

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740**

Tribal Council Regular Meeting
October 12, 2017

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Call to Order: 9:01 a.m.

Opening ceremony: Frank Bernard

Closed Session: yes

Council Present: Councilor Frank Bernard, Councilor Dexter McNamara, Councilor Julie Shananaquet, Councilor Shanna Wemigwase, Treasurer Marcella Reyes, Legislative Leader Fred Harrington, Jr.

Absent: Councilor David Harrington, Councilor Emily Proctor and Secretary Kiogima

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick
Legislative Office Manager Michele Portman-LaCount, Sr. Financial Analyst Rachel Cope, Deputy Tribal Historic Preservation Officer Melissa Wiatrolik, Tribal Historic Preservation Officer Wesley Andrews, General Counsel James Bransky

Executive Officials and Staff Present: Vice-Chair Stella Kay, Chief Financial Officer Carrie Carlson

Judicial Officials and Staff: none

Public: Andrew Stich, Beatrice Law

Invited Guest: Renee Dillard, Odawa Economic Development Management, Inc.: Alan Proctor-Treasurer, Shiloh Slomsky-Member, Shane Robinson-Member, Tanya Gibbs-President, Steve Hayward-Consultant

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to adopt the agenda for October 12, 2017.

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

Motion carried.

9:03 a.m. Councilor David Harrington arrived.

9:06 a.m. Secretary Kiogima arrived.

The motion to approve the minutes for September 28, 2017 was tabled until the next Tribal Council Meeting on October 26,2017.

Tribal Historic Preservation Office Report

1 Discussion regarding options for copyright issues for a video being made by the
2 Tribal Historic Preservation Office about a Black Ash project.

3
4 **Motion** made by Councilor McNamara and supported by Treasurer Reyes to
5 acknowledge receipt of the Tribal Historic Preservation Office 3rd Quarter Report
6 for 2017 as provided by Wesley Andrews.

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

8 Motion carried.

9
10 **Motion** made by Councilor Wemigwase and supported by Councilor McNamara
11 to acknowledge receipt of the Deputy Tribal Historic Preservation Officer Melissa
12 Wiatrolik’s travel report to Native American Graves Preservation Repatriation Act
13 Consultation Training.

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

15 Motion carried.

16
17 **Executive Report:**

18 Vice-Chair Stella Kay spoke on her attendance at Judge Maldonado’s Detroit
19 News Michigianian of the Year honor ceremony in downtown Detroit; the 34th
20 Annual National Indian Health Board Conference organized by the National
21 Indian Health Board during which time she learned the SDPI (Special Diabetes
22 Program for Indians) was renewed another 3-months;; Termination of Tribal
23 Planner; the Direct Service Administrator will continue work on the Tribal
24 Strategic plan – will meet with Tribal Council regarding what is the next step;
25 Executive Office was invited by Northern Michigan Women’s Republican Club to
26 present information regarding reservation litigation; attendance at the
27 Government-to-Government Consultation on Violence Against Women Act at the
28 Fort McDowell Yavapai Nation a copy of her written testimony will be sent to
29 Tribal Council at the request of the Legislative Services Attorney; the next
30 monthly Chippewa Ottawa Resource Authority meeting will take place Monday,
31 October 30, 2017, 10:30 a.m. at the Holiday Inn Express, 1751 US-131,
32 Petoskey.

33
34 **Discussion:**

35 Treasurer Reyes asked Vice-Chair Stella Kay if there is a limit for the amount of
36 time the Tribe holds vacant property lots for Citizen’s to build on property.

37
38 **Motion** made by Councilor Wemigwase and supported by Secretary Kiogima to
39 acknowledge the verbal Executive Report as presented by Vice-Chair Stella Kay.

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

41 Motion carried.

42
43 **Legislative Leader Report – FYI only**

44
45 **10:08 – 10:27 a.m. Break**

1 Secretary Report

2 Documents Delivered to Executive:

- 3 - Tribal Resolution To re-appropriate to Odawa Casino Resort the
4 Amount of \$820,000 to come from the Restricted General Fund –
5 Economic Development Reserve and allow for Odawa Casino Resort
6 to Reserve Profits to implement the updated five Tear Strategic Plan.
7 (due back to Tribal Council by October 28, 2017)

8
9 Executive signed Resolutions:

- 10 - 092817-01 Approval of FY 2018-FY 20121 Tribal Transportation
11 Improvement Plan.
12 - 092817-02 US of 3rd Party Support Revenue for Tribal Pharmacy in
13 the Amount of \$292,000.
14 - 092817-03 Budget Modification for Detention Costs.
15 - 092817-04 In Opposition to the Proposed Graham-Cassidy-Heller-
16 Johnson Legislation
17 - 092817-05 Supplemental Funding for the Tribal Historic Preservation
18 Office in the Amount of \$15,058

19
20 Vetoes: none

21
22 Phone Polls: none

23
24 **Motion** made by Councilor Shananaquet and supported by Treasurer Reyes to
25 accept Secretary Kiogima's verbal report.

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

27 Motion carried.

28
29 **10:08 a.m. – 10:27 a.m. Break**

30
31 Treasurer Report

32 Discussion: Verbal Travel report regarding attendance at Native American
33 Officer's Association Conference. Will provide a written report.

34
35 Appropriations and Finance Committee:

36 Last meeting: September 19, 2017. The October 5, 2017 Meeting was cancelled.

37 Next Meeting: November 14, 2017 1:00 p.m. in Tribal Council Chambers

38
39 Phone Polls: none

40
41 **Motion** made by Secretary Kiogima and supported by Councilor Shananaquet to
42 accept Treasurer Reyes' verbal report.

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

44 Motion carried.

45
46 **Tribal Council Committee Reports**

47 Land and Reservation Committee:

1 Discussion: Land Tour update; Discussion regarding storage for housing units;
2 Consideration for a spring Land Tour for the northern half of Tribal property.

3
4 Last meeting: October 6, 2017

5 Next meeting: November 17, 2017 9:00 a.m. in Tribal Council Chambers

6
7 **Motion** made by Councilor Shananaquet and supported by Councilor McNamara
8 to accept the Land and Reservation Committee Report as presented by
9 Treasurer Reyes.

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

11 Motion carried.

12
13 **Motion** made by Secretary Kiogima and supported by Councilor Shananaquet to
14 appoint Councilor Bernard and Councilor David Harrington to the Land
15 Management Committee.

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

17 Motion carried.

18
19 Ethics Committee: No meeting. This is on for a Tribal Council Work Session
20 discussion October 24, 2017 at 3:30 p.m.

21 Last meeting: September 12, 2017

22 Next Tentative Meeting Date: TBD

23 24 **Tribal Council Member Reports**

25
26 Secretary Kiogima provided an update on attendance at Urban Myths Premier.

27
28 **Motion** made by Councilor McNamara and supported by Councilor Wemigwase
29 to acknowledge receipt of Secretary Kiogima Tribal Council Member report.

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

31 Motion carried.

32
33 Councilor Wemigwase attended the last Gaming Regulatory Commission
34 meeting, in closed session; posting of gaming commissions agendas, what
35 constitutes a closed session; and has been working on the gaming regulatory
36 statutes for Tribal Council review at a Work Session.

37
38 Councilor Bernard reported that he attended the last Gaming Enterprise Board
39 meeting.

40
41 **Motion** made by Secretary Kiogima and supported by Councilor Shananaquet to
42 accept Tribal Council Member reports as provided by Councilor Wemigwase and
43 Councilor Bernard.

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

45 Motion carried.

46 47 **Legislative Staff Reports**

1
2 Legislative Services Attorney spoke regarding Tribal Historic Preservation Office
3 and Native American Graves Preservation and Repatriation Act Protocols; US v.
4 Michigan case; Reservation Litigation and expert reports; and review of
5 Executive posted policies.

6
7 **Motion** made by Councilor Shananaquet and supported by Councilor
8 Wemigwase to acknowledge receipt of Legislative Services Attorney Budnick's
9 written report for October 12, 2017.

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

11 Motion carried.

12
13 Legislative Office Manager Report

14 New Tribal Council Administrative Assistant Linda Gokee to begin in office on
15 Monday October 16, 2017; and an update on next Tribal Council work session
16 schedule.

17
18 **Motion** made by Councilor McNamara and supported by Councilor Wemigwase
19 to accept Legislative Office Manager Portman-LaCount's written and verbal
20 report as presented on October 12, 2017.

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

22 Motion carried.

23
24 Office of Finance and Revenue Report

25 Sr Financial Analyst Rachel Cope provide her travel report to Native American
26 Finance Officers Association Conference; and mentioned her attendance with the
27 Tribal Council Land Tour.

28
29 **Motion** made by Treasurer Reyes and supported by Councilor McNamara to
30 accept Sr. Financial Analyst Rachel Cope's report as presented on October 12,
31 2017.

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

33 Motion carried.

34
35 **11:48 a.m.** Public Comment opened: no comments.

36 **11:49 a.m.** Public Comment closed.

37
38 **General Counsel Report**

39
40 General Counsel Bransky spoke on Natural Resources Department and the
41 Ludington Storage Facility; Land in Trust update; the Tribal Supreme Court brief
42 in a treaty rights case; 2000 Great Lakes Consent Decree; Routine contract
43 review and miscellaneous assistance to Executive Departments and Odawa
44 Casino Resort; Office of Citizens Legal Assistance Office continues to assist a
45 steady stream of LTBB Citizens; Ongoing reservation litigation case; Legal
46 Assistant Su Lantz is available to assist with improving and expanding

1 peacekeeping; Will be attending the Odawa Economic Development
2 Management, Inc. meeting this afternoon; and Mackinaw liquor license pursuit.

3
4 **Motion** made by Councilor Shananaquet and supported by Councilor
5 Wemigwase to acknowledge receipt of General Counsel Bransky's verbal and
6 written report.

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

8 Motion carried.

9
10 **Motion** made by Councilor McNamara and supported by Councilor Wemigwase
11 to approve the Ludington Pump storage project relicensing settlement agreement
12 and authorize the Tribal Chairperson to sign the agreement.

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

14 Motion carried.

15
16 Vice-Chair Stella Kay provided additional Executive report update: Chairperson
17 Gasco-Bentley re-elected as Secretary of the United Tribes of Michigan; Patrick
18 Miles is running for Attorney General for Michigan; Chairperson Gasco-Bentley is
19 attending National Congress of American Indians and asked Tribal Council to
20 review resolutions and send any concerns. Government Administration Building
21 parking lot is on schedule for end of October 2017.

22
23 Councilor Shananaquet asked for the Executive to provide information regarding
24 the relationship between the Elder's Commission and the Elder's Association
25 with regard to the Department and the Michigan Indian Elder's Association.

26
27 **11:59 a.m. 1:30 p.m.** - Lunch break

28
29 **1:36 p.m.** Anishinaabemowin – Renee Dillard

30
31 **Motion** made by Councilor Shananaquet and supported by Councilor
32 Wemigwase to re-appoint Julie Janiskee to the Liquor and Tobacco Licensing
33 Board for a 3-year Term Expiring September 30, 2020.

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

35 Motion carried.

36
37 **Motion** made by Councilor David Harrington and supported by Councilor
38 Shananaquet to appoint Philip Harmon to the Liquor and Tobacco Licensing
39 Board for a 3-year Term Expiring September 30, 2020.

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

41 Motion carried.

42
43 **Motion** made by Treasurer Reyes and supported by Councilor Wemigwase to
44 approve Enrollment for Citizenship List A Eligible dated September 28, 2017 for a
45 total of 7.

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

47 Motion carried.

1
2 **Motion** made by Treasurer Reyes and supported by Councilor Wemigwase to
3 approve Enrollment for Citizenship List B declination (Ineligible) dated September
4 28, 2017 for a total of 2.

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

7
8 **Motion** made by Councilor Shananaquet and supported by Secretary Kiogima to
9 approve the 2018 schedule.

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

12 13 **Corporate Charters and/or Board Updates**

14 15 **2:00 p.m. Odawa Economic Development Management, Inc. 3rd Quarter Report:**

- 16 - \$200,000 in grant funding received from the Michigan Economic
17 Development Corporation, which will contribute to Victories Square for
18 expenses related to irrigation, lighting, signage and any other
19 infrastructure needed.
- 20
- 21 - Phase 1 development. Architectural/civil design 95% complete for
22 Various structures and arrangements necessary to fully and profitably
23 develop the old Victories site.
- 24
- 25 - Phase 2 OEDMI has requested that the Land & Res Committee add
26 this to an upcoming agenda for further discussion.
- 27
- 28 - BIA Loan Guarantee Program for the development of buildings.
- 29
- 30 - Working closely with LTBB Planning staff during code and regulations
31 review process.
- 32
- 33 - Ribbon Cutting Ceremony: October 26, 2017 1:00 p.m. on site weather
34 permitting. Alternative site due to inclement weather will be at the
35 Odawa Casino Resort Ovation Hall.
- 36

37 38 **3:01 p.m. Public Comment opened:**

- 39 - Andrew Stich requested at least one Tribal Council meeting per month,
40 and Tribal Council to consider limited banishment from activities,
41 programs, etc...instead of incarceration.

42 **3:04 p.m. Public Comment closed.**

43 44 **3:16 p.m. – 3:29 p.m. Break**

45

1 **Motion** made by Treasurer Reyes and supported by Councilor McNamara to
2 acknowledge receipt of the Odawa Economic Development Management, Inc. 3rd
3 Quarter verbal and written report for October 12, 2017.

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

5 Motion carried.

6
7 **Traditional Tribal Burial Board, Inc.**- no report

8 **Ziibimijwang, Inc.** – no report

9 **Gaming Enterprise Board** – no report

10
11 **Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to
12 acknowledge receipt of Annette VanDeCar's letter of interest for Odawa
13 Economic Development Management, Inc. and set up an interview.

14 Vote: 7 - Yes, 0 - No, 1 – Abstained (Legislative Leader Fred Harrington), 1 –
15 Absent (Councilor Proctor)

16 Motion carried.

17
18 **Motion** made by Councilor McNamara and supported by Treasurer Reyes to
19 acknowledge receipt of Belinda Bardwell's letter of interest for Odawa Economic
20 Development Management, Inc. and set up an interview.

21 Vote: 7 - Yes, 0 - No, 1 – Abstained (Legislative Leader Fred Harrington), 1 –
22 Absent (Councilor Proctor)

23 Motion carried.

24
25 **Motion** made by Councilor McNamara and supported by Treasurer Reyes to
26 acknowledge receipt of Susan Lantz's letter of interest for Odawa Economic
27 Development Management, Inc. and set up an interview.

28 Vote: 7 - Yes, 0 - No, 1 – Abstained (Legislative Leader Fred Harrington), 1 –
29 Absent (Councilor Proctor)

30 Motion carried.

31
32 **Motion** made by Councilor Wemigwase and supported by Councilor McNamara
33 to acknowledge receipt of Martin VanDeCar's letter of interest for Odawa
34 Economic Development Management, Inc. and set up an interview.

35 Vote: 7 - Yes, 0 - No, 1 – Abstained (Legislative Leader Fred Harrington), 1 –
36 Absent (Councilor Proctor)

37 Motion carried.

38
39 **Motion** made by Treasurer Reyes and supported by Councilor Wemigwase to
40 approve the Michigan Works! System Memorandum of Understanding between
41 Little Traverse Bay Bands of Odawa Indians and Networks Northwest, the
42 Northwest Michigan Works! Agency Workforce Development Board, and
43 authorize the Tribal Chairperson to sign.

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

45 Motion carried.

1 **Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to
2 approve the Michigan Works! System Memorandum of Understanding between
3 Little Traverse Bay Bands of Odawa Indians and the Northeast Michigan
4 Consortium Workforce Development Board, and authorize the Tribal Chairperson
5 to sign.

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

7 Motion carried.

8
9 **Motion** made by Secretary Kiogima Councilor and supported by McNamara to
10 approve Certified Motion #101217-01 National Congress of American Indians
11 Representatives for Little Traverse Bay Bands of Odawa Indians.

12 Vote: 7 - Yes, 0 - No, 1 – Abstained (Legislative Leader Fred Harrington), 1 –
13 Absent (Councilor Proctor)

14 Motion carried.

15
16 **Motion** made by Councilor Shananaquet and supported by Treasurer Reyes to
17 post the Contempt of Court Draft Statute on the Legislative Calendar in the
18 Odawa Register as sponsored by Councilor Proctor.

19 Vote: 7 - Yes, 1 – No (Legislative Leader Fred Harrington), 0 – Abstained, 1 –
20 Absent (Councilor Proctor)

21 Motion carried.

22
23 **3:44 p.m.** Motion made by Councilor Shananaquet and supported by Councilor
24 Wemigwase to go into closed session for confidential business.

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

26 Motion carried.

27
28 **4:18 p.m.** Motion made by Secretary Kiogima and supported by Councilor
29 Bernard to return to open session.

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

31 Motion carried.

32
33 **4:19 p.m.** Motion made by Councilor David Harrington and supported by
34 Treasurer Reyes to adjourn.

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

36 Motion carried.

37
38
39
40 Next Tribal Council Meeting
41 Regular: October 12, 2017

42
43 These Minutes have been read and are approved as corrected/written.
44

45
46 _____
47 Tamara Kiogima, Tribal Council Secretary

_____ Date