

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
May 1, 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 9:52 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

Absent: none

Legal Staff Present: none

Staff Present: Michele LaCount-Executive Assistant, Albert Colby, Jr.-Tribal Administrator, Heidi Yapple-Grant Writer

Commission, Boards and Committees: Cheryl Kishigo, Marty VanDeCar, Eleanor Barber, Dorothy Boda, Denise Petoskey, Shirley Oldman, Deleta Gasco Smith

Guests: Melvin Kiogima, Natali Sova & Patricia Sterling-Little Traverse Bay Bands of Odawa Indians Head Start, Richard Wemigwase, Doug Craven, Andrew Stich, Jannan Cornstalk, Judy Pierzynowski, Sheran Patton

Opening Ceremony: Beatrice A. Law

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to adopt the agenda for May 1, 2005 as amended.

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 for April 17, 2005 as presented.

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 ratify the phone poll dated April 18, 2005, the reason for the phone poll was, "On March 9, 2005, the Ninth Circuit, sitting en banc, handed down its decision in *Skokomish Indian Tribe v. United States*. The decision strikes a tremendous blow at certain core principles of treaty rights adjudication. Most significantly, the decision holds (1) that Tribes may not obtain damages against third parties (i.e., anyone other than the United States) for violations of their

treaty rights, a holding which, if it stands up, would allow States, local units of government, and private parties to violate treaty rights for years with impunity (which could prove detrimental to LTBB Tribal interests); and (2) that in construing the scope of Tribes' reserved water rights, Tribal fishing rights may not be considered unless they were the sole or exclusive purpose for which a reservation was created (this issue may or may not apply to LTBB at this time, but with the slippery slope Tribal court decisions have fallen down since the *Montana* case, we should still consider it a threat to our well being). Mason Morisset, the attorney for the Skokomish Tribe, has filed a petition for rehearing by the en banc panel or, in the alternative, for a full court en banc, and the Court has ordered the defendants to respond to that petition. The Supreme Court Project is coordinating the filing of a tribal amicus brief on the very important issues presented by the case. The brief is due by April 21st. In order for the tribal amicus brief to have the strongest impact it needs to have as large a number of signors as possible. Richard Guest at NARF is taking the lead on soliciting signors and coordinating the distribution of the draft brief. He will be assisted by John Dossett at NCAI, and with the help in the Pacific Northwest from Phil Katzen and help in the Midwest from Riyaz Kanji's office. While financial support would be appreciated, it is not a necessary predicate to signing the brief." The phone poll passed.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Tribal Elder's verbal and written report presented by Richard Wemigwase Chairperson of the Elders Association dated May 1, 2005.

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 adopt Resolution #050105-01 MIEA (Michigan Indian Elders Association) Delegate Appointments.

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 Councilor Rita Shananaquet to accept the Treasurer's report as written by Valerie Tweedie Chief Financial Officer for May 1, 2005.

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to approve the 2005 Indirect Cost Rate Proposal and authorize the Tribal Chairman to sign and approve all necessary documents.

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 Tribal Administrator, Al Colby's report, verbal and written for May 1, 2005.

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 approve \$2,000 in funding to support the Little Traverse Bay Bands of Odawa Indians Children's Pow-wow to be held on Saturday, May 21, 2005 at the Pellston Elementary School with funding to come from the Cultural line item.

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 approve the management of the 2005 Trap Net Fishery budget by the Tribal Administrator on Sunday, May 1, 2005.

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

11:05 a.m. recess called
11:21 a.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to separate Exhibit B marked confidential from the Tribal Treasurer's report and accept Exhibit B as a separate confidential report.

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

11:49 Public Comment opened: Andrew Stich, Jannan Cornstalk, Doug Craven
11:57 p.m. Public comment closed

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to accept the Tribal Chairman's verbal and written report for May 1, 2005.

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 authorize funding not to exceed \$3,500 for the costs of hosting the May 13, 2005 Tribal/State Summit at the Little Traverse Bay Bands of Odawa Indians Administration building, funds to come from prior year funds.

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

12:09 p.m. lunch recess called until 1:30 p.m.

1:50 p.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to accept the Election Board's Quarterly Report as presented by Chairperson Denise Petoskey for May 1, 2005.

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

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported Vice-Chairperson Beatrice A. Law to accept the Enrollment Commission's Quarterly report as presented by Dorothy Boda, Chairperson for May 1, 2005.

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

Motion Carried

2:20 p.m. Recess called

2:31 p.m. meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Health Commission's Quarterly report for May 1, 2005 as presented by Deleta Smith, Chairperson.

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

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to accept the Economic Development Commission's Quarterly report as presented by Chairperson Cheryl Kishigo for May 1, 2005.

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 appoint Laura LaCroix Blumberg to the Economic Development Commission to fill in the remainder of the term vacated by Winona Singel.

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

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to accept the Education Commission's Quarterly report as presented by Shirley Oldman for May 1, 2005.

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

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to authorize the Natural Resource Director to negotiate the contract for Fisheries Biologist up to a 4-year time limit.

Vote: 5 Yes, 2 No (Councilor Fred Harrington, Jr., Treasurer Alice Yellowbank), 0 Absent, 0 Abstained

Motion Carried

3:37 p.m. Councilor Rita Shananaquet leaves

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to adopt Resolution #050105-02 Request for Funding from Indian Health Service, Little Traverse Bay Bands of Odawa Indians Tribal Injury Prevention 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 Regina Gasco Bentley and supported by Treasurer Alice Yellowbank to adopt Resolution #050105-03 Request for Funding from the United States Department of Justice, Office of Community Oriented Policing Services, Little Traverse Bay Bands of Odawa Indians Law Enforcement Department Tribal Resources Grant Program 2005.

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

3:45 p.m. Councilor Rita Shananaquet returns

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #050105-04 Request for Funding from the United States Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Juvenile Drug Court Implementation Program, FY 2005.

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 Councilor Rita Shananaquet to approve Enrollment list “A” Eligible for Membership dated April 19, 2005.

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 approve Enrollment list “B” Declination Ineligible dated April 19, 2005.

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

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to enact Waganakising Odawak Statute Site Plan Review sponsored by Susan Wysocki.

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

Motion Carried

4:16 p.m. Public Comment opened: Denise Petoskey

4:17 p.m. Public comment closed

4:17 p.m. Recess called

4:26 p.m. Back in Session

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to approve Burial Fund Request #A0102 for \$5,748.13.

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 place Waganakising Odawak Statute Tribal Commissioner Emeritus on the Legislative Agenda, sponsored by Fred Harrington.

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

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to purchase \$1000 worth of drum making materials for Tribal drum making projects to come from the Ophi Chingwa-Drum Memorial line item.

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

Motion Carried

5:08 p.m. Councilor Rita Shananaquet leaves

5:13 p.m. Councilor Rita Shananaquet returns

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize the Tribal Chairman to negotiate with the guidance of the Tribal Legal Department a resolution of issues as discussed in a confidential memo dated May 1, 2005 regarding land purchase #9.

Vote: 7 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

5:33 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to adjourn.
Vote: 6 Yes, 1 No (Treasurer Alice Yellowbank), 0 Absent, 0 Abstained
Motion Carried

These Minutes have been read and approved as written:
Approved:

Dexter McNamara, Tribal Secretary

Date