

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
August 8, 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 9:53 a.m.

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

Legal Staff Present: Matt Lesky

Staff Present: Michele LaCount, Albert Colby, Jr., Valerie Tweedie, Jaime Barrientoz, Angie Woodin, Heidi Yapel

Guests: Harvey Gibson, Carol McFall, Rochelle Ettawageshik, Diane Naganashe, Dorothy Boda, Shirley Oldman

Commissions, Boards, and Committees: John W. Keshick III, Julie Shananaquet

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Opening Ceremony: Beatrice A. Law

Motion made by Secretary Dexter McNamara and supported by Councilor Fred Harrington, Jr., to adopt the agenda for August 8, 2004 with amendments in honor of Taimi Lynne Hoag the former Environmental Director from the Little Traverse Bay Bands of Odawa Indians. Taimi was a community, regional and national leader for environmental protection in Indian Country. In the late 1990's she helped to establish the Little Traverse Bay Bands of Odawa Indians Environmental Services Department, which has become a vocal leader in Michigan on issues such as Tribal sovereignty and protection of the Great Lakes Basin. Taimi also represented the Tribe in Michigan and Region 5 on regional and national agency work groups, providing valuable input and perspective on proposed policies and programs.

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve the minutes of July 25, 2004 with corrections.

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 Elder's verbal report as given by Harvey Gibson for August 8, 2004.

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

Motion Carried

10:52 a.m. recess called  
11:02 a.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to accept the Tribal Treasurer's verbal and written report for August 8, 2004 as presented by Valerie Tweedie.

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

Motion made by Vice-Chairperson Beatrice A. Law and supported by Regina Gasco Bentley to approve a new budget for the Prosecutor of \$54,000 to come from the prior period funds.

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 approve a capitalization policy of \$5,000 for all fixed assets acquired by the Tribe. Computers and peripherals will continue to be inventoried but not capitalized.

Motion Withdrawn

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to adopt Resolution #080804-01 National City Bank opening of Second Bell's Fishery Bank Account.

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, Regina Gasco Bentley-yes

Motion Carried

11:48 a.m. Public comment opened, Carol McFall, Harvey Gibson  
11:50 p.m. Public comment closed

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to increase the 2004 Elder's Food and Utilities line item in the amount of \$148,030 to come from prior period funds.

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

12:02 lunch break until 1:30 p.m.  
1:55 p.m. meeting reconvened

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the verbal and written report as given by John Keshick, Natural Resource Commission Chairperson.

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

Motion made by Vice-Chairperson Beatrice A. Law and supported by Regina Gasco Bentley to accept the Gaming Regulatory 2<sup>nd</sup> quarterly report as presented by Chairperson, Julie Shananaquet.

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 approve \$20,403.35 for the foster care budget funds to come from prior period fund balances and further authorize the Tribal Chairman to sign any agreements necessary to seek reimbursement from Inter Tribal Council.

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

Motion Carried

3:01 p.m. recess called

3:15 p.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to adopt Resolution #080804-02 Request for Funding from the Indian Land Tenure Foundation, Indian Culture and Land Tenure Program, Presentation of Tribal Land Histories to Youth/Tribal Leaders/Elders for a "Land Tenure History 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-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #080804-03 Request for Funding from the Frey Foundation, Encouraging Civic Progress, Little Traverse Bay Bands of Odawa Indians Connecting Civic Progress and Geographic Information Systems.

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, Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to adopt Resolution #080804-04 Direct Funding for Elder Services.

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, Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to approve Enrollment list "A" Eligible for Membership, dated July 26, 2004.

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

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the verbal and written report given by the Tribal Administrator, Albert Colby, Jr., for August 8, 2004.

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 the allocation of a total not to exceed \$25,000 in support of sending 35 Tribal members from Little Traverse Bay Bands of Odawa Indians to the grand opening tour of the National Museum of American Indians in Washington D.C. Furthermore, approve the selection working group of Executive Assistant, Tribal Administrator and Cultural Preservation representative to finalize a participant list. Funding to come from prior period funds.

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

Motion Carried

4:06 p.m. Public Comment: Shirley Oldman

4:10 p.m. Public comment closed

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to authorize sale of the Odawa Channel videos, proceeds to go to Archives and Records new cultural program's fund that will automatically carry over each fiscal year.

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 direct the Legal Department, to develop long term contracts for the following positions: Chief Financial Officer, Tribal Physician, Grant Writer/Compliance Manager and General Counsel with a term of service not to exceed a (6) year period.

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

Motion Carried

4:44 p.m. recess called

4:55 p.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to direct the Tribal Chairman and the Tribal Administrator to form a working group to draft personnel policies for the Biindigen convenience store, Tribal Fishery and the Kings Inn Motel.

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 \$5,000 for the Traditional Jiingtamok scheduled for September 11, 2004, authorizing Harriet Booth and the Tribal Administrator to administer the funds. Funding to come from prior period funds.

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 schedule Tribal Council work sessions each Saturday a.m., prior to regularly scheduled Tribal Council meetings. The intent is to review packet materials and general discussion. Effective October 2004.

5:14 p.m. Councilor Rita Shananaquet leaves

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

5:17 p.m. Councilor Rita Shananaquet returns

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to accept the Tribal Chairman's verbal and written report for August 8, 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 approve the Little Traverse Bay Bands of Odawa Indians Tribal Fish Market plan option 1 and continue planning for option 2, not to exceed \$161,542.00 to come from prior period fund balance.

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 accept the Legal Departments verbal and written report, given by Matt Lesky for August 8, 2004.

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 authorize the Tribal Chairman to sign the Memorandum of Understanding regarding Tribal jurisdiction over Indian children within the 1855 reservation and the remainder of Emmet County between Little Traverse Bay Bands of Odawa Indians and Charlevoix, Emmet County Family Independence Agency.

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 authorize the Tribal Chairman to sign the Shearman & Sterling Letter of Engagement, authorizing Shearman & Sterling LLP to conduct pro bono legal work for the Tribe.

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 accept the resignation of Janice Shackleford from the Gaming Administration with thanks for her service, effective July 30, 2004 and to declare the position vacant and post the position immediately.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Regina Gasco Bentley to go into closed session for land issues #14 and #15.

6:36 p.m. Councilor Rita Shananaquet leaves

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

Motion Carried

6:50 p.m. Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to return to open session.

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

Motion Carried

6:51 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to withdraw authorization to purchase land parcel #13.

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

Motion Carried

6:55 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Regina Gasco Bentley 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:

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Dexter McNamara, Tribal Secretary

Date