

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
September 7, 2003
Tribal Court Room 7500 Odawa Circle
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:43 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Treasurer Alice Yellowbank, Secretary Dexter McNamara, Councilor Fred Harrington, Jr., Councilor Rita Shananaquet, Councilor Regina Gasco Bentley

Council Absent: None

Legal Present: General Counsel, James Bransky

Staff Present: See Attached list

Guests: See attached list

Opening Ceremony – Conducted by the Tribal Chairman

Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Dexter McNamara to adopt the amended agenda for September 7, 2003.

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 the corrected minutes for August 17, 2003.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to declare the phone poll dated September 2, 2003, illegal since it does not meet the requirements for a phone poll, section 2B of the Open Meetings Act. The reason for the phone poll: "To expedite the approval process so the Sovereignty Day Committee can move forward with the planning of the Sovereignty Day celebrations, to include meetings and a mailing to Tribal Members. If these plans are not expedited the celebrations will not be able to take place. See the attached proposal. The LTBB enterprise (Victories, Ron Olsen) does not support without the approval from Tribal Council."

Vote: 6 Yes, 1 No (Treasurer Alice Yellowbank), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to approve the proposed Sovereignty Day Celebration on September 21, 2003 as a Tribally sanctioned event, further to authorize the Tribal Chairman to appoint an Ad-Hoc committee responsible for

planning and implementing Sovereignty Day Celebrations, this committee shall remain in effect until removed by Tribal Council action, further Victories Casino & Hotel may co-sponsor this event with cash contributions not to exceed \$20,000.00 per year.

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 accept the Tribal Administrator's verbal and written report for September 7, 2003.

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

Motion carried

11:05 a.m. Recess Called

11:19 a.m. Meeting Reconvened

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to sanction the Traditional Jiingtamok as a Tribal event, and contract the LTBB Indians Elders Association to conduct the Jiingtamok for \$7,695.00 to come from the general fund cultural activities line item.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Secretary Dexter McNamara to increase the Tribal Court Governmental Operations budget by \$3,017.00 to accommodate hiring a Tribal Member.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to deny the request to hire a non-Indian social worker.

Vote: 4 Yes, 3 No (Chairman Frank Ettawageshik, Vice Chairperson Beatrice A. Law, Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion carried

11:46 a.m. Public Comment: Harriet Booth, Shirley Oldman, Andrew Stich, Yvonne Salgat, Catherine Laba, Carol McFall

11:56 a.m. Public Comment Closed

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to accept the Tribal Elders report verbal and written report for September 7, 2003 as given by Harvey Gibson, Harriet Booth, Carol McFall and Connie Steele.

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

Motion carried

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

1:49 p.m. Meeting Reconvened

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the verbal report from the Tribal Chairman for September 7, 2003 and that the Chairman will submit a written outline for September 7, 2003.

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

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to schedule work sessions for September 12, 2003 for Kings Inns and September 13, 2003 for Donations and Grants and to receive compensation according to policy.

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

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice Chairperson Beatrice A. Law to place on the legislative agenda the proposed Waganakising Odawak Statute: Fishing Rules and Regulations for the Treaty Ceded Waters of Lake Superior, Huron and Michigan.

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

Motion carried

2:56 p.m. Recess Called

3:12 p.m. meeting Reconvened

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the LTBB Legal Department's written and verbal report presented by General Counsel, Jim Bransky on September 7, 2003.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Rita Shananaquet to accept the CFO's report given by Valerie Tweedie on September 7, 2003.

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

Motion carried

4:00 p.m. Public Comment: Andrew Stich, Julie Carver

4:02 p.m. Public Comment Closed

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to declare that a conflict of interest exists while a Tribal Council Member votes on the appointments of a commission, board and/or committee

while an immediate family member, as defined in the Tribal Council Code of Ethics, is a candidate for that appointment and that the Tribal Council Member should recuse from voting on any appointments for that commission, board and/or committee.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to appoint Julie A. Carver to the Election Board for a three-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to appoint Eleanor L. Barber to the Election Board for a three-year term commencing on September 21, 2003.

Vote: 4 Yes, 3 No (Treasurer Alice Yellowbank, Secretary Dexter McNamara Vice Chairperson Beatrice A. Law), 0 Absent, 0 Abstained

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to appoint Bill McNamara to the Natural Resources Commission for a four-year term commencing on September 21, 2003.

Vote: 6 Yes, 0 No, 0 Absent, 1 Abstained (Secretary Dexter McNamara)

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to appoint Kelly Sprague to the Natural Resources Commission for a four-year term commencing on September 21, 2003.

Vote: 5 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 1 Abstained (Secretary Dexter McNamara)

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to appoint Deleta G. Smith to the Health Commission for a three-year term commencing on September 21, 2003.

Vote: 4 Yes, 2 No (Treasurer Alice Yellowbank, Councilor Rita Shananaquet), 0 Absent, 1 Abstained (Councilor Regina Gasco Bentley)

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr. to appoint William Denemy to the Gaming Administration for a three-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to appoint Judith Pierzynowski to the Gaming Administration for a three-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to appoint Ken Harrington to the Housing Commission for a four-year term commencing on September 21, 2003.

Vote: 5 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 1 Abstained (Councilor Fred Harrington, Jr.)

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to appoint Shirley Oldman to the Housing Commission for a four-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to appoint Kevin Willis to the Trust Fund Board for a four-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to appoint Margaret Gasco to the Trust Fund Board for a four-year term commencing on September 21, 2003.

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

Motion carried

4:33 p.m. Recess Called

4:36 p.m. Meeting Reconvened

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to appoint Eleanor L. Barber to the Indian Child Welfare Commission for a three-year term commencing on September 21, 2003.

Vote: 4 Yes, 3 No (Vice Chairperson Beatrice A. Law, Treasurer Alice Yellowbank, Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to appoint William A Denemy to the Indian Child Welfare Commission for a three-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice Chairperson Beatrice A. Law to appoint Margaret A. Gasco to the Indian Child Welfare Commission for a three-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to appoint Doris Adams to the Enrollment Commission for a three-year term commencing on September 21, 2003.

Vote: 5 Yes, 0 No, 0 Absent, 2 Abstained (Councilor Regina Gasco Bentley, Treasurer Alice Yellowbank)

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Vice Chairperson Beatrice A. Law to appoint Dorothy Boda to the Enrollment Commission for a four-year term commencing on September 21, 2003

Vote: 4 Yes, 1 No (Secretary Dexter McNamara), 0 Absent, 2 Abstained (Councilor Regina Gasco Bentley, Treasurer Alice Yellowbank)

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to appoint Carol J. McFall to the Enrollment Commission for a four-year term commencing on September 21, 2003.

Vote: 4 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 2 Abstained (Councilor Regina Gasco Bentley, Treasurer Alice Yellowbank)

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to appoint Marcia Sutton to the Enrollment Commission for a three-year term commencing on September 21, 2003.

Vote: 5 Yes, 0 No, 0 Absent, 2 Abstained (Councilor Regina Gasco Bentley, Treasurer Alice Yellowbank)

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to appoint Alice Hughes to the Enrollment Commission for a three-year term commencing on September 21, 2003.

Vote: 5 Yes, 0 No, 0 Absent, 2 Abstained (Treasurer Alice Yellowbank, Councilor Regina Gasco Bentley)

Motion carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr. to appoint Julie A Carver to the Gaming Regulatory Commission for a three-year term commencing on September 21, 2003.

Vote: 4 Yes, 3 No (Secretary Dexter McNamara, Treasurer Alice Yellowbank, Vice Chairperson Beatrice A. Law), 0 Absent, 0 Abstained
Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to appoint Kelly Sprague to the Gaming Regulatory Commission for a one-year term commencing on September 21, 2003.

Vote: 3 Yes, 4 No (Treasurer Alice Yellowbank, Secretary Dexter McNamara, Vice Chairperson Beatrice A. Law, Councilor Regina Gasco Bentley), 0 Absent, 0 Abstained

Motion fails

Motion made by Vice Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to appoint Tim LaCroix to the Gaming Regulatory Commission for a one-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr. to appoint Pat Dyer-Deckrow to the Economic Development Commission for a three-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice Chairperson Beatrice A. Law to appoint John Bott, Sr. to the Economic Development Commission for a three-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to appoint Mike Givens to the Economic Development Commission for a three-year term commencing on September 21, 2003.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to appoint Wenona Singel to the position of Tribal Appellate Judge for the six-year term beginning on May 17, 2003, this appointment shall remain in effect until reappointment or a replacement has been sworn in.

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

Motion carried

5:15 p.m. Recess Called

5:28 p.m. Meeting

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to adopt Resolution #090703-01, Designation of Delegate and Alternates to the National Congress of American Indians.

Roll Call Vote: Chairman Frank Ettawageshik-yes, Vice Chairperson Beatrice A. Law-yes, Secretary Dexter McNamara-yes, Treasurer Alice Yellowbank-yes, Councilor Fred Harrington, Jr.-yes, Councilor Rita Shananaquet-yes, Councilor Regina Gasco Bentley-yes

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to adopt resolution #090703-02, Requesting Funding From the United States Fish and Wildlife Service for the LTBB Culturally Significant, Threatened and Endangered Species Monitoring and Assessment Project.

Roll Call Vote: Chairman Frank Ettawageshik-yes, Vice Chairperson Beatrice A. Law-yes, Secretary Dexter McNamara-yes, Treasurer Alice Yellowbank-yes, Councilor Fred Harrington, Jr.-yes, Councilor Rita Shananaquet-yes, Councilor Regina Gasco Bentley-yes

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to approve burial fund request #A0056 for \$3,514.00.

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 burial fund request #A0057 for \$5,000.00.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to approve burial fund request #A0058 for \$5,000.00.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to approve Enrollment List A, Eligible for Membership, dated August 21, 2003.

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 Enrollment List B, Declination Ineligible, dated August 21, 2003.

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

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to approve a \$5,000.00 donation to the John D. Voelker Foundation supporting Wisconsin and Michigan Native students in law schools to come from the General Fund donations line item.

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

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr. to transfer \$50,000 to the Small Grants line and \$20,000 to the Donations and Contributions line to come from Unallocated Funds.

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

Motion made by Councilor Fred Harrington, Jr. and supported by to approve a \$500.00 donation to the Leonard Peltier Defense Committee.

Vote: Yes, No, Absent, Abstained
Motion dies due to lack of support

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to approve a \$3,000.00 donation to the Midwest Alliance of Sovereign Tribes to help prevent a year-end deficit.

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

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to approve the small business grant request from Tribal Member Julie Carver for \$5,000.00 to come from the general fund, small grant line item.

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

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. to approve the small business grant request from Tribal Member Marie Shananaquet for \$5,000.00 to come from the general fund small grant line item.

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

Motion made by Councilor Fred Harrington, Jr. and supported by Treasurer Alice Yellowbank to approve the small business grant request from Tribal Member Thomas Kilpatrick for \$5,000.00 to come from the general fund, small grant line item.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to approve the small business grant request from Tribal Member Maureen Kilpatrick for \$5,000.00 to come from the general fund, small grant line item.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Rita Shananaquet to approve the small business grant request from Tribal Member John Givens for \$5,000.00 to come from the general fund, small grant line item.

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

Motion carried

Motion made by Treasurer Alice Yellowbank and supported by Vice Chairperson Beatrice A. Law to discontinue small business grants until Tribal Council develops a new policy in making the awards.

Vote: 5 Yes, 2 No (Councilor Fred Harrington, Jr., Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion carried

6:29 p.m. Recess Called

6:39 p.m. meeting Reconvened

Motion made by Vice Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to schedule a Tribal Council Work Session with Ken Mimmack for Strategic Plans October 25, 2003 from 9:00 a.m. ~ 5:00 p.m. with a one-hour lunch and to receive mileage, per diem and compensation.

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

Motion carried

Motion made by Councilor Fred Harrington, Jr. and supported by Vice Chairperson Beatrice A. Law to approve mileage, per diem, and lodging for all approved work sessions for Tribal Council through December 31, 2003.

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

Motion carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice Chairperson Beatrice A. Law to go into Executive Session for Land Issues.

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

Motion carried

7:09 p.m. Executive Session

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to go out of Executive Session at 7:19 p.m.

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

Motion carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank that the Traverse City Record Eagle be contacted regarding the contact person at LTBB being the current Chairman.

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

Motion carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to adjourn at 7:25 p.m.

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

Motion carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date