

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
March 7, 2004
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 9:54 a.m.

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

Absent: Councilor Rita Shananaquet-excused

Legal Staff Present: Allie Greenleaf Maldonado, Legal Counsel

Staff Present: Albert Colby, Jr., Michele LaCount, Valerie Tweedie, Heidi Yapple, Shirley Oldman, Rachel Swartz, Joe Mitchell, Bryan Gillett, Sharon Sierzputowski, Norm Emery, John Espinosa

Commission present: Gaming Administration

Guests: Brittany Bentley, Donald Lasley, Gary Shomin, Marcia Sutton, Thomas Teuthorn, Brian Matrious, Matt Davis, Carol McFall, Maureen Kilpatrick, Catherine Laba, Rosemary Knapp, John W. Keshick III, Harvey Gibson, Levi Ricket, Judy Pierzynowski, Warren Petoskey, Mary Roberts, Sheran Patton, Denise Petoskey, Andrew Stich

Opening Ceremony: Matt Davis, Tribal Member

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to adopt the agenda with additions for March 7, 2004 in honor of Archie Kiogima, Sr., Anna Lyons, Mary King, and Pine Shomin.

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve the minutes of February 15, 2004 as corrected.

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

Motion Carried

10:14 a.m. Councilor Rita Shananaquet arrives

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to accept the Treasurer's report as provided by Valerie Tweedie, Chief Financial Officer for March 7, 2004.

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

Motion Carried

10:57 a.m. 5-minute recess called

11:13 a.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Tribal Administrator's report given March 7, 2004.

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 direct the Enrollment Commission to develop a policy for determining paternity.

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 approve Aanimkii Miknaanz Artisans to paint four (4) murals plus border in the Little Traverse Bay Bands of Odawa Indians Administration Building for a total not to exceed \$30,000 and present the designs to Tribal Council for approval.

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

Motion Carried

11:57 a.m. Public Comment: Carol McFall, Tom Teuthorn, Rosemary Knapp, John Keshick, Warren Petoskey, Harvey Gibson, Catherine Laba, Gary Shomin

12:25 p.m. Public Comment closed

12:25 p.m. Lunch recess called until 2:00 p.m.

2:10 p.m. Meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to donate \$3,000 to Americans for Indians Opportunity to sponsor Timothy E. Genia's attendance at the Ambassadors Program International Gathering in New Zealand Spring 2004 to come from the donations line item.

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

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to donate \$5,000 to the Odawa Institute to support their cultural and language activities, to come from the donations line item.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to donate \$5,000 to the Alliance for Lupus Research as a major sponsor for the June 12, 2004 Walk With Us to Cure Lupus Walkathon, to come from the donations line item.

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 donate \$3,000 to the Aquinas College project Spring Leadership Conference to come from the donations line item.

Vote: 4 Yes, 3 No (Councilor Regina Bentley, Treasurer Alice Yellowbank, Secretary Dexter McNamara), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to donate \$1,020 to the Petoskey Middle School for Kaseena Shananaquet to attend a WorldStride trip to Washington D.C. and New York City to come from the donations 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 Vice-Chairperson Beatrice A. Law to direct the Tribal Administrator to obtain a business reply permit for return request mailings.

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 direct the Tribal Administrator to develop a plan dedicating a portion of the Administration building or grounds to the Tribe's Veterans.

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 Tribal Chairman's verbal and written report for March 7, 2004.

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 direct the Tribal Chairman Frank Ettawageshik to implement a plan to exchange Tribal flags with all Michigan Tribes.

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 direct the Legal Department to determine the impact of Racinos and lottery terminals on our compacts.

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

Motion Carried

3:35 Councilor Rita Shananaquet leaves

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to authorize any Tribal Council member to attend the Tribal Summit to be held in Sault Ste Marie, Michigan on March 15-16, 2004, to include mileage, per diem, stipend and travel expenses.

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

Motion Carried

3:42 p.m. Councilor Rita Shananaquet returns

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #030704-01 Opposition to Northern Lights Project Proposal for Coal Fired Power Plant.

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, Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #030704-02 Opposition to Racino Bills.

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.-yes, Councilor Regina Gasco Bentley-yes,

3:51 p.m. Recess called

4:06 p.m. Meeting reconvened

4:06 p.m. Public Comment: Warren Petoskey, Andrew Stich, Denise Petoskey, Judy Pierzynowski, Brittany Bentley

4:13 p.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Legal Department's report verbal and written as presented by Allie Greenleaf Maldonado from the Legal Department March 7, 2004.

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 authorize the Legal Department to retain the law firm of Kanji & Katzen for the services of Wenona Singel for up to 200 hours at a rate of \$100.00 per hour (up to \$20,000) for legal work and other assignments as needed to come out of the Legal Department 2004 budget.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to direct the Legal Department to develop a standard Code of Ethics for Commissions, Committees and Boards with individual requirements for the special circumstances encountered in each Commission, Committee or Board.

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 direct the Tribal Chair to require all requests for legal assistance be in writing indicating requestor, requestor's position, reason and approval signature of Tribal Administrator or Tribal Chair, additionally to require the Legal Department to log and report to Tribal Council all work done by the legal staff, all responses shall be in writing, additionally it shall be an ethical violation to help one Indian take any action against another Indian without the express permission of the Tribal Council.

Vote: 2 Yes, 5 No (Councilor Regina Gasco Bentley, Vice-Chairperson Beatrice A. Law, Tribal Chairman Frank Ettawageshik, Treasurer Alice Yellowbank, Secretary Dexter McNamara) 0 Absent, 0 Abstained

Motion Failed

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to direct the Tribal Chairman to require all requests to be in writing indicating requestor, requestor's position.

Motion Withdrawn

Motion made by Councilor Rita Shananaquet to prepare a statute to extinguish the Gaming Administration effective upon completion.

Motion Dies due to lack of support

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank that we send the petition that is in our packet submitted by the Gaming Administration to the Election Board to determine authenticity of the signatures.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the Economic Development

Commission By-laws that were adopted by the Economic Development Commission on June 14, 2003.

5:10 p.m. Councilor Rita Shananaquet leaves

5:12 p.m. Councilor Rita Shananaquet returns

5:13 p.m. Councilor Rita Shananaquet leaves

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Bentley to adopt Resolution #030704-03 Request for Funding from the U.S. Department of Education, Office of Elementary and Secondary Education: William F. Goodling Even Start Family Literacy Programs, Grants for Indian Tribes and Tribal Organizations.

Motion Withdrawn

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #030704-03 Request for Funding from the Department of Health and Human Services Administration for Children and Families, Administration for Native Americans: Promoting the Survival and Continuing Vitality of Native American Languages: Little Traverse Bay Bands of Odawa Language Project.

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 Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt Resolution #030704-04 Request for funding from the Department of Health and Human Services Centers for Disease Control and Prevention, Agency for Toxic Substances and Disease Registry, "Program to Build Capacity to Develop, Implement, and Evaluate Environmental Health Education and Promotion Activities in Tribal Communities".

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 Gasco Bentley-yes

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to adopt Resolution #030704-05 Request for Funding from the U.S. Environmental Protection Agency Clean Water Act, Section 106 Program.

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 Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #030704-06 Honoring Victories Original Employees Who Chose to Stick With Us Through the Forced Shutdown. 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 Gasco Bentley-yes
Motion Carried

5:35 Recess called

5:45 Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to send 4 Tribal Members to attend the rally at the University of Illinois Against Indian Mascots, with a donation of \$1,300 to come from the Cultural line item.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to adopt Resolution #030704-07 Condemning the Use of Indian likeness or Cultural items as Mascots, Logos or Nicknames.

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 Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to continue the Victories II working group to complete phase I design and construction build process to include the following members: the Tribal Chairman, Tribal Vice-Chairperson, Tribal Treasurer, Gaming Administration Chairperson, Victories Casino General Manager, Victories Casino Facilities Manager, and Little Traverse Bay Bands Planning Director.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to add our Chief Financial Officer Valerie Tweedie to the Victories II working group to complete the phase I design and construction.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to authorize travel and lodging expenses for non-staff

participants for the Cultural Working Group for Victories II to come from the Victories II Capital Project fund.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve the Tribal Sovereignty/Reaffirmation Production of the Little Traverse Bay Bands of Odawa Indians not to exceed \$15,000 and approve access film documents and pictures from the Little Traverse Bay Bands of Odawa Indians Archives and Records Department and further approve Shirley Oldman and Mary Roberts as Project Coordinators to come from the Cultural line item.

Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 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 February 17, 2004.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to approve Enrollment list "B" Declination In-eligible dated February 17, 2004.

Vote: 3 Yes, 3 No (Councilor Fred Harrington, Jr., Treasurer Alice Yellowbank, Secretary Dexter McNamara), 1 Absent (Councilor Rita Shananaquet), 0 Abstained

Motion Failed

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve the Net Com proposal to improve the Health Department phone system for \$5,487.36 to come from 3rd party billing.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve a work session on April 2, 2004 for FY 2005 Budget and to approve travel, stipend and per diem for Tribal Council to attend.

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

Motion Carried

7:28 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley that we go into Executive Session for land issue #10.

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

Motion Carried

7:50 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to return to open session.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to approve the purchase of land parcel #10 not to exceed the amount agreed upon in closed session and authorize the Tribal Chairman and Tribal Treasurer to negotiate and sign all documents necessary to complete the purchase.

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

Motion Carried

7:55 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to go into Executive Session for land parcel #9.

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

Motion Carried

8 :08 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to return to open session.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to authorize the Tribal Chairman and Tribal Treasurer to negotiate and sign all documents necessary to purchase land parcel #9 not to exceed the amount agreed upon in closed session.

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

Motion Carried

8:12 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adjourn.

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

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date