

**Little Traverse Bay Bands of Odawa Indians**  
**Tribal Council Chambers**  
**7500 Odawa Circle, Harbor Springs, MI 49740**  
Tribal Council Regular Meeting  
May 3, 2018

Call to Order: 9:06 a.m.

Opening ceremony: Tamara Kiogima  
Closed Session: none

Council Present: Councilor David Harrington, Secretary Tamara Kiogima, Councilor Julie Shananaquet, Councilor Dexter McNamara, Councilor Shanna Wemigwase, Legislative Leader Fred Harrington Jr.

Absent: Councilor Emily Proctor, Treasurer Marcella R. Reyes, Councilor Frank Bernard

Legislative Office Staff Present: Legislative Office Manager Michele Portman-LaCount, Legislative Administrative Assistant Linda Gokee, Legislative Services Attorney Donna Budnick, Sr Financial Analyst Rachel Cope, General Counsel Jim Bransky, Office of Citizens Legal Assistance Cherie Dominic

Executive Officials and Staff Present: Vice-Chairperson Stella Kay, Chief Financial Officer Carrie Carlson, Elder's Department Director Mary Roberts, MIS Director Mark Tracy, Gaming Regulatory Director Vince Cook

Judicial Officials and Staff: none

Public: Tribal Citizens John Kawegoma, Al Sprague, Andrew Stitch

Invited Guest: Odawa Casino Resort General Manager Eric McLester

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**Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to adopt the agenda for May 3, 2018 as amended.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor David Harrington to dedicate this meeting in honor of the following Citizen who walked on: Mary Keshick.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**Motion** made by Councilor Shananaquet and supported by Councilor Wemigwase to approve the Regular Meeting minutes of April 19, 2018 as corrected.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**Executive Report:**

**Discussion:**

- Enrollment is unable to print Tribal Identification cards temporarily due to their Progeny 10 upgrade (Enrollments operating system).
- Direct Services Administrator Phil Harmon, Health and Human Services staff is in Minnesota for the HHS Consultation.
- Mary Roberts discussed the proposed Food and Utility Appropriation Allowance Regulations which will eliminate food receipts, however, Elders will still need to apply and addresses will need to match Enrollments database.
- Vice-Chairperson Stella Kay will look into the regulations for the Michelle Chingwa in regards to the FAFSA.
- MIS Director Mark Tracy gave an update regarding reliable high-speed internet services to the housing project in Harbor Springs. Phase 1 is getting the fiber in and will cost \$84,000. Phase II is the fiber link and will cost \$31,000. The Tribal Citizens will need to pay for the internet fee. Potential new internet is being installed by Great Lakes Energy internet.
- Working on the Annual Community Meeting to be held on May 19, 2018.
- The Executive will be bringing forth a Tribal Resolution for the Planning Department so they may expend their budget balances.

**Motion** made by Secretary Kiogima and supported by Councilor Shananaquet to acknowledge the verbal Executive Report as presented by Vice-Chairperson Stella Kay as presented on May 3, 2018

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**10:28 a.m. – 10:31 a.m.** John Kawegoma comment regarding holding company concept and Solar Panels.

**Motion** made by Councilor Shananaquet and supported by Councilor Wemigwase to acknowledge receipt of the Little Traverse Bay Bands of Odawa Indians Department of Kikaajik Food and Utility Appropriation Allowance Regulations REG-WOS 2015-008- 040318-001 from the Executive.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

## Legislative Officer Reports:

### Legislative Leader Report

#### Discussion:

- Would like to set up a table, for Tribal Council, at the Annual Community Meeting to recruit skilled and licensed professionals for the Construction Corporate Board. All applications and resumes will be submitted to Legislative Office.
- Talked about affordable housing.
- Create a separate board to include engineers, certified plumbers and electricians, and licensed builders.
- Attended the Veterans Conference. The Executive did a great job in planning this event which was well attended by the Tribes Veterans and Veterans of other Tribes in Michigan.

10:41 a.m. Break

11:00 a.m. Meeting resumes

**Motion** made by Councilor Shananaquet and supported by Councilor Wemigwase to accept the verbal and written report from Legislative Leader Fred Harrington Jr. as presented on the agenda for May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

### Secretary Report

#### Documents Delivered to Executive:

-Tribal Resolution #041918-01 Use of 3<sup>rd</sup> Party Support Revenues for Expansion of Dental Program. Delivered to the Executive for signature on 04/25/18-Executive signed 04/27/18.

-Tribal Resolution Amended Fiscal Year 2018 Governmental Budgets. Delivered to the Executive on 04/25/18-Executive signed 04/30/18.

-Legislative Procedures Statute. Delivered to the Executive on 04/09/18-**PENDING EXECUTIVE SIGNATURE** (due back 05/09/18).

-Legislative Acquisition of Culturally Significant Items Statute. Delivered to the Executive on 04/09/18-**PENDING EXECUTIVE SIGNATURE** (due back 05/09/18).

-Legislative Gaming Authority Statute. Delivered to the Executive on 04/09/18-**PENDING EXECUTIVE SIGNATURE** (due back 05/09/18).

-Legislative Lease Inheritance Statute. Delivered to the Executive on 04/13/18-**PENDING EXECUTIVE SIGNATURE** (due back 05/14/18).

Vetoes: (Tribal Council has 90 days to override Executive veto) none

Phone Polls: none

**Motion** made by Councilor McNamara and supported by Councilor Shananaquet to accept Tribal Council Secretary Kiogima's verbal and written report as provided on the agenda for May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

### Treasurer Report

#### Appropriations and Finance Committee

-Last Regular Scheduled Meeting: April 10, 2018

*(Motions made at Appropriations and Finance Committee Meeting were presented at the 04/19/18 Tribal Council meeting.)*

-Special Meeting: April 27, 2018

*(Motions made at the Appropriations and Finance Reservation Committee Special Meeting)*

*-Motion made by Councilor McNamara and supported by Treasurer Reyes to recommend to Tribal Council to adopt Tribal Resolution Appropriation of Funds for the 2019 Fiscal Year Operating Budgets.*

*Vote: 2 -Yes, 1 -No (Councilor Wemigwase), 0 -Abstain, 0 -Absent  
Motion carried.*

-Next Meeting: May 8, 2018 at 9:00 am in the Council Chambers.

Phone Polls passed by Appropriations and Finance Committee: none

Discussion: Councilor Wemigwase will be bringing forth new legislation for the budget process.

**Motion** made by Secretary Kiogima and supported by Councilor Shananaquet to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda from Councilor Wemigwase, Appropriations and Finance Committee member for May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

#### Land and Reservation Committee

-Last Meeting: March 2, 2018

*(Motions made at Land and Reservation Committee Meeting were*

*presented on the 03/08/18 Tribal Council meeting.)*

-The April 13, 2018 Land and Reservation Committee meeting was cancelled due to lack of agenda.

-Next Meeting: May 11, 2018 at the Odawa Hotel for the Annual Three Tribes Spring Meeting at 10:00 am.

**Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to accept the Land and Reservation Committee verbal and written report as provided on the agenda from Councilor David Harrington, Land and Reservation Committee member for May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

### **Tribal Council Member Reports**

#### Councilor Wemigwase-

- Attendance at Chronic Waste Disease Tribes/State regarding the disease of infected deer. The Natural Resources Commission will be working with the State to eradicate this problem.
- Attended the CORA meeting. Lots of discussion. Bag limits was passed.
- Attended the Round Dance which was well attended, nice feast, received positive feedback, teachings were made available, and would like to see more volunteers for this event. She would like to see more community events as this was a positive and social event.
- Attended the Grandfather Drum Feast. Wes Andrews and Melissa Wiatrolik did a great job, the drum is at least 110 years old, and the feast was delicious. Potawatomi Elder Joseph Daniels, Sr. from Forest County Potawatomi, spoke of the honor, responsibilities and duties of taking care of the drum for the Little Traverse Bay Bands community. Councilor Wemigwase would like to thank everyone for their work and dedication in bringing the Grandfather drum back home.

**Motion** made by Councilor Shananaquet and supported by Councilor McNamara to accept Councilor Wemigwase' verbal report as presented on May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

#### Councilor Shananaquet-

- Attended the Grandfather Drum Feast and would like to extend a special thanks to Tribal Citizen Deleta Smith who coordinated the feast,
- Attended Arlene Naganashe's retirement luncheon. Arlene was presented with a Pendleton blanket,

- Julie will be presenting new legislation in regards to Tribal Citizen's being able to put their land in trust. She will be working with Legislative Office Manager Michele Portman-LaCount,
- Gaming Enterprise Board Audit Report,
- Odawa Casino Resorts-Mackinaw Financials
- Would like regular R&B reports

**Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to accept Councilor Shananaquet's verbal report as presented on May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**Public Comment:**

**11:43 a.m.** Public Comment opened

-Tribal Citizen John Kawegoma

- Asked if we are structured like the U.S. government, Tribal Council should have public hearings/investigations that Tribal Citizens can attend.
- Questioned how services are provided from the Health Department and the Community Health Department in regards to home healthcare nursing, and prescriptions.

-Tribal Citizen Julie Shananaquet is filing a complaint against the Gaming Enterprise Board as a Tribal Citizen and not as a Tribal Councilor.

**11:51 a.m.** Public Comment closed

**Legislative Staff Reports:**

Office of Finance and Revenue-

- Land Ad-hoc would be beneficial to recycle services within the Tribe,
- Audits
- RB Construction
- Short term investments
- Gaming Enterprise Board Audit report

**Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to accept Sr Financial Analyst Rachel Cope's verbal report as presented on May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**11:51 a.m.** Lunch

1:35 p.m. Return

**Deputy Tribal Historic Preservation Office – written report provided.**

Legislative Services Attorney Report

- Attended the Great Lakes Fish Commission meeting with the United States and Canada allocation for walleye and perch. Other items brought up was Line 5 and they have an interest in the 2020 Consent Decree,
- Working on THPO/NAGPRA inadvertent discovery protocols,
- R&B recruitment training program,
- Working with Grant Writer Amber Holt on the litigation funding for expert witnesses,
- MILS interested in representation for citizens,
- Land Ad-hoc meeting scheduled on May 4, 2018 at 10:00 a.m.

**Motion** made by Councilor McNamara and supported by Councilor David Harrington to acknowledge receipt of Legislative Services Attorney Budnick's written report as provided on the agenda for May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

General Counsel

- Internet gaming
- Bear Creek Township's Liquor Control Board and the casino exemptions
- Sturgeon harvest
- How the Mackinaw City Casino will calculate the 8%

Office of Citizen's Legal Assistance-

- Case report for 2017

**Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to acknowledge receipt of General Counsel Jim Bransky's verbal report and Office of Citizen's Legal Assistance Cherie Dominic's verbal and written report as presented on the agenda for May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

Legislative Office Manager Report

- All action items have been completed,
- Reviewed the next Tribal Council Work Session Agenda
- Working on the Personnel Policy Handbook provisions

**Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to accept Legislative Office Manager Portman-LaCount's written and verbal report as presented on May 3, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

Gaming Regulatory Commission-

Updates:

- Licensing
- Gaming Regulatory Commission and Gaming Enterprise Board meets on a quarterly basis
- Reporting

**2:59 p.m. Public Comment Opens:**

-Tribal Citizen Andrew Stitch-

- Commented on Legislative making promises to the Judicial Branch is wrong.
- Will the 2019 Budget be passed today?

-Tribal Citizen John Kawegoma –

- Attended the Grandfather Drum Feast and feels the drum has been brought back home too early as we, as a Tribal Community, have not healed.
- There should not be a division between Tribal Citizens whose non-native spouses attend community events who are segregated and should not be treated badly.
- Coordinators of Community Events need to make sure Elder's, who work or are in the presence of children, be respectful and mindful of young ears.

**3:07 p.m. Closes**

**3:07 p.m. Break**

**3:35 p.m. Meeting resumes**

**Corporate Charters and/or Board Updates**

Odawa Economic Development Management, Inc.- none

Traditional Tribal Burial Board, Inc.- none

Ziibimijwang, Inc.- none

Gaming Enterprise Board-

- Gaming Enterprise Board-Odawa Casino Resorts January & March 2018 Update for Odawa Casino Resort, FY 2018 1<sup>st</sup> Quarter Business Plan Update and the 1<sup>st</sup> Quarter 2018 update for the Odawa Casino Resort.

**Motion** made by Councilor Shananaquet and supported by Councilor McNamara to acknowledge receipt of the Gaming Enterprise Board's Odawa Casino Resort written reports for January and March 2018 Update for Odawa Casino Resort, FY 2018 1<sup>st</sup> Quarter Business Plan Update and the 1<sup>st</sup> Quarter 2018 update for the Odawa Casino Resort.

Vote: 5 - Yes, 0 - No, 1 - Abstained (Councilor David Harrington), 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**Motion** made by Councilor McNamara and supported by Secretary Kiogima to approve the LTBB Minimum Control Standards Amendment REG-WOS 2011-005-040618-018.

Vote: 2 - Yes, 3 - No (Secretary Kiogima, Councilor Shananaquet, Councilor Wemigwase), 1 - Abstained (Councilor David Harrington), 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion **fails**.

**Motion** made by Councilor Shananaquet and supported by Councilor Wemigwase to post the Protection of Individual's Rights in Criminal Proceedings Statutes to the Legislative Calendar in the Odawa Register as Sponsored by Legislative Leader Fred Harrington, Jr.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Wemigwase to post Waganakising Odawak Statute Odawa Economic Affairs Holding Corporation to the Legislative Calendar in the Odawa Register.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Shananaquet to post Waganakising Odawak Statute Odawa Construction Corporation Statute to the Legislative Calendar in the Odawa Register.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Wemigwase to re-post and replace the Odawa Business Holding Corporation **with** Odawa Construction Administration Holding Corporation to the Legislative Calendar in the Odawa Register.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)

Motion carried.

**Motion** made by Councilor David Harrington and supported by Secretary Kiogima to post Little Traverse Bay Bands of Odawa Indians Odawa Construction Administration Holding Corporate Charter.  
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Wemigwase to post Little Traverse Bay Bands of Odawa Indians Odawa Economic Affairs Holding Corporate Charter.  
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Shananaquet to post Little Traverse Bay Bands of Odawa Indians Odawa Construction Corporate Charter.  
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor David Harrington and supported by Secretary Kiogima to post Waganakising Odawak Statute Human Trafficking Statute to the Legislative Calendar in the Odawa Register as Sponsored by Councilor Emily Proctor.  
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Wemigwase to post Waganakising Odawak Statute Sex Offense to the Legislative Calendar in the Odawa Register as Sponsored by Councilor Emily Proctor.  
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor McNamara to adopt Tribal Resolution Appropriation of Funds for the 2019 Fiscal Year Operating Budgets.  
Roll Call Vote: Councilor Bernard – Absent, Councilor David Harrington – Yes, Councilor McNamara – Yes, Councilor Proctor – Absent, Councilor Shananaquet – No, Councilor Wemigwase – No, Treasurer Reyes – Absent, Secretary Kiogima – No, Legislative Leader Fred Harrington Jr. – Yes  
Motion **fails**.

3:52 p.m. Break

4:24 p.m. Meeting resumes

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to adopt Tribal Resolution Appropriation of Funds for the 2019 Fiscal Year Operating Budgets.

Roll Call Vote: Councilor Bernard – Absent, Councilor David Harrington – No, Councilor McNamara – Yes, Councilor Proctor – Absent, Councilor Shananaquet – Yes, Councilor Wemigwase – Yes, Treasurer Reyes – Absent, Secretary Kiogima – No, Legislative Leader Fred Harrington Jr. – Yes  
Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Wemigwase that Legislative Leader Harrington disclosed that he has an opportunity to sell some handmade paddles to the Tribe through the SPRING Grant, and Tribal Council acknowledges that there is not a conflict of interest.  
Vote: 5 - Yes, 0 - No, 1 – Abstained (Legislative Leader Fred Harrington Jr.), 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)  
Motion carried.

4:48 p.m. **Motion** made by Councilor David Harrington and supported by Councilor Wemigwase to adjourn.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Treasurer Reyes, Councilor Bernard)  
Motion carried.

Next Tribal Council Meeting  
Regular: May 17, 2018 at 9:00 a.m.

These Minutes have been read and are approved as corrected

  
\_\_\_\_\_  
Tamara Kiogima, Tribal Council Secretary

05-17-18  
\_\_\_\_\_  
Date

