

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL RESOLUTION # 010613-02

**Confirmation of the Establishment of the Capital Project Fund, Remaining Balance, and
Payment to Consults and Vendors**

- 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** Tribal Council established a Capital Project Fund to pay consultants and vendors who provide services related to the Mackinaw Casino Project;
- WHEREAS** Tribal Council appropriated funding to the Capital Project Fund on July 8, 2012 in the amount of \$115,000.00, July 13, 2012 in the amount of \$31,000.00, August 19, 2012 in the amount of \$388,500.00 and September 23, 2012 in the amount of \$970,000.00, from prior year funds. There are currently outstanding invoices in the amount of \$228,362.00. After the payment of these outstanding invoices there is a remaining balance of \$1,310,134.00 in the Capital Project Fund.
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians Tribal Council recognizes the importance of paying its consultants and vendors whom have performed services for the Tribe.

THEREFORE BE IT RESOLVED that the establishment of the Capital Project Fund is confirmed and has a remaining balance of fund is \$1,310,134.00 to be used for payment to consultants and vendors who provide services relating to the Mackinaw Casino Project as set forth in the *Policy and Procedure for Authorization of the Pre-Construction Capital Project Funds Related to the proposed Mackinaw Casino Economic Development Project*.

CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held January 6, 2013 at which a quorum was present, by a vote of 6 in favor, 3 opposed, 0 abstentions, 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Belinda Bardwell	X			
Bill A. Denemy	X			
Kevin Gasco	X			
John Keshick III	X			
Aaron Otto		X		
Winnay Wernigwase		X		
John Bott	X			
Regina Gasco Bentley		X		
Melvin L. Kiogima	X			

Date: 1/6/13 Melvin L. Kiogima
Melvin L. Kiogima, Legislative Leader

Date: 1-6-13 Regina Gasco Bentley
Regina Gasco Bentley, Secretary

Received by the Executive Office on 1/7/13 by [Signature]

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: February 4, 2013 Dexter McNamara
Dexter McNamara, Tribal Chairperson

Date: 02-05-13

LTBB TRIBAL COUNCIL PHONE POLL

Reason for Phone Poll:

To override the Veto by Chairperson McNamara of Tribal Resolution #010613-02 Confirmation of the Establishment of the Capital Project Fund, Remaining Balance, and Payment to Consults and Vendors.

Authorization:

Legislative Leader Melvin L. Kiogima

Phone Poll Conducted by:

Administrative Assistant Michael Smith

Council Members:

Kevin Gasco Yes X No _____ Date/Time Called: _____
of attempts: _____

Belinda Bardwell Yes X No _____ Date/Time Called: _____
of attempts: _____

John Keshick III Yes X No _____ Date/Time Called: _____
of attempts: _____

Bill A. Denemy Yes X No _____ Date/Time Called: _____
of attempts: _____

Winnay Wemigwase Yes _____ No _____ Date/Time Called: _____
Abstain X # of attempts: _____

Aaron Otto Yes X No _____ Date/Time Called: _____
of attempts: _____

John Bott Yes X No _____ Date/Time Called: _____
of attempts: _____

Regina Bentley Yes _____ No _____ Date/Time Called: 02/05/13 11:07 am /
11:29 am / 11:31 am
of attempts: 12:43 pm / 12:44 pm
5

Melvin L. Kiogima Yes X No _____ Date/Time Called: _____
of attempts: _____

Phone Poll Vote:

VOTE: 7 Yes 0 No 1 Abstained 1 Absent

Comments:

Kevin Gasco _____

Belinda Bardwell _____

John Keshick III _____

Bill A. Denemy _____

Winnay Wemigwase _____

Aaron Otto _____

John Bott _____

Regina Bentley _____

Melvin L. Kiogima _____

This phone poll was announced by the Tribal Council Secretary to the Tribal Council at an official meeting and recorded in the minutes.

Date: _____

VOTE: ____ Yes ____ No ____ Abstained ____ Absent

Approved by Tribal Council: _____

Regina Gasco Bentley, Tribal Council Secretary

*Little Traverse Bay Bands of Odawa Indians
Tribal Council, Legislative Branch
7500 Odawa Circle
Harbor Springs, Michigan 49740
231-242-1406 * Fax 231-242-1416*

Memo

*To: Tribal Chair Dexter McNamara
From: Melvin Kiogima, on behalf of Tribal Council
Date: February 3, 2013
Re: Tribal Resolution #010613-02*

Tribal Council has received your memo dated January 21, 2013, wherein you have requested the supporting documentation for the appropriations that have been authorized. Please see the following response to address your concerns:

The Capital Project fund was set up on July 8, 2013, by the following motion:

Motion made by Councilor Gasco and supported by Councilor Denemy to authorize the establishment of a "Capital Project Fund" within the Legislative Branch Budget for costs and consultants related to economic development and any remaining funds left over in a fiscal year shall be rolled over to the next fiscal year.

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

Motion carried.

The first appropriations made to the Capital Project Fund were made on the same date, July 8, 2013, as reflected by the following motion:

Motion made by Councilor Gasco and supported by Treasurer Batt to approve supplemental funding for the Capital Project Fund within the Legislative Branch Budget in the amount of \$115,000.00 to come from prior period funds for costs and consultants related to economic development.

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

Motion carried.

Additional funding was added on July 13, 2013, for an additional consulting service to assess the waterpark property for feasibility for economic development. See the following motion:

Motion made by Councilor Gasco and supported by Councilor Keshick to authorize and approve the supplemental funding to the Capital Projects Fund-Tribal Council (2315-0-01) in the amount of \$31,000 to come from prior period funds.

Vote: 6 - Yes, 1 -- No (Councilor Wemigwase), 0 - Abstained, 2— Absent (Legislative Leader Kiogima, Councilor Otto)

Motion carried

These funds were appropriated to pay for the financial and development consulting services through Stuyvensant Square Advisors, (SSA, Inc.) and S-G Advisors, LLC (SGA). The contracts with both of these firms are on file with the accounting department. As of today's date, the total invoiced is \$160,000.00 that was paid out monthly per the terms of the contracts.

SSA was retained in February of 2012, and discontinued their services in August of 2012. SGA continue to provide consulting services.

Additional appropriation in August 2013, was a transfer from the Legislative Branch consulting line-item to the Capital Project Fund to reserve funding for phase II of SGA's contract:

Motion made by Councilor Keshick and supported by Councilor Gasco to authorize and approve the transfer of funds in the amount of \$388,500.00 from the Legislative Branch Budget (1101-0-00) to the Legislative Branch Capital Project Fund (2315-0-01) that is also contained within the Legislative branch.

Vote: 7 - Yes, 2 — No (Councilor Wemigwase, Secretary Gasco Bentley), 0 - Abstained, 0 Absent

Motion carried.

With the purchase of the water park, Tribal Council then had an assessment of the total costs for the project through March of 2013 based on the existing contracts at the time and the following anticipated costs:

Financing advisor

Friedmutter

Architecture and Engineering Fees

Soil Engineer

Engineering for Butler building

Mechanical, electrical, and plumb equip

County taxes - 6 months to trust

Utility connections (water, electric, gas, sewer)

Waterpark remediation / improvements

Contingency (16.4%)

SGA, Planning Director and Treasury Director compiled the assessment and recommended Tribal Council to appropriation of \$970,000.00. to the Project Capital Fund.

Motion made by Councilor Keshick and supported by Councilor Denemy to approve and appropriate \$970,000 to the Capital Project Fund (2315-0-01) for preconstruction costs and consultant fees, through March 2013, for the proposed Mackinaw Casino, to come from Prior Period Funds.

Vote: 6- Yes, 2 — No (Secretary Gasco Bentley, Councilor Wemigwase), 0 - Abstained, 1 — Absent (Councilor Bardwell)

Motion carried.

The total costs for the preconstruction phase is \$1.3 million as reflected in the Resolution sent to you for signature to appropriate the funds.

1
2 Motion made by Councilor Denemy and supported by Secretary Gasco Bentley
3 to post Amendments to the Gaming Delegation and Authority Statute.

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

5 Motion carried.

6
7 Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to
8 post Amendments to the Interim Criminal Code.

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

10 Motion carried.

11
12 Motion made by Councilor Gasco and supported by Treasurer Bott to approve
13 the Grant, Donation and Other Funding Policy.

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

15 Motion carried.

16
17 Motion made by Treasurer Bott and supported by Councilor Gasco to adopt the
18 Tribal Historic Preservation Office Protection and Management of Archaeological,
19 Historical, And Cultural Properties and Cultural Resources Statute.

20 Roll call: Councilor Bardwell-yes, Councilor Denemy-yes, Councilor Gasco-yes,
21 Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-yes,
22 Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-
23 yes

24 Motion Carried.

25
26 Motion made by Councilor Gasco and supported by Councilor Bardwell to accept
27 the Odawa Casino Resort 4th Quarter Report.

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

29 Motion carried.

30
31 4:10 p.m. made by Councilor Wemigwase and supported by Councilor Gasco to
32 go into close session for confidential business matters.

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

34 Motion carried.

35
36 4:37 p.m. Motion made by Councilor Bardwell and supported by Councilor Gasco
37 to return to open session.

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

39 Motion carried.

40
41 Motion made by Councilor Bardwell and supported by Councilor Gasco to
42 approve and authorize Legislative Leader Kiogima to submit the memo to the
43 Tribal Chair McNamara, dated February 3, 2013, regarding Tribal Resolution
44 #010613-02.

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