

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
October 19, 2008

Closed Session: yes

Call to Order: Meeting was called to order at: 9:40 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader Beatrice A. Law, Secretary Regina Gasco Bentley, Treasurer Gerald Chingwa, Councilor Alice Yellowbank, Councilor Melvin L. Kiogima, Councilor Fred Harrington, Jr., Councilor Marvin Mulholland,
Absent: Councilor Shirley Oldman, Councilor Dexter McNamara,

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick,
Office Manager Michele LaCount

Executive Officials and Staff Present: Executive Assistant Rebecca Atkinson

Guests: Fred Kiogima, Eleanor Barber, Carol Quinones, Roy Smithkey

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to adopt the agenda for October 19, 2008 with amendments.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Oldman, Councilor McNamara)

Motion made by Councilor Yellowbank and supported by Councilor Mulholland to approve the minutes of October 5, 2008 with corrections.

Vote: 6 - Yes, 1 – No (Councilor Kiogima), 0 - Abstained, 2 – Absent (Councilor Oldman, Councilor McNamara)

Elder Comments: Eleanor Barber spoke thanked Tribal Council with regard to the October 18, 2008 work session that invited Tribal Citizens to a question and answer period with the Tribal Council, Executive Branch and Casino General Manager. Eleanor also spoke in appreciation on behalf of the Election Board for the Tribal Council assistance in procuring office space for the Election Board. Carol Quinones thanked Tribal Council for all of the helpful work they do with regard to the Tribe as a whole.

10:15 a.m. Councilor Harrington, Jr., left the room in consideration of Closed Session.

10:15 a.m. Motion made by Treasurer Chingwa and supported by Councilor Mulholland to go into closed session for legal purpose.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 – Absent (Councilor Harrington, Jr., Councilor Mulholland, Councilor Oldman, Councilor McNamara)

Motion carried.

11:15 a.m. Motion made by Secretary Gasco Bentley and supported by Councilor Yellowbank to go out of closed session.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor Harrington, Jr., Councilor Oldman, Councilor McNamara)

Motion carried.

11:15 a.m. Recess called.

11:27 a.m. Meeting reconvened.

Motion made by Councilor Mulholland and supported by Treasurer Chingwa to accept the Legislative Leader's verbal and written report with confidential items contained therein.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Oldman, Councilor McNamara)

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Harrington, Jr., to accept the Treasurer's verbal report.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Oldman, Councilor McNamara)

Motion carried.

11:45 a.m. Public Comment opened: Eleanor Barber with regard to Native casino employment and the encouragement of that number increasing. Roy Smithkey Jr., spoke in agreement with regard to Casino Native employment, having an activity board out at the Elders Community Center, Indian youth frisbee disc golf tournaments, and his availability to volunteer for Tribal projects.

11:54 a.m. Public Comment closed.

Motion made by Councilor Yellowbank and supported by Councilor Harrington, Jr., to accept the Land and Resolution Committee Chairperson's verbal report for October 18, 2008.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Oldman, Councilor McNamara)

Motion carried.

12:00 p.m. Lunch recess called.

1:38 p.m. Meeting reconvened. Councilor Shirley Oldman arrived.

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to approve the minutes of the Tribal Council Special Meeting Closed Session as corrected for October 18, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor McNamara)
Motion carried.

Motion made by Councilor Harrington, Jr., and supported by Secretary Gasco Bentley to re-appoint Beverly Wemigwase to the Gaming Regulatory Commission for a three (3) year term ending September 2011.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Councilor Oldman), 1 – Absent (Councilor McNamara)
Motion carried.

Motion made by Councilor Yellowbank and supported by Councilor Kiogima to re-appoint Laura Blumberg to the Economic Development Commission for a four (4) year term ending September 2012.

Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor McNamara)
Motion carried.

Motion made by Councilor Oldman and supported by Councilor Yellowbank to accept the verbal Tribal Council member reports as presented by Secretary Bentley and Treasurer Chingwa.

Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor McNamara)
Motion carried.

Motion made by Councilor Oldman and supported by Councilor Harrington, Jr., to accept the Legislative Attorney's written report with the confidential memo regarding property 28.

Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor McNamara)
Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Oldman to Request for Funding from the Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention Little Traverse Bay Bands of Odawa Indians, Strategic Prevention Framework State Incentive Grant Program:

Tribal Motion #101908-2008-1

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians ("LTBB" or "Tribe") is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Little Traverse Bay Bands of Odawa Indians is listed as a federally recognized Indian Tribe in Volume 70, Number 226 of the Federal Register (p.71195);

WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe;

WHEREAS: the Tribe recognizes the impact of alcohol and substance abuse within the LTBB Community;

WHEREAS the Tribe operates a Substance Abuse/Mental Health Services Department that is staffed by a culturally sensitive team of qualified professionals that assists Tribal members in fostering healthy lifestyles and healthy decision making;

WHEREAS the Tribe recognizes that research has shown that to effectively change attitudes, perception, and ultimately, behavior, prevention strategies must include a comprehensive approach that addresses both the individual and the environment;

WHEREAS: Substance Abuse and Mental Health Services Administration (SAMHSA) is requesting proposals from states and federally-recognized Tribes to prevent the onset and reduce the progression of substance abuse, including childhood and underage drinking; reduce substance abuse-related problems; and build prevention capacity and infrastructure at the tribal level.

THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes and supports the grant application to the U.S. Substance Abuse and Mental Health Services Administration for the Strategic Prevention Framework State Incentive Grant program.

FINALLY BE IT RESOLVED, that Tribal Chairman Frank Ettawageshik, Vice Chairman William I. Denemy, Tribal Administrator Albert Colby Jr., or another designee from the Tribal Chairman is authorized to execute any documents necessary to apply for, receive, and administer funds under the grant:

Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor McNamara)

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Yellowbank to Request for Funding from the U.S. Environmental Protection Agency, Under Section 103 of the Clean Air Act, FY 2009 Region 5 Tribal Air Grants, Little Traverse Bay Bands of Odawa Indians, Clean Air Program:

Tribal Motion # 101908-2008-2

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians (“LTBB” or “Tribe”) is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most

recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe;

WHEREAS the Tribe's treaty delineated reservation area encompasses approximately 336 square miles in Northwestern-Lower Michigan;

WHEREAS the LTBB relies on environmental protection (including air quality) for the health of Tribal members and cultural perpetuation and this continues to be threatened by the ever increasing popularity of the area both as a tourist/resort area or relocation for permanent residence within the reservation area;

WHEREAS the United States Environmental Protection Agency has approved funding availability for an air quality program that is consistent with the mission of the Tribe's Environmental Services Department and will address the expansion of the Tribe's emission inventory, air quality characterization studies, identification and investigation of air pollution sources, particulate matter monitoring and community education and outreach.

THEREFORE BE IT RESOLVED that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes and supports this request for funding from the U.S. Environmental Protection Agency for a 12-month LTBB Clean Air Act Program.

BE IT FURTHER RESOLVED that Tribal Chairman Frank Ettawageshik, Vice Chairman William I. Denemy, or Tribal Administrator Albert Colby Jr., or another designee from the Tribal Chairman is authorized to execute any documents necessary to apply for, receive, and administer funds under the grant.

Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor McNamara)

Motion carried.

Motion made by Councilor Harrington, Jr., and supported by Treasurer Chingwa In support of Opposition to the Proposed Coal Fired Power Plants in Michigan:

TRIBAL MOTION # 101908-2008-3

WHEREAS: the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance; and

WHEREAS: the Little Traverse Bay Bands of Odawa Indians ("LTBB" or "Tribe") is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621); and

- WHEREAS:** the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe; and
- WHEREAS:** the Tribe's delineated reservation area encompasses approximately 336 square miles in Northwestern-Lower Michigan; and
- WHEREAS:** the Tribe relies on environmental protection for the health of Tribal Citizens and for cultural perpetuation; and
- WHEREAS:** The LTBB Odawa Tribe has grave concerns regarding the plans for 8 proposed coal fired power plants in the state of Michigan and their impact on the health, security and general welfare of the Tribe; and
- WHEREAS:** being deeply concerned with unavoidable emissions including: carbon dioxide, airborne lead, particulate matter, nitrogen oxides, sulfur dioxides, and their direct link to ground level ozone or smog, acid rain, and their proven hazardous health effects and relationship to chronic lung diseases such as asthma and emphysema; and
- WHEREAS:** realizing the impacts that the millions of tons of hazardous coal fired power plant combustion wastes that will be generated and disposed of in Michigan landfills that are a threat to the surface and ground waters of our great state; and
- WHEREAS:** according to the United States Environmental Protection Agency, coal plants are responsible for nearly 60% of PM10 emissions (particles 10 microns or less in diameter); and
- WHEREAS:** The United States EPA finds the smallest of these particles, 2.5 microns or less in diameter, caused by burning fossil fuels and the chemical reactions of nitrogen oxides and sulfur dioxides emitted by coal plants, to be the most dangerous to human health, especially our elders and children; and
- WHEREAS:** contamination of lakes and streams due to mercury from coal burning plants is known to be, as a result of many coal burning plants in this country, at levels sufficient to concentrate (and contaminate) in the food chain and cause brain damage in children; and
- WHEREAS:** being fully aware of the environmental impacts that the proposed plant's warm water discharge and pollutants would have on the water quality, fish and aquatic species and habitats of Michigan's waters; and

WHEREAS: in addition to the impacts on surface and ground waters, the LTBB Tribe realizes the additional environmental impacts of said water discharge; and costly burdens on the infrastructure (roads, bridges, fire protection) on the communities without adequate compensation; and

WHEREAS: such an impact on the communities and environment in and around proposed sites for coal fired power plants will be detrimental to the states effort to recruit and retain businesses, reduce the number of green jobs for citizens, and will adversely impact existing residential and commercial property values; and

WHEREAS: the Little Traverse Bay Bands of Odawa Indians, whose mission is to ensure the protection of our natural resources including the restoration and maintenance of the chemical, physical and biological integrity of the Great Lakes Ecosystem.

THEREFORE BE IT RESOLVED, that the Little Traverse Bay Bands of Odawa Indians hereby opposes the Permitting of the 8 Proposed Coal Fired Power Plants by the Michigan Department of Quality.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Councilor Kiogima), 1 – Absent (Councilor McNamara)

Motion carried.

Motion made by Councilor Mulholland and supported by Treasurer Chingwa to pass Amendment to Waganakising Odawak Statute 2008-005 Tribal Notary Public Statute.

Motion Withdrawn

Motion made by Councilor Yellowbank and supported by Councilor Oldman to pass emergency Amendment to Waganakising Odawak Statute 2008-005 Tribal Notary Public Statute.

Roll Call Vote: Councilor Harrington, Jr., -yes, Councilor Kiogima-yes, Councilor McNamara-absent, Councilor Mulholland-yes, Councilor Oldman-yes, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

2:59 p.m. Recess called.

3:13 p.m. Meeting reconvened.

3:13 p.m. Public Comment opened: Fred Kiogima spoke regarding Indian town land. Fred also spoke regarding the October 18, 2008 Tribal Council work session question and answer period. Michele LaCount spoke regarding the governmental budget appropriations and the governmental temporary worker early termination of employment agreements after the appropriation.

3:23 p.m. Public Comment closed.

No action was taken on the agenda item with regard to Motion request: To Provide for a Moratorium on Prior Period Funds Allocations for FY2008 and FY2009.

Motion made by Councilor Harrington, Jr., and supported by Councilor Kiogima to adopt the proposed 2009 Tribal Council Work Session/Committee meetings scheduled on Saturdays from 9:00a.m. – 5:00p.m., and the Tribal Council meeting days on Sundays from 9:00a.m. – 5:00p.m., with 1-hour lunches.

Vote: 5 - Yes, 3 – No (Treasurer Chingwa, Legislative Leader Law, Councilor Yellowbank), 0 - Abstained, 1 – Absent (Councilor McNamara)

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor Mulholland to adopt the “Action by the Legislative Branch for Financial Reduction” along with the proposed “Legislative Branch Savings Plan” for FY2008 and FY 2009.

Vote: 7 - Yes, 1 – No (Councilor Yellowbank), 0 - Abstained, 1 – Absent (Councilor McNamara)

Motion carried.

Motion made by Councilor Mulholland and supported by Treasurer Chingwa to approve Authorization for an Engagement Letter for services with Tom Keranen and Associates, PC for assistance in Odawa Casino Resort Construction Project Close-out:

TRIBAL COUNCIL MOTION # 101908-2008-4

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS in accordance with Enjinaaknegeng WOS 2007-009, *“Any attorney contracts in excess of five-thousand dollars, (\$5,000) must be individually approved by Tribal Council”*;

WHEREAS the Odawa Casino Resort construction is near completion with a few items that need wrapping up to close out the project;

WHEREAS Enjinaaknegeng is requesting the services of Attorney Tom Keranen and Associates, PC to assist with the OCR close-out in an amount that will exceed \$5,000.

THEREFORE, BE IT RESOLVED that the Little Traverse Bay Bands of Odawa Indians Tribal Council, through Constitutional duty, that provides the power to

“employ legal counsel”, requests and authorizes the Tribal Chairman through his administrative oversight authority to sign an Engagement Letter for services with Tom Keranen and Associates, PC for assistance in Odawa Casino Resort Project Close-out.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor McNamara)
Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Harrington, Jr., to acknowledge receipt from the Judicial Branch the Memo to Direct Cost Savings Measures for the Judicial Branch in the amount of \$109,000.18.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor McNamara)
Motion carried.

Motion made by Councilor Harrington, Jr., and supported by Treasurer Chingwa to adjourn at 5:08 p.m.

Vote: 8 - Yes, 0 – No, 0 - Abstained, 1 – Absent (Councilor McNamara)
Motion carried.

These Minutes have been read and approved as corrected.

Regina Gasco Bentley, Tribal Council Secretary

Date