

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
March 9, 2017**

Call to Order: 9:13 a.m.
Opening ceremony: Beatrice Law
Closed Session: no

Council Present: Legislative Leader Aaron Otto, Secretary Julie Shananaquet, Treasurer Marcella Reyes, Councilor Frank Bernard, Councilor Beatrice Law

Absent: Councilor David Harrington, Councilor Dexter McNamara, Councilor Michael Naganashe, Councilor Emily Proctor

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

Executive Officials and Staff Present: Chairperson Regina Gasco Bentley, Vice-Chairperson Stella Kay, Direct Services Administrator Phil Harmon, Chief Financial Officer Carrie Carlson

Tribal Boards and Charters: Ziibimijwang Board members – Joe VanAlstine, Rebeca Otto, Kevin Donner, Odawa Gaming Enterprise Board Member - Chairperson Denise Petoskey

Judicial Officials and Staff: none

Public: Rochelle Ettawageshik, Raymond Shenoskey

Invited Guest: Renee Dillard

9:21 a.m. Councilor David Harrington arrives

Agenda:

Motion made by Councilor Law and supported by Secretary Shananaquet to approve the agenda of March 9, 2017 as amended.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor McNamara, Councilor Naganashe, Councilor Proctor)

Motion carried.

Minutes: Will be reviewed later on the agenda

Executive Report:

Discussion: Chairperson Gasco-Bentley reported on: Invitation to EPA Conference, Chippewa Ottawa Resource Authority (CORA) issues, United Tribes

discussion regarding mascots, Scholarships, tuition waivers, supporters of reservation litigation, working on budgets, upcoming Round Dance, Michigan Indian Elder Associate delegates. Vice Chairperson Stella Kay reported on budget process and department reporting, Interviews held for Tribal Planner, upcoming travel plans, National Congress of American Indians (NCAI) meetings. Direct Services Administrator Phil Harmon reported on Preliminary plans for future Strategic planning, reviewing grant programs, summer program for direct services. Brief discussion on Microix budgeting process.

Motion made by Councilor Law and supported by Treasurer Reyes to acknowledge the March 9, 2017 verbal Executive updates as presented by Chairperson Regina Gasco Bentley, Vice-Chairperson Stella Kay and Direct Services Administrator Phil Harmon.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 – Absent (Councilor McNamara, Councilor Naganashe, Councilor Proctor)

Motion carried.

10:44 a.m. Break

10:52 a.m. Councilor Dexter McNamara arrives

11:04 a.m. Resume meeting

Minutes:

Motion made by Treasurer Reyes and supported by Councilor Harrington to approve the Regular Meeting minutes of February 16, 2017 as corrected.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to approve the Special Meeting minutes of February 21, 2017 as presented.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Legislative Officer Reports:

Legislative Leader Report

Discussion: Office visits to address items needing attention for Tribal Council.

Motion may be necessary authorizing Legislative Office Manager as designee for Microix access. Develop work group to work on changes that will need to occur if and when territory issues are resolved. Requests for additional agenda items and table personnel issue until next meeting. Set up schedule for Tribal Council Members to sit at Tribal Council table during annual community meeting.

Motion made by Secretary Shananaquet and supported by Councilor Law to accept Legislative Leader Otto's verbal report as presented on March 9, 2017.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Secretary Report

Documents Delivered to Executive

- Tribal Resolution #021617-01; Supplemental funding for Ziibimijwang, Inc. in the amount of \$63,632.00.
Submitted to the Executive on 02-20-17 and signed on 02-21-17.

Vetoed:

- Waganakising Odawak Statute Housing Department.
Submitted to the Executive on 02-06-17 and vetoed on 03-06-17
(Would like to revisit at work session)

Phone Polls: None

Discussion: I received word from Kim Dunn via e-mail on 3/8/17 regarding LTBB's General Welfare Exclusion and have forwarded e-mail to Tribal Council on same date.

Motion made by Treasurer Reyes and supported by Councilor Law to accept Secretary Shananaquet's verbal report as presented on March 9, 2017.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Treasurer Report

Discussion:

Appropriations and Finance Committee

- Last Meeting: February 6, 2017

*AFC Phone Poll 02-27-17 Motion to recommend Tribal Council approve Certified Motion #030917-01; Request for Funding from the U.S. Department of Agriculture Natural Resource Conservation Service FY 2017 Environmental Quality Incentives Program (EQIP) Reed Road Crossing Improvement Project.
Vote: 3-yes, 0-no, 0-abstained, 0-absent*

- Next meeting: March 14, 2017 at 1:00 p.m. in the Council Chambers

Motion made by Councilor McNamara and supported by Councilor Law to accept Treasurer Reyes' verbal report as presented on March 9, 2017.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Tribal Council Travel Reports:

Councilor Law - United Tribes of Michigan and Gaming Enterprise Board Meeting.

Motion made by Treasurer Reyes and supported by Councilor McNamara to accept Councilor Law's verbal and written travel report for attendance at the United Tribes of Michigan, held in Lansing, MI and the verbal report regarding attendance at the March 6, 2017 Gaming Enterprise Board meeting held at Odawa Casino.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

11:49 a.m. Public Comment Opens

- Citizen/Secretary-Shananaquet, Citizen/Councilor-Law, Citizen/Legislative Office Manager-Portman-LaCount gave recognition to Citizen Audrey Atkinson for her numerous contributions to our Tribe. Citizen/Legislative Leader would like to give a special recognition for Al Colby and Audrey Atkinson for their service to the Tribe.

11:53 a.m. Public Comment Closes

Treasurer Reyes - United Tribes of Michigan

Motion made by Secretary Shananaquet and supported by Councilor Law to accept Treasurer Reyes' verbal and written travel report for attendance at the United Tribes of Michigan, held in Lansing, MI.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Councilor Naganashe - United Tribes of Michigan.

Absent – No report

12:02 p.m. Lunch Break

1:34 p.m. Meeting Resumes

1:34 p.m. – 1:49 p.m. Anishinaabemowin by Wasson

Tribal Council Member Reports - None

Tribal Council Committee Reports:

Land and Reservation Committee

Meeting dates:

- Last meeting: February 10, 2017
- Next meeting: March 17, 2017 at 9:00 a.m. in the Council Chambers
- Special Meeting March 31, 2017 Inter-Tribal Land & Reservation Meeting. 10:00 a.m. – 4:00 p.m.

Ethics Committee – No Report

Meeting dates:

- Last meeting: December 20, 2016
- Next meeting: To be determined

Legislative Staff Reports:

Tribal Historic Preservation Officer

Legislative Services Attorney Report

Motion made by Councilor Law and supported by Councilor McNamara to accept the March 9, 2017 Legislative Services Attorney Budnick's verbal report.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

2:01 p.m. Ziibimijwang, Inc. – Board Members: Chairperson Joe VanAlstine, Vice-Chairperson Rebeca Otto and Board member Kevin Donner

Board Members updated on several projects being pursued by the Board:

Seed purchase, Barn cleanup, thank you for financial assistance

- Submitted grant request to First Nations – no response as of yet
- Procurement through Asset disposal of Odawa Fishery vehicle
- Farm House occupancy
- Final draft of contract for potential farmer
- Looking for additional grants
- Looking for outlet for vegetables
- Ground space availability for Tribal Citizen use.
- Strategic planning will continue as an on-going venture
- Conflict of interest issues.

Motion made by Treasurer Reyes and supported by Councilor Harrington to acknowledge the March 9, 2017 Ziibimijwang, Inc verbal and written report as presented by Chairperson-Joe VanAlstine, Vice-Chair Rebeca Otto, and Board Member-Kevin Donner.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

2:30 p.m. Gaming Enterprise Board

Motion made by Councilor Law and supported by Legislative Leader Otto to acknowledge receipt of the March 9, 2017, Gaming Enterprise Board (GEB) verbal and written (via e-mail dated 03/08/17) report and authorize and approve the GEB to re-open discussion regarding Class III gaming with the Village of Mackinaw City and recommend that the GEB speak with the Tribal Chair regarding this request.

Vote:

6 - Yes, 0 - No, 1 – Abstained (Councilor Harrington), 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Action Items: (Motion) This one Action Item was moved up on agenda for immediate action.

Motion made by Councilor Law and supported by Councilor McNamara to assign Doug Schlappi to the Ziibimijwang, Inc., to a 4-year term ending March 7, 2021 pending a clean background report in accordance with the Corporate Charter Assignment Policy.

Vote: 1- Yes, 5 – No (Treasurer Reyes, Secretary Shananaquet, Councilor Bernard, Councilor Harrington, Councilor Law), 1 – Abstained (Legislative Leader Otto), 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion failed.

3:07 p.m. Public Comment Opens and Closes with no comments

3:07 p.m. Break

3:25 p.m. Meeting Resume

Legislative Staff Reports: *continued*

Enjinaaknegeng – Confidential Memo 030917-01

Motion made by Councilor Harrington and supported by Secretary Shananaquet to authorize and approve the Land and Reservation Committee Chairperson Reyes to direct General Counsel Bransky to obtain a comparative market analysis on land parcel #106 and submit the results to Tribal Council.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Legislative Office Manager Report (LOM)

Motion made by Councilor Harrington and supported by Councilor Law to accept the March 9, 2017 Legislative Office Manager's verbal and written report as presented by Legislative Office Manager, Michele Portman-LaCount.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Office of Finance and Revenue Report - Position currently vacant.

Corporate Charters and/or Board Updates

Odawa Economic Development Management, Inc. – No report

Traditional Tribal Burial Board, Inc. – No report

Action Items: (Motions) *continued*

Motion made by Treasurer Reyes and supported by Councilor Law to acknowledge receipt of Blair J. Miller's letter of interest for Ziibimijwang Board and set up interview.

Vote: 6 - Yes, 1 - No (Councilor McNamara), 1 - Abstained (Legislative Leader Aaron Otto), 2 - Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to remove Roger Borton from the Odawa Economic Development Management, Inc. (OEDMI) per the request of OEDMI letter dated February 17, 2017, stating that pursuant to Article XI(a)(4) of OEDMI's Corporate Charter a Board member may be involuntarily removed during their term for failing "to act in good faith, or with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, or in a manner he or she reasonably believes to be in the best interests of OEDMI."

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Councilor Law and supported by Councilor McNamara to approve the Policy and Procedures for Rescheduling Tribal Council Meetings in the Event of an Emergency Closure.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Bernard to authorize the Legislative Leader to set up an interview with Candidate #2 for the Senior Financial Analyst position.

Vote: 5 - Yes, 2 - No (Councilor McNamara, Councilor Bernard), 0 - Abstained, 2 - Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to acknowledge receipt of the Odawa Fishery 2016 Profit & Loss statements, from the Executive.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Councilor Law and supported by Secretary Shananaquet to approve the FY 2018 Little Traverse Bay Bands of Odawa Indians Budget Hearings as posted on the Budget Formulation Process Planning Calendar, as follows:

April 3, 2017 9:00 a.m. - Executive Budgets

April 5, 2017 9:00 a.m. - Executive Budgets

April 7, 2017 1:30 p.m. - Judicial, Prosecutor, Election Board, Legislative Branch, and Corporate Charters

April 13, 2017 LTBB Public from 1:00 p.m. - 4:00 p.m.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Councilor Law and supported by Councilor McNamara to approve the Ethics Committee Policy and Procedures.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Councilor Harrington and supported by Councilor Law to acknowledge receipt from the Executive, the Sex Offender Registration Policy POL ADM-WOS 2012-008 022317-006.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Harrington to approve Certified Motion #030917-01; Request for Funding from the U.S. Department of Agriculture Natural Resource Conservation Service FY 2017 Environmental Quality Incentives Program (EQIP) Reed Road Crossing Improvement Project.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Councilor Law and supported by Treasurer Reyes to authorize and approve the Legislative Leader to sign and submit the letter dated March 9, 2017, to Tribal Prosecutor Castagne regarding Tribal Jurisdiction for Child Protection cases.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Secretary Shananaquet and supported by Treasurer Reyes to acknowledge receipt of the Election Board FY 2018 Proposed Budget as received by the Legislative Office on March 6, 2017.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Law to post to the Legislative Calendar in the Odawa Register Waganakising Odawak Statute Criminal Procedures as sponsored by Legislative Leader Aaron Otto.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)
Motion carried.

Motion made by Councilor McNamara and supported by Secretary Shananaquet to post to the Legislative Calendar in the Odawa Register Waganakising Odawak Statute Crimes as sponsored by Legislative Leader Aaron Otto.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Motion made by Councilor Law and supported by Secretary Shananaquet to repost the Amendment to Waganakising Odawak Statute 2015-019 Administrative Procedures Statute.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Motion made by Councilor Law and supported by Councilor Bernard to acknowledge receipt of the Gaming Enterprise Board written January 2017 Budget Expenditures Reports and Odawa Casino Resort January 2017 Monthly Report.

Vote: 6 - Yes, 0 - No, 1 – Abstained (Councilor Harrington), 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Motion made by Councilor Harrington and supported by Councilor Law to amend agenda to include: receipt of FY2018 Tribal Court Budgets and Motion to authorize and approve the LOM as designee to receive proposed governmental budgets.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Motion made by Councilor Harrington and supported by Secretary Shananaquet to acknowledge receipt of the Tribal Court FY 2018 Budgets

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Motion made by Treasurer Reyes and supported by Secretary Shananaquet to authorize and approve the Legislative Office Manager as the designee, in the absence of the Senior Financial Analyst, to receive the proposed governmental budgets, via Microix, on behalf of the Tribal Council/Legislative Branch, in accordance with the WOS 2016-015 Tribal Government Budget Formulation and Modification Statute: "All proposed Governmental Branches budgets whether utilizing General Fund Revenues, Grant/Federal Contract Revenues shall be submitted to Legislative Office by March 15th of each year."

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Naganashe, Councilor Proctor)

Motion carried.

Action Items – (Roll Call Votes)

Special Note: Tribal Council erroneously passed the Waganakising Odawak Statute, Ethics for Governmental Officials on February 16, 2017, prior to the required twenty-five (25) day posting per Waganakising Odawak Statute 2005-10, Legislative Procedures, Odawa Register Statute, therefore the following action required:

Motion made by Councilor Law and supported by Treasurer Reyes to withdraw the Ethics for Governmental Officials Statute, posted on February 2, 2017, and passed by roll call vote on February 16, 2017.

Roll Call: Councilor Bernard–yes, Councilor Harrington–yes, Councilor Law–yes, Councilor McNamara–yes, Councilor Naganashe–absent, Councilor Proctor–absent, Legislative Leader Otto–no, Secretary Shananaquet–yes, Treasurer Reyes–yes.

Motion carried.

Motion made by Councilor Law and supported by Councilor McNamara to pass Waganakising Odawak Statute Ethics for Government Officials.

Roll Call: Councilor Bernard–yes, Councilor Harrington–yes, Councilor Law–yes, Councilor McNamara–yes, Councilor Naganashe–absent, Councilor Proctor–absent, Legislative Leader Otto–no, Secretary Shananaquet–yes, Treasurer Reyes–yes.

Motion carried.

Other Items of Business – Closed Session

- Personnel – Tabled until March 23, 2017

Adjournment

5:14 p.m. Motion made by Councilor Harrington and supported by Councilor Bernard to adjourn.

Vote: 7 – Yes, 0 – No, 0 – Abstained, 2 – Absent (Councilor Bernard, Councilor Naganashe)

Next Tribal Council Meeting
Regular: March 23, 2017

These Minutes have been read and are approved as written.


Julie Shananaquet, Tribal Council Secretary

3/23/17
Date