

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
December 7, 2003  
Tribal Court Room 7500 Odawa Circle  
Smudging 9:15 a.m.  
9:30 a.m.

Executive Session: yes

Call to Order: Meeting was called to order at 9:52 a.m.

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

Council Absent: none

Legal Staff Present: James Bransky, General Counsel

Staff Present: See Attached list

Guests: See attached list

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Opening Ceremony-Treasurer Alice Yellowbank

Motion made by Vice-Chairperson Beatrice A. Law to approve the agenda as amended for December 7, 2003 with Executive Session being first item of business.

Councilor Harrington withdraws his support

Motion Withdrawn

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the agenda as amended for December 7, 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 approve the minutes of November 23, 2003 as corrected.

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

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to accept the Tribal Elder's verbal report for December 7, 2003 as presented by Harvey Gibson.

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

Motion Carried

10:58 a.m. 5minute recess called

11:10 a.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to accept the Tribal Treasurer's verbal and written report for Pearl Harbor Day, December 7, 2003.

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

Motion Carried

11:50 a.m. Public Comment opened: Harvey Gibson, Doug Craven

11:53 a.m. Public Comment closed.

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law, to transfer \$35,000 from the General Fund to the Tribal Council budget.

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 review the contract of the C-Store Manager to explore a wage increase.

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

Motion Carried

12:07 p.m. Lunch recess called until 1:30 p.m.

1:40 p.m. meeting reconvened

1:41 p.m. Vice-Chairperson Beatrice A. Law leaves

1:44 p.m. Vice-Chairperson Beatrice A. Law returns

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to accept the Tribal Administrator's verbal and written report for December 7, 2003.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law that we name the gas station the Odawa station.

Motion dies due to lack of support

Motion made by Treasurer Alice Yellowbank and supported Secretary Dexter McNamara to approve Biindigen as the new name for the L.T.B.B. Old Sportsman Convenience Store.

Vote: 6 Yes, 1 No (Vice-Chairperson Beatrice A. Law), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to not hire F.A.R. Management, Inc., to handle unemployment cost control protection for the Tribe until a policy on when to protest unemployment claims is approved.

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

Motion Carried

2:10 p.m. Secretary Dexter McNamara leaves  
2:15 p.m. Secretary Dexter McNamara returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize \$10,000 to come from the Capital Improvement line item, budget 2004 for purchase of 5 flagpoles as recommended by Tribal Administrator Albert Colby.

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 accept the Legal Department's report as presented by James Bransky, for December 7, 2003.

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

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to retain William Gregory's contract as L.T.B.B. Tribal Prosecuting Attorney for a period of one year from January 1, 2004 until December 31, 2004 or until the Constitution submitted to the Department of Interior is adopted, which ever occurs first.

Treasurer Alice Yellowbank withdraws support.

Vice-Chairperson Beatrice A. Law supports.

Vote: 2 Yes, 5 No (Councilor Fred Harrington, Jr., Councilor Regina Bentley, Councilor Rita Shananaquet, Tribal Chairman Frank Ettawageshik, Treasurer Alice Yellowbank), 0 Absent, 0 Abstained

Motion Failed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to post the Tribal Prosecuting Attorney position.

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

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to acknowledge the immunity of the Little Traverse Bay Bands of Odawa Indians from un-consented suit including counter claims in United States v. Michigan 2:73-CIV-26(WD MI) and authorize the Chairman to allow the Legal Department to waive such immunity to suit in United States v. Michigan 2:73-CIV-26(WD MI) if the Chairman in consultation with the Legal Department determines such waiver is needed to effectively litigate the Tribe's inland Treaty Rights.

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

3:23 p.m. Councilor Rita Shananaquet leaves

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #120703-01 Choice of Forum Regarding First American Title Company.

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

Motion Carried

3:27 p.m. Councilor Rita Shananaquet returns

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to donate \$1,050 to Petoskey Culinary Boosters Club for participation for Ira Mulholland and Nicholas Fisher to participate in the Culinary Arts Class Program.

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

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to donate \$2,000 to support the candidacy of Kalyn Free and assist in her election to become the first Indian woman elected to the United States Congress.

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

Motion Carried

3:50 p.m. Councilor Rita Shananaquet leaves

3:54 p.m. Councilor Rita Shananaquet returns

4:00 p.m. Public Comment opened

4:00 p.m. Public comment closed

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the Skate for Life Program, and to fund this program using \$35,000 of unused 2003 funds from the Education Department, and authorize the Chairman to sign contracts, if necessary.

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 that we enact Waganakasing Odawak Statute Fishing Rules and Regulations for the Treaty Ceded Waters of Lakes Superior, Huron and Michigan.

Roll call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-no, Councilor Regina Bentley-yes

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Bentley to place the Gaming Administration Statute Amendment on the Legislative Agenda.

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 that we approve List "A" Eligible for Membership, dated November 26, 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 that we approve Enrollment list "B" Declination (Ineligible), dated November 26, 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 Jannan Cornstalk DeCamp to fill the vacancy on the Gaming Regulatory Commission.

Vote: 3 Yes, 4 No (Tribal Chairman Frank Ettawageshik, Councilor Regina Bentley, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion Failed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Bentley that we appoint Beverly Wemigwase to fill the vacant position on the Gaming Regulatory Commission.

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

Motion Carried

4:25 p.m. recess called

4:37 p.m. meeting reconvened

4:58 p.m. Secretary Dexter McNamara leaves

5:04 p.m. Councilor Rita Shananaquet leaves

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank for Tribal Council to be able to attend the Confidentiality Training on December 10 or 11, 2003.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank for any Tribal Council to attend the Falmouth Institute Training on December 17-18, 2003.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to accept the Tribal Chairman's verbal and written report for Pearl Harbor Day December 7, 2003.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion Carried

6:04 p.m. recessed called

6:09 p.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Bentley to go into closed session for land #1.

Vote: 4 Yes, 1 No (Councilor Fred Harrington, Jr.) 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion Carried

6:30 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to go out of closed session, for land issue #1.

Vote: 5 Yes, 0 No, 2 Absent (Councilor Rita Shananaquet, Secretary Dexter McNamara), 0 Abstained

Motion Carried

6:31 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Bentley to go into closed session for land issue #9.

Vote: 4 Yes, 1 No (Councilor Fred Harrington, Jr.), 2 Absent (Councilor Rita Shananaquet, Councilor Fred Harrington, Jr.), 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to return to open session.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to direct the Tribal Administrator's to pursue acquisition plans for land #9.

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

Motion Carried

6:44 p.m. Motion made by Vice-Chairperson Beatrice A. Law to go into closed session for personnel.

Motion dies due to lack of support

6:45 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adjourn for Pearl Harbor Day December 7, 2003.

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

These Minutes have been read and approved as written:

Approved:

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Dexter McNamara, Tribal Secretary

Date