and ending May 17, 2002, and by assigning Doris Adams to fill the five year term commencing upon her swearing in and ending May 17, 2003 and by assigning Rita Shepard to fill the six year term commencing upon her swearing in and ending May 17, 2004, additionally these terms shall remain in effect until replaced. In accordance with the 6 year staggered terms required by Waganakising Odawak Statute 1995020 and appointments shall fill the balance of the staggered six years terms beginning on May 17, 2002, May 17, 2003 and May 17, 2004 and all appointments thereafter shall be for six years from such expiration dates.

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

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to appoint Doris Adams to the position of Appellate Judge for the term ending May 17, 2003.

Motion withdrawn

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to appoint Donna Budnick to the position of Appellate Judge for the term ending May 17, 2008.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to appoint Doris Adams to the position of Appellate Judge for the term ending May 17, 2009.

Vote: 1Yes, 5 No (Councilor Janet Shomin, Councilor Rita Shananaquet, Vice-Chairman George Anthony, Treasurer Alice Yellowbank, Secretary Beatrice A. Law), 0 Absent, 1 Abstained (Gerald V. Chingwa)

Motion failed

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to approve the Elders program to carry the Tribal flag to represent the Tribe at the events, at the Michigan Indian Elders Association at the annual Language Camp.

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

Motion carried

Motion made by Councilor Janet Shomin and supported by Treasurer Alice Yellowbank to approve Eligible for Membership list of May 2, 2003.

Vote: 4 Yes, 3 No (Vice-Chairman George Anthony, Gerald V. Chingwa, Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to approve Enrollment list "B"-Declination In-eligible May 2, 2003.

Vote: 5 Yes, 2 No (Gerald V. Chingwa, Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Fred Harrington, Jr., to approve list "D" Declination, Lack of Documentation, with a corrected date of May 7, 2003.

Vote: 4 Yes, 3 No (Councilor Rita Shananaquet, Vice-Chairman George Anthony, Chairman Gerald V. Chingwa), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve Burial Request # A0050 for \$4,356.64.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., that we allocate \$45,000 for the annual Pow Wow to come out of the General Welfare, cultural activities line item 9930-00-5570.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A. Law to increase the Government Operations Tribal Council space costs line item (9910-01-5700) by \$26,352.00 and to increase the Indirect-Chairman-Space Costs line item (2000-02-5700) by \$15,134.00.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A. Law to approve LTBB Pre-K-12 Education Assistance program.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A. Law to approve Little Traverse Bay Bands of Odawa Indians Emergency Assistance policy, striking the appeal to Tribal Council.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairman George Anthony to donate \$2,000 to the Alliance for Lupus Research to come from the Enterprise fund, donations line item.

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 \$3,000 to North Central Michigan College in support of their mentorship program of their Native American students, to come from donations line item.

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

Motion carried

Motion made by Councilor Janet Shomin and supported by Treasurer Alice Yellowbank to sponsor a hole at the fundraiser for the Golf Tournament at \$200 to come from the donations line item.

Deleted: Rita Shananaquet

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

Motion carried

Motion made by Councilor Janet Shomin and supported by Councilor Rita Shananaquet to postpone any consideration of the Victories II project until Tribal Council sits down with Mr. Mimmack, the Tribal Administrator, the Tribal Planner, and Jim Bransky regarding future planning.

Vote: 3 Yes, 4 No (Secretary Beatrice A. Law, Treasurer Alice Yellowbank, Gerald V. Chingwa, Vice-Chairman George Anthony), 0 Absent, 0 Abstained

Motion failed

Motion made by Treasurer Alice Yellowbank and supported by Secretary Beatrice A. Law that we proceed with the Victories II Request for Qualifications.

Deleted: request

Vote: 4 Yes, 3 No (Councilor Fred Harrington, Jr., Councilor Janet Shomin, Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

4:47 p.m. Public Comment: Ken Harrington

4:49 p.m. Public Comment closed

4:50 p.m. Recessed called

4:58 p.m. Meeting reconvened

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., that we send a letter of support to the M-119 Heritage Route Committee and authorize the Chairman to sign it.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A. Law to approve resolution #051803-02, 2003-F1186-MI-DC Grant Authorization.

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

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to approve Waganakising Odawak Statute 2003-04 Hotel Room Tax, with amendments,

Roll call vote: Vice-Chairman George Anthony-yes, Chairman Gerald V. Chingwa-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 Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A. Law to enact Waganakising Odawak Statute 2003-05 Tribal Council Compensation.

Roll call vote: Vice-Chairman George Anthony-yes, Gerald V. Chingwa-yes, Councilor Fred Harrington, Jr.-yes, Councilor Rita Shananaquet-no, Councilor Janet Shomin-no, Secretary Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes  
Motion carried

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank to postpone the Waganakising Odawak Statute Protection of Tribal Assets and to put it on the next Legislative meeting.

Deleted: protection

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 \$43,971 for Inter-Tribal Council of Michigan, Inc., Little Traverse Bay Bands of Odawa Indians Head Start program and to commit for 3 years of funding to come from Enterprise Fund, General Welfare line item.

Vote: 3 Yes, 4 No (Treasurer Alice Yellowbank, Gerald V. Chingwa, Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Absent, 0 Abstained  
Motion failed

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Beatrice A. Law to approve \$43,971 for Inter-Tribal Council of Michigan, Inc, Little Traverse Bay Bands of Odawa Indians Head Start Program and to commit for 3 years of funding to come from the Hotel Room Tax, and the staff of the Head Start begin planning to move on to a site to be established.

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Vote: 3 Yes, 4 No (Treasurer Alice Yellowbank, Gerald V. Chingwa, Councilor Rita Shananaquet, Councilor Janet Shomin), 0 Absent, 0 Abstained  
Motion failed

The Chairman appoints Secretary Beatrice A. Law, Human Resource Director, and Rehmman Robson's, Annette Eustice to review Senior Accountant applications and CFO applications.

Motion made by Secretary Beatrice A. Law and supported by Treasurer Alice Yellowbank to send a letter of support to the Council of Energy Resource Tribes in support of extending the production tax credit for solar wind, biomass and geothermal for those Renewable Energy Installations Within Tribal Lands.

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 support the Self-Governance Feasibility Study.

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

Motion carried

6:23 p.m. Motion made by Vice-Chairman George Anthony and supported by Councilor Rita Shananaquet to go into executive session for legal and land acquisition.  
Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained  
Motion carried

Motion made by Vice-Chairman George Anthony and supported by Councilor Janet Shomin to go out of closed session.  
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 direct the General Counsel to answer the suit #C040-0403 and further the General Counsel to pursue sanctions against the attorney for filing a frivolous suit.  
Vote: 5 Yes, 0 No, 0 Absent, 2 Abstained (Councilor Rita Shananaquet, Councilor Janet Shomin)  
Motion carried

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Motion made by Councilor Rita Shananaquet and supported by Vice-Chairman George Anthony to pay the realtor 1.75% of the purchase price of the Old Sportsman General Store, and both adjacent lots. To come from Enterprise Funds, capital acquisitions/improvements.  
Vote: 4 Yes, 3 No (Secretary Beatrice A. Law, Tribal Chairman Gerald Chingwa, Treasurer Alice Yellowbank), 0 Absent, 0 Abstained  
Motion carried

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Motion made by Councilor Rita Shananaquet supported by Councilor Janet Shomin to revoke membership of Tim LaCroix based on Government to Government contact with out approval of Tribal Council.  
Motion withdrawn

7:57 p.m. Motion made by Vice-Chairman George Anthony and supported by Councilor Fred Harrington, Jr., to adjourn  
Motion carried

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

Beatrice A. Law, Tribal Secretary

Date