

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
Tribal Court Room  
7500 Odawa Circle Harbor Springs, MI 49740  
October 25, 2009

Closed Session: yes

Call to Order: Meeting was called to order at: 9:36a.m.

Opening Ceremony: John Bott

Council Present: Legislative Leader Julie Shananaquet, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Gerald Chingwa, Councilor Melvin L. Kiogima, Councilor Aaron Otto, Councilor Rita Shananaquet, Councilor Marvin Mulholland

Absent: none

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

Executive Officials and Staff Present: Tribal Chairman Ken Harrington, Vice-Chairman Dexter McNamara, Executive Assistant Rebecca Atkinson, Planning Director Bryan Gillett, Office of Enterprise Management Chuck Schoefield, Gaming Board of Directors: Chairperson Carol McFall, Treasurer Sheran Patton, Board Member Fred Kiogima, Office Manager Cathy Portman, General Counsel James Bransky

Guests: Christina Rohn, Annette VanDeCar, Sarah VanDeCar, Bea Law, Marcia Sutton, Alice Yellowbank, Jannan Cornstalk, Kelly Kiogima, Rosanna Campbell, Virginia VonderLippe, Debra Janney, John Liebgott

---

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to adopt the agenda with additions for October 25, 2009.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to approve the minutes of October 11, 2009 with corrections.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley to approve the minutes of October 24, 2009 with corrections.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Elder Comments: Bea Law mentioned she wanted more of her comment from the last Tribal Council Meeting written into the minutes and is still waiting for feedback from the comments she made.

Motion made by Councilor R. Shananaquet and supported by Councilor Otto to accept Treasurer Bott's verbal and written report for October 25, 2009.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Bardwell to accept the verbal and written report from Legislative Services Attorney Donna Budnick for October 25, 2009.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Otto to accept the verbal Tribal Council member report from Councilor Chingwa.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Mulholland and supported by Councilor Bardwell to accept the Land and Reservation Committee verbal report from Committee Chairperson Kiogima.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Elder Comments: Sarah VandeCar spoke regarding the Executive attendance at the Tribal Council meeting, and general communication with her and her recall petition.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to approve Enrollment List A – Eligible for Citizenship dated October 7, 2009 for a total of 9.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Kiogima to approve Enrollment List B – Declination (Ineligible) dated October 7, 2009 for a total of 2.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to Tribal Resolution Request for Funding from the U.S. Environmental Protection Agency, Under Section 103 of the Clean Air Act, FY 2010 Region 5 Tribal Air Grants, Little Traverse Bay Bands of Odawa Indians, Clean Air Program.

Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-yes,

Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes.  
Motion carried.

Motion made by Councilor R. Shananaquet and supported by Councilor Chingwa to adopt Tribal Resolution Authorizing an Appropriation of \$76,000 for the 2009 Per Capita Distribution. Funding to come from prior period funds.

Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes.

Motion carried.

10:46 p.m. Recess called.

10:59 p.m. Meeting reconvened.

Legislative Leader Julie Shananaquet noted for the minutes that a Nimkee Technology report was due to the Tribal Council in October and has yet to be received.

11:45 a.m. Public Comment opened: Michele LaCount spoke regarding management responsibility to employees, previous Executive law compliance, and Tribal Council reporting attendance at Commission Boards and Committees closed sessions. Jannan Cornstalk spoke regarding the Executive use of his budget and debt responsibilities. Bea Law asked for the Public Comment policy to be followed for all comments. Alice Yellowbank spoke regarding communication between Tribal Councilors and the Executive, and National Congress of American Indians Tribal Attendance. Jannan Cornstalk also spoke regarding communication between Tribal Council, the Executive and the Tribal Community by having monthly town hall meetings.

12:07 p.m. Public Comment closed.

12:08 p.m. Lunch recess called.

1:36 p.m. Meeting reconvened.

Motion made by Councilor R. Shananaquet and supported by Secretary Gasco Bentley to accept the Tribal Chairman Harrington's verbal and written report for October 25, 2009 with confidential items contained therein.

Vote: 8 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 0 - Absent

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor R. Shananaquet to adopt Tribal Resolution Bureau of Indian Affairs Construction Easement at Ninaatig Drive.

Roll call vote: Councilor Bardwell-yes, Councilor Chingwa-yes, Councilor Kiogima-yes, Councilor Mulholland-yes, Councilor R. Shananaquet-yes, Councilor Otto-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Julie Shananaquet-yes.

Motion carried.

Motion made by Councilor Chingwa and supported by Councilor Kiogima to approve the standard American Institute of Architects (AIA) construction contract for housing at the Murray Road property that includes a waiver of sovereign immunity within the terms of the dispute resolution and arbitration enforceable in Tribal Court.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Councilor Otto and supported by Councilor R. Shananaquet to accept Legislative Leader Julie Shananaquet's verbal and written report for October 25, 2009.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

2:09 p.m. Motion made by Councilor R. Shananaquet and supported by Councilor Otto to go into closed session for confidential business matters-Casino.

Vote: 8 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 0 - Absent

Motion carried.

3:06 p.m. Motion made by Councilor Mulholland and supported by Councilor R. Shananaquet to return to open session.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

3:10 p.m. Public Comment opened: no comments.

3:11 p.m. Public Comment closed.

3:12 p.m. Recess called.

3:21 p.m. Meeting reconvened.

Motion made by Councilor Otto and supported by Councilor Bardwell to approve the amended 2010 Tribal Council Work Session and Meeting schedule.

Vote: 7 - Yes, 2 - No (Councilor R. Shananaquet, Councilor Otto), 0 - Abstained, 0 - Absent

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to place the Contempt of Court Statute on the Legislative Calendar.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

4:31 p.m. Motion made by Councilor Mulholland and supported by Councilor R. Shananaquet to adjourn.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent

Motion carried.

These Minutes have been read and approved as corrected:

---

Regina Gasco Bentley, Tribal Council Secretary

Date