

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
April 7, 2018**

Call to Order: **9:00 a.m.**

Opening ceremony: Shanna Wemigwase

Closed Session: yes

Council Present: Councilor Emily Proctor, Councilor David Harrington, Secretary Tamara Kiogima, Councilor Julie Shananaquet, Treasurer Marcella Reyes, Councilor Dexter McNamara, Councilor Shanna Wemigwase, Councilor Frank Bernard, Legislative Leader Fred Harrington, Jr.

Absent: none

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

Executive Officials and Staff Present: Chairperson Gasco-Bentley, Direct Services Administrator Phil Harmon, Safety Coordinator Sue Gasco, Natural Resources Director Doug Craven

Judicial Officials and Staff: Court Administrator Michael Wolf

Public: Dianna Naganashe, Kenneth Dewey, Joseph Mier, Dan Shananaquet, Andrew Stich, Petchiese C. King, Arlene Naganashe, Jim Naganashe, Barbara Laughlin, Barry Laughlin, Andrea Shananaquet, Dennis Shananaquet, Joann Carey, Michael Smith, Tammy Okuly-Shananaquet, Virginia Lewis, Frances Holdorph, Warren Petoskey, Aaron Wemigwase, Wassee Wemigwase, Joan Robinson, Joanne Carey

Invited Guest: none

Motion made by Councilor Shananaquet and supported by Councilor Proctor to adopt the agenda for April 7, 2018 as amended.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor David Harrington to approve the Regular Meeting minutes of March 22, 2018 as presented.

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

Motion carried.

Tribal Historic Preservation Office/Native American Graves Preservation and Repatriation Act 2018 1st Quarter Report.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to accept the verbal and written report from the Tribal Historic Preservation and Native American Graves Preservation and Repatriation Act Officer Wes Andrews and Deputy Tribal Historic Preservation Officer Melissa Wiatrolik as presented on the agenda for April 7, 2018.

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

Motion carried.

10:20 a.m. Break

10:36 a.m. Return

10:36 a.m. Public Comment

- Andrew Stich asked about the 2018 budget shortfall and where will the cuts be taken from to adjust it.
- Joseph Mier: need to quit pointing fingers and start working together for the future.

10:41 a.m. Public Comment closed

Executive Report:

Discussion: Chairperson Gasco-Bentley: vice-chair Stella Kay on vacation. The Hearing Aid and Elders Dental Regulations being submitted to Tribal Council. Received email regarding Tony Davis and Joe Mitchel being able to provide teachings to prisoners. Reminder Michigan Indian Elders Association is at Odawa Hotel/Tribal Center Monday-Wednesday. Chippewa Ottawa Resource Authority on April 25, 2018. United Tribes of Michigan is May 30-31, 2018. Jannan Cornstalk nominated as Environmentalist of the year. Monroe Street property building has asbestos in it so tear down taking longer. Has letter regarding Tribes in Michigan being asked to sign on for support of Tribal Labor Sovereignty Act. Direct Services Administrator Phil Harmon: Hosting Veterans Color Guard Conference April 23-25, 2018. April 21, 2018 Round Dance PowWow. April 26, 2018 Earth Day event at Pond Hill Farm. Pipe Teaching demonstration May 20, 2018. Detention budget.

Motion made by Secretary Kiogima and supported by Treasurer Reyes to acknowledge the verbal Executive Report as presented by Chairperson Gasco-Bentley and Direct Services Administrator Phil Harmon.

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

Motion carried.

Legislative Leader Report

Discussion: Started plans for fish building for farm market; Sent plans to Joe VanAlstine/Ziibimijwang. Working on plans for construction company and low

interest loans. Need to complete foundation for project prior to releasing completed plan with regard to affordable housing (purchase or rent).

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to acknowledge receipt of Legislative Leader Fred Harrington's verbal report for April 7, 2018.

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

Motion carried.

General Counsel – Opioid litigation discussion with David Giampetroni, from Kanji & Katzen via conference phone.

Motion made by Councilor David Harrington and supported by Councilor McNamara to approve Certified Motion #040718-03 Participation in Opioid Litigation as recommended by the Executive.

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

Motion carried.

Secretary Report

Documents Delivered to Executive:

-Tribal Resolution # 022218-02 Appropriation of Funds for the Legal Fund-Reservation Boundary in the amount of \$1.5 million and restrict \$1 million for a Reservation Litigation contingency, including post litigation support. Delivered to the Executive for signature on 02/23/18-**ENACTED WITHOUT SIGNATURE AND IS EFFECTIVE ON MARCH 24, 2018.**

Vetoes: none

Phone Polls by Tribal Council: none

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to accept Secretary Kiogima's verbal and written report as presented on the agenda for April 7, 2018.

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

Motion carried.

Treasurer Report - Appropriations and Finance Committee

-Last meeting: March 13, 2018 (Motions made at this meeting were presented at the March 22, 2018 Tribal Council Meeting)

-Executive Branch Budget Hearings: April 3 & 4, 2018

-Prosecutor, Legislative and Judicial Branches, including Charters and Election Board Budget Hearings held Friday, April 6, 2018 at 9:00 a.m. in the Council Chambers.

-Next Regular Scheduled Appropriations and Finance Committee Meeting: April 10, 2018 at 9:00 a.m. in the Council Chambers.

-2019 Annual Budget Public Hearing: Thursday, April 12, 2018 at 1:00 p.m. in the Council Chambers.

Phone Polls passed by Appropriations and Finance Committee:

-03/28/2018 Motion to recommend to Tribal Council to approve Certified Motion # 040718-01 Ziibimijwang, Inc. Request for Funding through the Michigan Economic Development Corporation.

Committee Comments: none

Vote: 2 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Wemigwase)

Motion carried.

-03/28/2018 Motion to recommend to Tribal Council to approve Certified Motion # 040718-02 Ziibimijwang, Inc. Request for Funding through the United States Department of Agriculture.

Committee Comments: none

Vote: 2 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Wemigwase)

Motion carried.

-04/06/18 Motion to recommend to Tribal Council to approve Certified Motion # 040718-01 Request for Funding from the United States Department of Health and Human Services Administration for Children and Families, Administration for Native Americans Native American Language Preservation and Maintenance FY 2018.

Vote: 3 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried.

Motion made by Councilor Shananaquet and supported by Secretary Kiogima to accept Treasurer Reyes' Appropriations and Finance Committee verbal and written agenda report as presented on the agenda for April 7, 2018.

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

Motion carried.

11:39 a.m. Public Comment opened:

- Arlene Naganashe said we are all imperfect beings, asked everyone to keep in mind to not lose focus of positive reinforcement.
- Andrew Stich asked if construction will start on housing this year and how it will work with the budget shortfall.
- Julie Shananaquet thanked Arlene Naganashe for all her years of service.
- Petchiese C. King thanked Arlene Naganashe for everything she has done for others. Tribal homelessness and the pluses and negatives of asking for help.

11:52 a.m. Public Comment closed.

Land and Reservation Committee

-Last Meeting: March 2, 2018 (Motions made were presented at the March 8, 2018 Tribal Council Meeting)

-Next Meeting: April 13, 2018 at 9:00 a.m. in the Council Chambers

Phone Polls passed by Appropriations and Finance Committee:

-04/04/18 Motion to recommend to Tribal Council to approve the Ziibimijwang Farm Lease Agreement and Authorization to Conduct NRCS Practices of erecting Hoop Houses, Conservation Cover, and Compost System; and authorize the Legislative Leader to sign it.

Committee Comments: none

Phone Poll Vote: 3 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept Treasurer Reyes Committee Chair's verbal and written report for the Land and Reservation Committee as presented on the agenda for April 7, 2018.

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

Motion carried.

11:57 a.m. Public Comment opened:

- Carol (Patchiese) King look at everyone's needs.
- Arlene Naganashe look at harbor hall, they started out small.

11:58 a.m. Public Comment closed.

11:58 p.m. Lunch, Legislative Leader Fred Harrington, Jr. left the meeting.

1:32 p.m. Return

Councilor Wemigwase Detention programs funds already discussed to stay on the Executive side. Believes billings absorbed by programs/departments that have been used for litigation should all be billed to the litigation funds. Tribal Citizen Rob Ellerman on speaker phone; provided a power point about a business proposal regarding Tribal Debt and Financial Services. Grandfather Drum. Working with Gaming Enterprise Board/Casino regarding what it would take to live streaming Tribal Council meetings.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to acknowledge receipt of Councilor Wemigwase Tribal Council Member report for April 7, 2018.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Legislative Leader Fred Harrington, Jr.)

Motion carried.

Councilor Proctor, Treasurer Reyes and Secretary Kiogima travel to Mt Clemens, Michigan to tour RB Construction.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to acknowledge receipt of Councilor Proctor, Treasurer Reyes, Secretary Kiogima Tribal Council Member reports for April 7, 2018.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Legislative Leader Fred Harrington, Jr.)

Motion carried.

Office of Finance and Revenue Report

2:27 p.m. Legislative Leader Fred Harrington, Jr. arrived.

Motion made by Councilor David Harrington and supported by Councilor McNamara to accept Sr. Financial Analyst Rachel Cope's report for April 7, 2018.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

General Counsel additional information:

Discussion: Bell's property and the Ziibimijwang, Inc., communication protocol.
Update on reservation litigation.

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to acknowledge receipt of General Counsel Bransky's verbal Report for April 7, 2018.

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

Legislative Services Attorney Report

Letter to Bay Mills regarding their request to the Governor to be included in the agreement with Enbridge; and Little Traverse Bay Bands of Odawa Indians involvement.

3:00 p.m. Public comment opened:

- Barry Laughlin thanked Tribal Council for their work.
- Secretary Kiogima asked by Joanne Carey (who had to leave the meeting) to ask Tribal Council to help out at Michigan Indian Elders Association Meeting.

3:01 p.m. Public Comment closed

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to acknowledge receipt of Legislative Services Attorney Budnick's verbal and written report for April 7, 2018.

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

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to authorize and approve the distribution of the FY 2017 Tribal Council Annual Report.

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to acknowledge receipt of Legislative Office Manager Portman-LaCount's verbal and written report for April 7, 2018.

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

Corporate Charters and/or Board Updates-No updates
Odawa Economic Development Management, Inc.

Traditional Tribal Burial Board, Inc.
Ziibimijwang, Inc.
Gaming Enterprise Board

Motion made by Secretary Kiogima and supported by Councilor Wemigwase to approve the Legislative Branch Travel and Reimbursement Policy.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Proctor to approve Citizenship List A, Eligible for Citizenship dated March 21, 2018 for a total of 3.

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

Motion carried.

Motion made by Councilor Wemigwase and Supported by Secretary Kiogima to acknowledge Citizenship List C, Voluntary Relinquishment dated March 21, 2018 for a total of 1.

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

Motion carried.

The motion to acknowledge receipt of Rose Pyant's Letter of Interest for the Gaming Enterprise Board and set up an interview will be rescheduled pending completion of the legislative process for the Gaming Enterprise Board Statute.

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to approve Certified Motion #040718-01 Ziibimijwang, Inc. Request for Funding through the Michigan Economic Development Corporation as recommended by the Appropriations and Finance Committee.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to approve Certified Motion #040718-02 Ziibimijwang, Inc. Request for Funding through the United States Department of Agriculture as recommended by the Appropriations and Finance Committee.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor David Harrington to approve the Ziibimijwang Farm Lease Agreement and Authorization to Conduct NRCS Practices of erecting Hoop Houses, Conservation Cover, and a Compost System; as recommended by the Land and Reservation Committee and authorize the Legislative Leader to sign it.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to reimburse mileage for the March 27, 2018 Tribal Council travel for site visit to RB Construction in Mt Clemens MI.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Proctor to acknowledge receipt and approve the LTBB Hearing Aid Program Regulations REG-TR-032218-01 040518-01 and LTBB Elders Dental Services Program Regulations REG-TR-032218-02 040618-01.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to post Ethics for Governmental Officials and Employees draft Statute on the Legislative Calendar in the Odawa Register.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to approve Certified Motion #040718-04 Request for Funding from the United States Department of Health and Human Services Administration for Children and Families, Administration for Native Americans Native American Language Preservation and Maintenance FY 2018.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to pass Waganakising Odawak Statute Legislative Procedures.
Roll Call Vote: Councilor Bernard-yes, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet- yes, Councilor Wemigwase-yes, Treasurer Reyes-yes, Secretary Kiogima-yes, Legislative Leader Fred Harrington, Jr.- yes
Motion carried.

Motion made by Councilor McNamara and supported by Councilor Wemigwase to pass Waganakising Odawak Statute Gaming Authority Statute.
Roll Call Vote: Councilor Bernard-yes, Councilor David Harrington-abstained, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet-yes, Councilor Wemigwase-yes, Treasurer Reyes-yes, Secretary Kiogima-yes, Legislative Leader Fred Harrington, Jr.- yes
Motion carried.

Motion made by Councilor McNamara and supported by Councilor Wemigwase to pass Waganakising Odawak Statute Acquisition of Culturally Significant Items Statute.

Roll Call Vote: Councilor Bernard-yes, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-no, Councilor Shananaquet-no, Councilor Wemigwase-yes, Treasurer Reyes-no, Secretary Kiogima-no, Legislative Leader Fred Harrington, Jr.- yes
Motion carried.

Motion made by Treasurer Reyes and supported by Councilor David Harrington to pass Waganakising Odawak Statute Lease Inheritance Statute.
Roll Call Vote: Councilor Bernard-yes, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet-yes, Councilor Wemigwase-yes, Treasurer Reyes-yes, Secretary Kiogima-yes, Legislative Leader Fred Harrington, Jr.- yes
Motion carried.

3:31 p.m. Recess
3:45 p.m. Return

Other Items of Business:

Tammy Okuly Shananaquet request for an attorney regarding her Ethics complaint.

Discussion: Legislative Leader Fred Harrington, Jr.: Tribal Council needs to decide if the Tribe needs a statute or policy that will pay for attorneys for employees with regard to grievances.

4:20 p.m. Motion made by Councilor McNamara and supported by Councilor Proctor to into closed session for personnel.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

5:01 p.m. Motion made by Councilor David Harrington and supported by Councilor McNamara to return to open session.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 – Absent
Motion carried.

5:39 p.m. Public Comment opened:

- Mike Smith asked for consideration of the possibility of defense attorneys for indigent Citizens.
- Warren Petoskey said everyone needs an even playing ground. Elders Program policy is based on a prejudiced letter from the former Coordinator.
- Virginia Lewis stated that some employees cannot afford lawyers.
- Joseph Mier said a prayer.

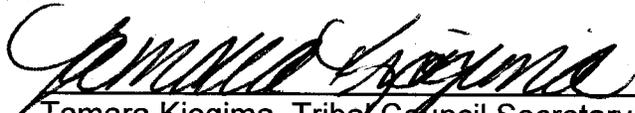
5:47 p.m. Public Comment closed

5:47 p.m. Motion made by Councilor David Harrington and supported by Councilor Wemigwase to adjourn.

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

Next Regular Tribal Council Meeting April 19, 2018

These Minutes have been read and are approved as corrected:



Tamara Kiogima, Tribal Council Secretary

04-19-18

Date

