

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Court Room
7500 Odawa Circle
Harbor Springs, MI 49740
March 18, 2012

Closed Session: yes

Call to Order: Meeting was called to order at: 9:00 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader Melvin L. Kiogima, Secretary Regina Gasco Bentley, Treasurer John Bott, Councilor Belinda Bardwell, Councilor Aaron Otto, Councilor John Keshick, Councilor Bill A. Denemy

Absent: Councilor Kevin Gasco, Councilor Winnay Wemigwase

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

Executive Officials and Staff Present: Vice-Chair Julie Shananaquet, Regulatory Director Vince Cook, Gaming Regulatory Commission Beverly Wemigwase, Natural Resource Director Doug Craven

Public: Renee Dillard, Rose Smalley, Annette VanDeCar, Alice Yellowbank, Carol McFall, Emily Proctor, Eric Hemenway, Matt Davis, Michael Smith

Invited Guests: Michael Garrow

9:09 a.m. Councilor Wemigwase arrived.

Motion made by Councilor Keshick and supported by Councilor Wemigwase to adopt the agenda as amended for February 19, 2012.

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

Motion carried.

The March 4, 2012 meeting was cancelled due to weather.

Motion made by Treasurer Bott and supported by Councilor Denemy to approve the minutes of February 19, 2012 as presented.

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

Motion carried.

Motion made by Secretary Gasco Bentley supported by Councilor Otto to ratify into the record the Phone Poll dated March 15, 2012. The reason for the Phone Poll: Motion to approve and authorize General Counsel James Bransky and

Legislative Leader Melvin L. Kiogima to sign a common interest confidentiality agreement between Little Traverse Bay Bands, Grand Traverse Band and Little River Band, as presented, regarding land and reservation issues, subject to minor technical edits.

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

Motion carried.

9:17 a.m. Elder Comments: no comments at this time.

9:23 a.m. Councilor Gasco arrived.

Motion made by Secretary Gasco Bentley and supported by Councilor Keshick to approve Citizenship List B Declination Ineligible dated February 12, 2012 for a total of 1.

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

Motion carried.

10:35 a.m. – 10:53 a.m. Recess called.

Motion made by Secretary Gasco Bentley and supported by Councilor Wemigwase to set a hearing date for the Tribal Citizen as it appears on the Citizenship List D dated February 23, 2012, for Sunday, September 9, 2012 at 1:30 pm.

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

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Bardwell to table the Wage Grid Implementation Resolution request.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Keshick to table nominations for Waganakising Odawa Development, Inc. Corporate Charter until after the Economic Development Work Session.

Vote: 4 - Yes, 5 – No (Councilor Gasco, Councilor Bardwell, Legislative Leader Kiogima, Councilor Denemy, Councilor Otto), 0 - Abstained, 0 – Absent

Motion failed.

Motion made by Councilor Bardwell and supported by Treasurer Bott to acknowledge the receipt of Beatrice A. Law and Gerald V. Chingwa Waganakising Odawa Development, Inc. Corporate Charter nominations as presented by the Executive.

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

Motion carried.

11:57 a.m. Public Comment opened: no comments.

11:57 a.m. Public Comment closed.

Motion made by Treasurer Bott and supported by Councilor Gasco to acknowledge the receipt of Winona Singel Appellate Justice nomination as presented by the Executive.

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

Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to acknowledge the receipt of William I. Denemy Appellate Justice nomination as presented by the Executive.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to table the “Regulations of the Gaming Regulatory Commission Amendment to REG-WOS 2005-06 091210-009”.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Treasurer Bott), 1 – Absent (Councilor Bardwell)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve Certified Motion: Request for Funding from the U.S. Department of Health and Human Services Administration for Children and Families Administration on Children, Youth and Families/Family and Youth Services Bureau Little Traverse Bay Bands of Odawa Indians Family Violence Prevention and Services Program.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve Certified Motion: Request for Funding from the United States Department of Justice, Office on Violence Against Women (OVW), Fiscal Year 2012 Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program, Little Traverse Bay Bands of Odawa Indians End Violence Against Elders Project.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to acknowledge receipt of the Executive report for March 18, 2012.

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

Motion carried.

12:00 p.m. Lunch recess called.

1:30 p.m. Meeting reconvened.

2:16 p.m. Motion made by Councilor Wemigwase and supported by Councilor Gasco to go into closed session for personnel.

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

Motion carried.

3:44 p.m. Motion made by Councilor Bardwell and supported by Councilor Denemy to return to open session.

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

Motion carried.

3:44 p.m. Recess called.

3:53 p.m. Meeting reconvened.

3:53 p.m. Public Comment opened: no comments.

3:54 p.m. Public Comment closed.

Motion made by Councilor Keshick and supported by Councilor Otto to remove Gijigowi Anishinaabemowin Language and Cultural Department from the Legislative Calendar.

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

Motion carried.

Motion made by Councilor Keshick and supported by Councilor Wemigwase to pass the Gijigowi Anishinaabemowin Language Department Statute.

Roll Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-no, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-no.

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Bardwell to pass the Education Department Statute.

Roll Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-no, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-no.

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Gasco to pass the Department of Repatriation and Archival Records Statute.

Roll Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-no, Councilor Wemigwase-yes, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-no.

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Bardwell to request that Executive present within 120 days to Tribal Council regulations to implement the following Statutes upon enactment: Gijigowi Anishinaabemowin Language Department, Education Department, Department of Repatriation and Archival Records.

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

Motion carried.

Motion made by Councilor Bardwell and supported by Councilor Gasco to approve an offer to Michael Garrow for the position of Treasury Director and the Legislative Leader shall negotiate a contract for Tribal Council approval.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve the Tribal Court retaining Attorney John Petoskey to represent the Judiciary up to the amount of \$15,000.00.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve the Judiciary's request for supplemental funding in the amount of \$5,000.00 for "travel" for a special appointment of a Judge.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to approve the Tribal Courts request for supplemental funding in the amount of \$129,710.00 for salary for Drug Court staff and salary deficit for Associate Judge, travel for Court staff and judges, training, Indigent Defense Fund, subscription for Westlaw Legal Database, and law clerks.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to approve the Tribal Courts request for supplemental funding in the amount of \$2,500.00 for supplies for the Associate Judge.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve the special appointment of Timothy Connors to hear the case of Steingold vs. Tribal Judiciary, #C-142-0312, at the request of the Tribal Court for the reason that all Tribal Court Judges have recused themselves from this particular case.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Gasco to accept Treasurer Bott's Treasurer Report and Appropriations and Finance Committee as presented for March 18, 2012.

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

Motion carried.

Motion made by Councilor Otto and supported by Councilor Gasco to post the Amendment to 2007-001 Marriage Draft Statute on the Legislative Calendar.

Vote: 5 - Yes, 2 – No (Councilor Keshick, Legislative Leader Kiogima), 0 - Abstained, 2 – Absent (Treasurer Bott, Councilor Wemigwase)
Motion carried.

5:25 p.m. Recess called.

5:37 p.m. Meeting reconvened.

5:43 p.m. Motion made by Councilor Gasco and supported by Treasurer Bott to go into closed session for legal purposes.

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

Motion carried.

6:25 p.m. Motion made by Councilor Gasco and supported by Councilor Otto to return to open session.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept Enjiinakneng report for March 18, 2012.

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

Motion carried.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to authorize retention of Olson, Bzdok & Howard, P.C. for defense of suit in Tribal Court case # C-138-1111.

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

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to table the performance evaluation of the Legislative Services Attorney.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Wemigwase to override Executive Veto for Tribal Chair Ambassadorial Capacity and Tribal Representative Statute.

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

Motion carried.

Motion made by Secretary Gasco Bentley and supported by Councilor Otto to accept the Legislative Leader Kiogima's Report for March 18, 2012.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Otto to accept the Gaming Authority Committee Report for March 18, 2012 as presented by Councilor Gasco Committee Chairperson.

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

Motion made by Councilor Bardwell and supported by Treasurer Bott to accept the Ethics Committee Report for March 18, 2012 from Councilor Otto Committee Chair.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

7:06 p.m. Motion made by Councilor Bardwell and supported by Treasurer Bott to go into closed session for land.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

7:12 p.m. Motion made by Councilor Gasco and supported by Treasurer Bott to return to open session.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Councilor Keshick and supported by Councilor Bardwell to accept the Tribal Council Member Reports March 18, 2012.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

7:19 p.m. Motion made by Councilor Otto and supported by Councilor Gasco to go into closed session for Confidential Business.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

7:30 p.m. Motion made by Councilor Otto and supported by Treasurer Bott to return to open session.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve supplemental funding to the Legislative Budget for consultants in the amount of \$50,000.00 to come from prior period funds.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

7:34 p.m. Councilor Bardwell left the meeting.

Motion made by Councilor Gasco and supported by Councilor Wemigwase to accept Legislative Services Attorney Budnick's Report for March 18, 2012.

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

Motion made by Treasurer Bott and supported by Councilor Wemigwase to appoint Jannan Cornstalk to the Natural Resources Commission to fill a vacancy ending 2013.

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

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to approve the contract between LTBB and Associate Judge James Genia and authorize the Legislative Leader to sign the contract.

Vote: 4 - Yes, 4 - No (Councilor Gasco, Councilor Wemigwase, Treasurer Bott, Councilor Otto), 0 - Abstained, 1 - Absent (Councilor Bardwell)

Motion failed.

7:48 p.m. Motion made by Councilor Gasco and supported by Treasurer Bott to adjourn.

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

Motion carried.

These Minutes have been read and approved as corrected:

Regina Gasco Bentley, Tribal Council Secretary

4-22-12
Date