

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle Harbor Springs, MI 49740
March 8, 2009

Closed Session: yes

Call to Order: Meeting was called to order at: 9:42 a.m.

Opening Ceremony: Beatrice A. Law

Council Present: Legislative Leader Beatrice A. Law, Secretary Regina Gasco Bentley, Treasurer Gerald Chingwa, Councilor Dexter McNamara, Councilor Alice Yellowbank, Councilor Fred Harrington, Jr.

Absent: Councilor Marvin Mulholland, Councilor Melvin L. Kiogima

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

Executive Officials and Staff Present: Tribal Chairman Frank Ettawageshik, Vice-Chairman William Denemy, Executive Assistant Rebecca Atkinson, Chief Financial Officer Valerie Tweedie, Human Resource Director Jodi Werner

Guests: Richard Wemigwase, Tootsie Keshick Miller, Sharon Sierzputowski, Roger Emery, Ken Harrington, Fred Kiogima, Carol McFall, Sheran Patton, John Keshick, Cathy Portman, Heidi Bosma, Mary Powers, Rita Shananaquet, Carla McFall. Dollie Keway

Motion made by Secretary Gasco Bentley and supported by Councilor Yellowbank to adopt the agenda with amendments for March 8, 2009.

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

Motion carried.

Motion made by Councilor Yellowbank and supported by Councilor McNamara to approve the minutes of February 22, 2009 with corrections.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Yellowbank to ratify into the record the Phone Poll dated February 23, 2009 to Approve Confidential Memo #022209-01 presented to Tribal Council from Legislative Services Attorney Donna Budnick because of immediate deadline. The Phone Poll passed by a vote of 5-yes, 3-absent.

Vote: 5 - Yes, 1 - No (Councilor Harrington, Jr.), 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor Kiogima)

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor McNamara to ratify into the record the Phone Poll dated March 6, 2009 to approve the report provided to Tribal Council on March 7, 2009 at 9:34 a.m., to be submitted to Bank of America regarding upcoming meeting on March 10, 2009 to meet for purpose of an immediate deadline. The Phone Poll passed by a vote of 6 yes and 2 absent.

Vote: 5 - Yes, 1 - No (Councilor Harrington, Jr.), 0 - Abstained, 2 – Absent (Councilor Mulholland, Councilor Kiogima)

Motion carried.

Tribal Elders Comments: Richard Wemigwase spoke regarding the Tribal Logo use on jackets for the Elder's Association with regard to requesting the permission for use from Tribal Council.

Motion made by Councilor Harrington, Jr., and supported by Councilor Yellowbank to adopt Tribal Resolution: To License the Elder's Association to Use the Tribal Logo.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Chingwa to declare a vacancy on Tribal Council.

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

Motion carried.

10:29 a.m. Councilor Kiogima arrived.

Motion made by Secretary Gasco Bentley and supported by Councilor Yellowbank to post the vacancy to the Tribal Council position until March 20, 2009 in consideration for receipt of letters of interest.

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

Motion carried.

10:36 a.m. Motion made by Councilor Harrington, Jr., and supported by Councilor McNamara to go into closed session for confidential business.

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

Motion carried.

11:38 a.m. Motion made by Councilor Harrington, Jr., and supported by Treasurer Chingwa to return to open session.

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

Motion carried.

11:45 a.m. Public Comment opened: Carla McFall spoke regarding the Tribal Citizen lay off situation in the Tribal Government. Roger Emery spoke regarding his respect for Shirley Oldman and the hard task of filling the vacancy. Rita Shananaquet thanked all people who have served on Tribal Council.

11:52 a.m. Public Comment closed.

Motion made by Secretary Gasco Bentley and supported by Councilor Harrington, Jr., to accept Legislative Leader Law's verbal and written report with confidential items contained therein.

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

Motion carried.

12:02 p.m. Lunch recess called.

1:33 p.m. Meeting reconvened. Councilor Kiogima absent.

1:39 p.m. Councilor Kiogima arrived.

Motion made by Councilor Harrington, Jr., and supported by Councilor McNamara to acknowledge receipt of the Chairman's budget reduction plan and shelve this plan as long as the casino can make its monthly payments to the Tribal Government.

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

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Harrington, Jr., to accept Secretary Bentley's verbal report for March 8, 2009.

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

Motion carried.

Motion made by Councilor Kiogima and supported by Councilor McNamara to accept Tribal Treasurer and Appropriations and Finance Committee Chairperson Chingwa's verbal report for March 8, 2009.

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

Motion carried.

Motion made by Councilor McNamara and supported by Treasurer Chingwa to accept the Land and Reservation Committee Chairperson Kiogima's verbal report for March 8, 2009.

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

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor Kiogima to accept Legislative Services Attorney Budnick's verbal report for March 8, 2009.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Chingwa to pass Amendment to Waganakising Odawak Statute 2004-008 Gaming Board of Directors.

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

Motion carried.

Motion made by Treasurer Chingwa and supported by Secretary Gasco Bentley to pass Waganakising Odawak Statute Land Use, Building Regulation, and Zoning.

Roll Call Vote: Councilor Harrington, Jr.-no, Councilor Kiogima-yes, Councilor McNamara-yes, Councilor Mulholland-absent, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

3:01 p.m. Public Comment: John Keshick spoke regarding the housing guidelines for the Elder's and other individual's housing restrictions. John also spoke regarding the Economic Development Commission draft Statute with regard to Bell's Fishery. John further spoke regarding the Natural Resource Commission budget restraint regarding travel. Heidi Bosma spoke her concern regarding the recently Tribal Council passed Child Welfare Statute. Rita Shananaquet spoke regarding reduction of the Chief Financial Officer's duties and authority. Rita also spoke regarding the posting of the Tribal Chairman's proposed budget especially regarding the Burial Fund. Rita further asked if Shirley Oldman's complaint regarding snow day closure of the health clinic was looked into. Roger Emery spoke regarding the possible removal of snow days with possibility to increase PTO (personal time off) carryover allowance to accommodate it. Rita Shananaquet spoke regarding the Tribal Chairman utilizing the Sinking Fund for the Executive budget.

3:32 p.m. Public Comment closed.

3:32 p.m. Recess called.

3:45 p.m. Meeting reconvened.

Motion made by Treasurer Chingwa and supported by Secretary Gasco Bentley to pass the Sex Offender Notification and Registration Statute.

Roll Call Vote: Councilor Harrington, Jr.-yes, Councilor Kiogima-absent, Councilor McNamara-yes, Councilor Mulholland-absent, Councilor Yellowbank-no, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor McNamara to pass the Sex Offense Statute.

Roll Call Vote: Councilor Harrington, Jr.-yes, Councilor Kiogima-absent, Councilor McNamara-no, Councilor Mulholland-absent, Councilor Yellowbank-no, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Councilor Yellowbank and supported by Councilor Harrington, Jr., to pass the Gijigowi Anishinaabemowin Language Department Statute.

Roll Call Vote: Councilor Harrington, Jr.-yes, Councilor Kiogima-no, Councilor McNamara-no, Councilor Mulholland-absent, Councilor Yellowbank-yes, Treasurer Chingwa-yes, Secretary Gasco Bentley-yes, Legislative Leader Law-yes

Motion carried.

Motion made by Treasurer Chingwa to pass the Educations Appeals Board Statute.

Motion dies due to lack of support.

Motion made by Councilor Harrington, Jr., and supported by Councilor McNamara to adopt Tribal Resolution: The Tribal Chairman stated copies of the executive travel documents cannot be released therefore the line item for the Tribal Chairman travel shall be reduced to zero for the FY 2009.

Roll Call Vote: Councilor Harrington, Jr.-yes, Councilor Kiogima-no, Councilor McNamara-yes, Councilor Mulholland-absent, Councilor Yellowbank-no, Treasurer Chingwa-no, Secretary Gasco Bentley-yes, Legislative Leader Law-no

Motion failed.

Motion made by Councilor Harrington, Jr., and supported by Secretary Gasco Bentley to adopt Tribal Resolution: The Odawa Casino Resort is in Default on Payments to the Tribal Government.

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

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to remove the Amendment to the Housing Commission draft Statute from the Legislative Calendar.

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

4:55 p.m. Motion made by Councilor Harrington, Jr., and supported by Treasurer Chingwa to adjourn.

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

These Minutes have been read and approved as corrected:

Regina Gasco Bentley, Tribal Council Secretary

Date