

Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
May 17, 2018

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

Opening ceremony: Frank Bernard

Closed Session: Yes

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

Absent: Councilor David Harrington

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

Executive Officials and Staff Present: Tribal Chairperson Regina Gasco-Bentley, Direct Services Administrator Phil Harmon, Chief Financial Officer Carrie Carlson, Gaming Regulatory Director Vince Cook, Gaming Regulatory Commission Chair David Dominic, Tribal Police Chief Jeff Cobe, Daugherty "Duffy" Johnson

Judicial Officials and Staff: Tribal Court Administrator Michael Wolf

Corporate Charters: Ziibimijwang, Inc. Board Member Kevin Donner

Public: Tribal Citizen's Sharon Sierzputowski, Douglas Wemigwase, Mira Wemigwase, Rob Ellerman, Carol McFall, Cheryl Kishigo-Lesky, Andrew Stitch, Barry Laughlin, Barb Laughlin, Dennis Shananaquet, Andrea Shananaquet, Aaron Wemigwase

Invited: Gaming Enterprise Board: Chair Denise Petoskey, Secretary/Treasurer Billi Jo Head, Odawa Casino Resort General Manager Eric McLester, Property Management Director Barry Laughlin, Hospitality Director Hank Rowland

Motion made by Councilor McNamara and supported by Councilor Shananaquet to adopt the agenda for May 17, 2018 as amended.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor David Harrington)

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Proctor to dedicate this meeting in honor of the following Citizens who have walked on: Michael A. Denhof, Arvella J. Gibbs, Joseph W. Miron, and William J. Dunlop.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor David Harrington)

Motion carried.

9:09 a.m. Motion made by Councilor McNamara and supported by Councilor Wemigwase to go into Closed Session for legal.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor David Harrington)

Motion carried.

9:23 a.m. Councilor David Harrington arrives

9:35 a.m. Motion made by Councilor McNamara and supported by Councilor David Harrington to return to Open Session.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Bernard to approve the Regular Meeting minutes of May 3, 2018 as corrected.

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

Motion carried.

Gaming Enterprise Board 2018 1st Quarter Report

10:32 a.m. Break

11:00 a.m. Meeting resumes

Gaming Enterprise Board Report continues

Public Comment

11:44 a.m. Opens

- Tribal Citizen Robert Ellerman commented on the Odawa Casino Resort's rise and fall of expenses.

11:46 a.m. Closes

Gaming Enterprise Board Report continues

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to acknowledge receipt of the Gaming Enterprise Board Odawa Casino Resort March 2018 Report and 2018 1st Quarter Report, and the April 2018 Odawa Casino Resort Petoskey and Mackinaw Financial Reports.

Vote: 8 - Yes, 0 - No, 1 - Abstained (Councilor David Harrington), 0 - Absent

Motion carried.

11:56 a.m. Lunch

1:33 p.m. Return Legislative Leader Fred Harrington, Jr. absent

1:33 p.m. Anishinaabemowin – Renee Dillard

1:40 p.m. Legislative Leader Fred Harrington Jr. arrives

Ziibimijwang, Inc.- 2018 1st Quarter Report

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to acknowledge receipt of Ziibimijwang, Inc. 2018 1st Quarter verbal and written report for May 17, 2018 as presented by Board Member Kevin Donner.

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

Motion carried.

Executive Report:

Discussion:

- Working with CTAS Justice Grant, building a strategic plan for our Justice system.
- Community Meeting agenda is the same as last year. Daugherty "Duffy" Johnson emailed the Agenda today.
- The Executive branch extends their thank you to Tribal Council for the supplemental funding for the Veteran's Meeting. There were 76 attendees.
- The Round Dance was a huge success. There were 240 attendees.
- Earth Day was moved to May 9, 2018 due to the weather. Fourteen volunteers planted 625 trees.
- Elders Food and Utility has moved from reimbursement to appropriated allowance eliminating receipts that were previously required.
- The Executive is looking into the Indian Child Welfare (ICW) case that Councilor Wemigwase was made aware of. The Tribal Prosecutor is also involved.
- Environmental Services Program Coordinator Daugherty 'Duffy' Johnson updated the Council on the Housing complex's water system Consumer Confidence Reports which were delivered to residents the previous week. Reports from the Operations vendor Mead & Hunt were conveyed which show the systems are in full compliance.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to accept the verbal and written Executive Oversight Report as presented by Direct Services Administrator Phil Harmon for May 17, 2018.

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

Motion carried.

Legislative Officer Reports:

Legislative Leader Report

FYI on attendance at the lacrosse stick making event held at the farm. The remainder of report was provided in the morning closed session for legal.

Motion made by Treasurer Reyes and supported by Councilor David Harrington to accept the verbal report as presented by Legislative Leader Fred Harrington Jr. as presented on May 17, 2018.

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

Motion carried.

Secretary Report

Documents Delivered to Executive:

-Waganakising Odawak Statute Lease Inheritance 2018-006 delivered to the Executive for signature on 04/13/18-Executive signed 05/08/18.

*-Tribal Resolution Appropriation of Funds for the 2019 Fiscal Year Operating Budgets was delivered to the Executive for signature on 05/07/18-**PENDING SIGNATURE** (due back date is 06/06/18)*

Veto: (a vote of Tribal Council to override a veto shall occur within 90-days of the veto):

-05-08-18 Executive Veto of Waganakising Odawak Statute Legislative Procedures

-05-08-18 Executive Veto of Waganakising Odawak Statute Acquisition of Culturally Significant Items.

-05-08-18 Executive Veto of Waganakising Odawak Statute Gaming Authority.

Phone Polls:

-05-08-18 Motion to approve Little Traverse Bay Bands of Odawa Indians Department of Kikaajik Food and Utility Appropriation Allowance Regulations REG-WOS-2015-008- 043018-001.

Comments: none

*Phone Poll Vote: 8 -Yes, 0 -No, 0 -Abstained, 1 -Absent (Councilor Proctor)
Motion carried.*

Discussion: none

Motion made by Treasurer Reyes and supported by Councilor Proctor to accept Secretary Kiogima's verbal and written report as provided on the agenda for May 17, 2018.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor David Harrington)
Motion carried.

Treasurer Report

Appropriations and Finance Committee:

-Last Meeting: May 8, 2018

(Motions made at Appropriations and Finance Committee Meeting)

-Motion made by Councilor Wemigwase and supported by Councilor McNamara to recommend to Tribal Council to approve Certified Motion #051718-01 Request for Funding from the United States Environmental Protection Agency, Little Traverse Bay Bands of Odawa Indians, Performance Partnership Grant FY 2019-2020.

*Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent
Motion carried.*

-Motion made by Councilor McNamara and supported by Councilor Wemigwase to recommend to Tribal Council to approve Certified Motion #051718-02 Request for Funding from Michigan Department of Health and Human Services, Public Health Preparedness and Emergency Response

FY 2019.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent
Motion carried.

-Motion made by Councilor McNamara and supported by Councilor Wemigwase to recommend to Tribal Council to approve Certified Motion #051718-03 Request for funding from the Michigan Department Health and Human Services, Crime Victim Services Commission, Victims of Crime Act (VOCA) Resources for Victim Assistance Programs, Native American Tribal Victim Assistance FY 2019.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent
Motion carried.

-Motion made by Councilor Wemigwase and supported by Councilor McNamara to recommend to Tribal Council to approve Certified Motion #051718-04 Request for Funding from Inter-Tribal Council of Michigan, application for funding: U.S. Department of Health and Human Services, Office of Community Services, Community Services Block Grant Emergency Assistance Program.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent
Motion carried.

-Motion made by Councilor McNamara and supported by Councilor Wemigwase to recommend to Tribal Council to approve Certified Motion #051718-05 Request for Funding from Inter-Tribal Council of Michigan, Inc. application for funding: U.S. Department of Health and Human Services, Office of Community Services, Low Income Housing Energy Assistance Program FY 2019.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent
Motion carried.

-Motion made by Councilor Wemigwase and supported by Councilor McNamara to recommend to Tribal Council to approve Certified Motion #051718-06 Request for Funding from National Park Service, Tribal Historic Preservation Fund Operations Grant FY 2018.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent
Motion carried.

Phone Polls passed by Appropriations and Finance Committee:

(Two previous phone polls were passed by the Appropriation and Finance Committee and were reported on the May 3, 2018 Tribal Council Meeting)

05/15/18 Phone Poll: Motion to recommend to Tribal Council to approve Certified Motion #051718-07 Request for Funding from the U.S. Department of Justice, Adult Drug Court Discretionary Grant Program FY 2018, White Feather Adult Drug Court Enhancements.

Phone Poll Vote: 1 -yes, 2 -no (Councilor Wemigwase, Treasurer Reyes),
0 -abstained, 0 -absent
Motion Fails

Comments: Councilor Wemigwase-At this time, I am not in favor of hiring 2 new

positions in our financial situation. Nor am I in favor of making promises (or installing hope) for future employment after this grant ends.

Motion Fails.

-Next Meeting: June 12, 2018 at 1:00 p.m. in the Tribal Council Chambers.

Motion made by Councilor Wemigwase and supported by Secretary Kiogima to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda from Treasurer Reyes, Committee Chairperson for May 17, 2018.

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

Motion carried.

Discussion: Michael Wolf in regards to Certified Motion #051718-07.

Public Comment

2:59 p.m. Opens:

- Citizen Andrew Stich Does not agree with how budget was passed.
- Citizen Aaron Wemigwase stated the Gaming Authority Statute Veto is unconstitutional and Tribal Council needs to uphold the Constitution when voting to override.
- Dennis Shananaquet supports override of Gaming Authority Statute Veto.
- Julie Shananaquet mentioned Tribal Council addressed Citizen needs regarding Youth Group by putting it in the hands of the Executive.
- Tammy Okuly-Shananaquet spoke regarding her Ethics Complaint moving forward without Tribal Council in order to obtain a resolve.

3:06 p.m. Closes

3:12 p.m. Break

3:32 p.m. Meeting resumes

Land and Reservation Committee:

-Last Meeting: May 11, 2018 at the Odawa Hotel for the 2018 Annual Three Tribe Spring Meeting.

(Motions made at Land and Reservation Committee Meeting)

-Motion made by Councilor David Harrington and supported by Councilor Proctor to recommend to Tribal Council to approve the Executive's Administrative Site Plan, dated 05-08-18, for the Shed Area, Natural Resources Temporary Office Space, Expanded Employee Parking Lot, Pow-Wow Parking & Rustic Camping, and YCC Cultural Area.

Comments: none

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

-Motion made by Councilor David Harrington and supported by Councilor Proctor to recommend to Tribal Council to approve the farm board's Ziibimijwang's Site Plan, dated 05-03-18, for a Greenhouse, two (2) Hoop Houses, and Infrastructure-Gas Tank & Well.

Comments: none

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried

-Motion made by Councilor David Harrington and supported by Councilor Proctor to recommend to Tribal Council to approve Site Plan Lot 37, dated 05-17-18.

Comments: none

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried

Phone Polls passed by the Land and Reservation Committee:

(One previous phone poll was passed by the Land and Reservation Committee and was

reported on the April 7, 2018 Tribal Council meeting)

-Next Meeting: June 1, 2018 at 9:00 a.m. in the Tribal Council Chambers.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to accept the Land and Reservation Committee verbal and written report as provided on the agenda from Treasurer Reyes, Committee Chairperson for May 17, 2018.

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

Motion carried.

Tribal Council Member Reports:

Councilor Proctor – Attended the 2018 Three Tribe Annual Spring Meeting, spoke of the Tribal Leadership Summit for September 25-26, 2018, and Training for Government and Enterprise staff on Civil Rights: Sexual Harassment Prevention and Reporting.

Motion made by Treasurer Reyes and supported by Councilor McNamara to accept Councilor Proctor's verbal report presented on May 17, 2018.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to approve Tribal Council attendance to the Tribal Leadership Summit to be held on September 25-26, 2018 at the Mission Point Resort, Mackinac Island, MI. with hotel, ferry and mileage costs paid for by Uniting Three fires Against Violence (UTFAV), and Training for Civil Rights: Sexual Harassment Prevention and Reporting to be held at LTBB Government Center (Date to be decided)

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

Motion carried.

Councilor Wemigwase – Gaming Enterprise Board Letter presented with Executive Veto of the Gaming Authority Statute, Attended the Land and Reservation 2018 Three Tribe Annual Spring Meeting and the Gaming Enterprise Board Meeting.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept Councilor Wemigwase's verbal report as presented on May 17, 2018.

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

Motion carried.

Councilor Shananaquet – Attended the Land and Reservation 2018 Three Tribe Annual Spring Meeting and the May 7, 2018 Gaming Enterprise Board Meeting.

Motion made by Councilor David Harrington and supported by Councilor Wemigwase to accept Councilor Shananaquet's verbal report as presented on May 17, 2018.

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

Motion carried.

Legislative Office Reports:

Office of Finance and Revenue

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to accept Sr Financial Analyst Rachel Cope's verbal and written report as presented on May 17, 2018.

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

Motion carried.

Tribal Historic Preservation Officer: none

Legislative Services Attorney

Motion made by Secretary Kiogima and supported by Treasurer Reyes to accept Legislative Services Attorney Donna Budnick's verbal and written report as presented on May 17, 2018.

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

Motion carried.

General Counsel

Motion made by Councilor David Harrington and supported by Councilor Proctor to accept General Counsel Jim Bransky's verbal report as presented on May 17, 2018.

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

Motion carried.

Legislative Office Manager

Motion made by Treasurer Reyes and supported by Councilor Proctor to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented on May 17, 2018.

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

Motion carried.

Corporate Charters and/or Board Updates:

Traditional Tribal Burial Board, Inc.-none

Odawa Economic Development Management, Inc.-none

4:36 p.m. Break

5:02 p.m. Meeting resumes

Motion made by Councilor Shananaquet and supported by Secretary Kiogima to acknowledge receipt of the 2017 Trust Fund Board Audit as provided by Rehmann Robson.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to approve Certified Motion #051718-01 Request for Funding from the United States Environmental Protection Agency, Little Traverse Bay Bands of Odawa Indians, Performance Partnership Grant FY 2019-2020.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor McNamara to approve Certified Motion #051718-02 Request for Funding from Michigan Department of Health and Human Services, Public Health Preparedness and Emergency Response FY 2019.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to approve Certified Motion #051718-03 Request for funding from the Michigan Department Health and Human Services, Crime Victim Services Commission, Victims of Crime Act (VOCA) Resources for Victim Assistance Programs, Native American Tribal Victim Assistance FY 2019.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to approve Certified Motion #051718-04 Request for Funding from Inter-Tribal Council of Michigan, application for funding: U.S. Department of Health and Human Services, Office of Community Services, Community Services Block Grant Emergency Assistance Program.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to approve Certified Motion #051718-05 Request for Funding from Inter-Tribal Council of Michigan, Inc. application for funding: U.S. Department of Health and Human Services, Office of Community Services, Low Income Housing Energy Assistance Program FY 2019.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor David Harrington to approve Certified Motion #051718-06 Request for Funding from National Park Service, Tribal Historic Preservation Fund Operations Grant FY 2018.

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

Motion made by Councilor David Harrington and supported by Councilor Wemigwase to approve Certified Motion#051718-07 Request for Funding from the U.S. Department of Justice, Adult Drug Court Discretionary Grant Program FY 2018, White Feather Adult Drug Court Enhancements.

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

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to approve the Executive's Administrative Site Plan, dated 05-08-18, for the Shed Area, Natural Resources Temporary Office Space, Expanded Employee Parking Lot, Pow-Wow Parking & Rustic Camping, and YCC Cultural Area as recommended by the Land and Reservation Committee.

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

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to approve the farm board's Ziibimijwang's Site Plan, dated 05-03-18 for a Greenhouse, two (2) Hoop Houses, and Infrastructure-Gas Tank & Well as recommended by the Land and Reservation Committee.

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

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to approve Site Plan Lot 37, dated 05-17-18 as recommended by the Land and Reservation Committee.

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

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to acknowledge receipt of the Executive Nomination of Catherine Castange for Tribal Prosecutor and set up an interview.

Vote: 7 - Yes, 2 - No (Councilor Proctor, Legislative Leader Fred Harrington, Jr.), 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to override Executive Veto of the Legislative Procedures Statute.

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

Motion made by Councilor David Harrington and supported by Councilor Wemigwase to override Executive Veto of the Acquisition of Culturally Significant Items Statute.

Vote: 6 - Yes, 3 - No (Councilor Proctor, Secretary Kiogima, Treasurer Reyes), 0 - Abstained, 0 - Absent
Motion **fails**.

(needed an affirmative vote of seven (7) members of the Tribal Council)

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to override Executive Veto of the Gaming Authority Statute.

Vote: 6 - Yes, 2 - No (Councilor Proctor, Treasurer Reyes), 1 - Abstained (Councilor David Harrington), 0 - Absent

Motion fails.

(needed an affirmative vote of seven (7) members of the Tribal Council)

5:27 p.m. Public Comment opens:

- Barry Laughlin spoke regarding the importance of keeping Casino staff employment numbers up.

5:31 p.m. Public Comment closes

5:35 p.m. Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to go into Closed Session for Legal.

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

Motion carried.

5:40 p.m. Motion made by Councilor Wemigwase and supported by Treasurer Reyes to return to Open Session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor David Harrington)

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to remove Denise Petoskey from the Gaming Enterprise Board.

Vote: 6 - Yes, 1 - No (Legislative Leader Fred Harrington, Jr.), 2 - Abstained (Councilor David Harrington, Treasurer Reyes), 0 - Absent

Motion fails.

(needed an affirmative vote of seven (7) members of the Tribal Council)

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to post the Gaming Authority Statute to the Legislative Calendar in the Odawa Register.

Vote: 8 - Yes, 0 - No, 1 - Abstained (Councilor David Harrington), 0 - Absent

Motion carried.

Adjournment:

5:56 p.m. Motion made by Councilor David Harrington and supported by Councilor Shananaquet to adjourn.

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

Motion carried.

Next Tribal Council Meeting
Regular: June 7, 2018 at 9:00 a.m.

These Minutes have been read and are approved as written.



Tamara Kiogima, Tribal Council Secretary

06-07-18

Date

