

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
April 17, 2005
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 10:00 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

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount-Executive Assistant, Albert Colby, Jr.-Tribal Administrator, Valerie Tweedie-Chief Financial Officer, Barry Crowell-Controller, Heidi Yapple-Grant Writer-Juanita Rogers-Casino Operations Director

Commission, Boards and Committees: Sherri Patton, Shirley Oldman, Rita Gasco Shepard, Denise Petoskey, Eleanor Barber

Guests: Carol McFall, Warren Petoskey, Juanita Rogers, Dollie Keway, Angie Woodin, Kathy Shomin, Rochelle Ettawageshik, Brittany Bentley, Mehmazgwanz Shomin, Kyle Shomin, Connie Marshall, Duann Gaylord,

Opening Ceremony: Frank Ettawageshik

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to adopt the agenda as amended for April 17, 2005.

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

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to approve the minutes of April 3, 2005 with corrections.

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 Secretary Dexter McNamara to accept the Treasurer's report as presented by Valerie Tweedie, C.F.O., verbal and written for April 17, 2005.

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

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to accept the verbal and written report for April 17, 2005 as presented by the Tribal Administrator, Albert Colby Jr.

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to approve funding not to exceed \$7,000 to support the Little Traverse Bay Bands of Odawa Indians Community Meeting scheduled May 7, 2005. Funding to come from prior year funds.

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 Secretary Dexter McNamara to approve 2005 Comprehensive Budget Amendment CBA-2005-02 for Programs Supplemental Funding in the amount of \$429,793.

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

Motion Carried

10:42 Recess called

10:54 a.m. meeting reconvened

Motion made by Secretary Dexter McNamara and supported by Councilor Regina Gasco Bentley to accept the verbal and written report for April 17, 2005 as presented by Tribal Chairman Frank Ettawageshik.

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 Tribal Chairman to sign the Contractual Agreement between the Little Traverse Bay Bands of Odawa Indians and Chippewa Ottawa Resource Authority for Biological Services for FY 2005.

Vote: 5 Yes, 1 No (Councilor Fred Harrington, Jr.), 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 that an offer be made to purchase land #17 not to exceed the amount determined in the work session, pursuant to the confidential memo, and authorize the Tribal Chairman and the Tribal Treasurer to sign all necessary documents.

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

Motion Carried

11:47 a.m. Public Comment opened, Warren Petoskey

11:50 a.m. Public comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to add a discussion of the Gaming Regulatory Statute to the work session for April 18, 2005.

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

Motion Carried

12:14 p.m. Lunch recess called.

2:01 P.M. meeting reconvened

2:01 p.m. Councilor Rita Shananaquet arrived

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Gaming Board of Directors verbal and written report as presented by Chairperson, Sherri Patton for April 17, 2005.

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

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Councilor Rita Shananaquet to accept the verbal and written report for April 17, 2005 by General Counsel, James Bransky.

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 adopt resolution #041705-01 Request for Trust Acquisition of Parcel in Emmet County Transitional Housing Parcel.

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to adopt resolution #041705-02 Request for Trust parcel, in Emmet County, Health Park, Parcel.

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

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to appoint the first Election Board under Article XI of the Constitution adopted by the Tribal membership on February 1, 2005 and subsequently approved by the Secretary of the Interior by operation of law. The following Little Traverse Bay Bands of Odawa Indians members are appointed to the first Election Board: Eleanor Barber for a term of two years; Denise Petoskey for a term of two years; Alice Hughes for a term of four years; Carol Quinones for a term of four years; Martin Van De Car for a term of four years. All terms shall run until their successors are appointed and sworn in.

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 that contracts authorized by the motion of October 17, 2004 for the Victories II project may contain limited waivers of sovereign immunity subjecting the Tribe to mediation, followed by arbitration enforceable in Little Traverse Bay Bands of Odawa Indians Tribal Court.

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

3:10 p.m. recess called
3:28 P.M. meeting reconvened

Motion made by Councilor Rita Shananaquet and supported by Secretary Dexter McNamara to adopt resolution #041705-03 Request for Funding from the U.S. Department of Homeland Security Federal Emergency Management Agency, Superfund Amendments and Reauthorization Act (SARA) Little Traverse Bay Bands of Odawa Indians Hazardous Materials Training 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, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to adopt Resolution #041705-04 Request for Funding from the Institute of Museum and Library Services, Native American/Native Hawaiian Museum Services Grant Program Little Traverse Bay Bands of Odawa Indians 2005 Museum Services 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, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to adopt Resolution #041705-05 Request for Funding from the United States Department of Agriculture, Natural Resources Conservation Service, Wildlife Habitat Incentives Program (WHIP) Little Traverse Bay Bands of Odawa Indians, Creating Forest Openings 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, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to adopt Resolution #041705-06 Request for Funding from the United States Department of Agriculture, Natural Resources Conservation Service, Environmental Quality Incentives Program (EQUIP), Little Traverse Bay Bands of Odawa Indians Fish Hatchery Advancement Project.

Secretary Dexter McNamara leaves 3:43 p.m.

Secretary Dexter McNamara returns 3:44 p.m.

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

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Vice-Chairperson Beatrice A. Law to approve Burial Request #A0088(b) for the amount of \$1,002.00.

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

Motion Carried

4:00 p.m. Public Comment opened: Kathy Shomin, Shirley Oldman

4:09 p.m. Public comment closed

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to direct the Casino Board of Directors to remove the personnel policy prohibition from holding Tribal Council office.

4:09 p.m. recess called

4:36 p.m. meeting reconvened

Motion Withdrawn

Councilor Rita Shananaquet leaves at 5:10 p.m.

Councilor Rita Shananaquet returns at 5:13 p.m.

Councilor Rita Shananaquet leaves at 5:22 p.m.

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to enact Waganakising Odawak Statute Constitutionally Mandated Compensation sponsored by Fred Harrington, Jr.

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

Councilor Regina Gasco Bentley leaves at 5:43 p.m.

Councilor Regina Gasco Bentley returns at 5:45 p.m.

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to donate \$5,000 to the Odawa Institute to come from the Cultural line item.

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

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank that we donate \$1,000 to the Wolf River Protection Fund to come from the Tribal Sponsorship line item.
Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley for Tribal Council to attend the U.S. Attorney visit in May 2005 and to allow stipend, mileage, per diem and lodging.
Vote: 6 Yes, 0 No, 1 Absent (Councilor Rita Shananaquet), 0 Abstained
Motion Carried

6:24 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Councilor 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:

Dexter McNamara, Tribal Secretary

Date