

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
September 13, 2018**

Call to Order: 9:15 a.m.
Opening ceremony: Emily Proctor
Closed Session: yes

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

Absent: Treasurer Marcella Reyes, Councilor Shanna Wemigwase

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick
Legislative, Office Manager Michele Portman-LaCount, Sr. Financial Analyst Rachel Cope, General Counsel James Bransky

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

Judicial Officials and Staff: none

Public: Andrew Stich, Bernadece Boda, Julie Compo, Joanne Carey, Gerald Chingwa

Invited Guest: none

Motion made by Councilor Shananaquet and supported by Councilor Proctor to adopt the agenda for September 13, 2018.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Proctor to dedicate this meeting in honor of the Victims of 911 and Senator John McCain.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

Motion made by Councilor Shananaquet and supported by Secretary Kiogima to approve the Regular Meeting Minutes of August 23, 2018.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

Legislative Leader Report

Discussion: Legislative Leader Fred Harrington, Jr. Report: Submitted two letters of Interest and Resume's for engineering openings on Corporate Charters.

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to accept Legislative Leader Fred Harrington's verbal report for

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)

Motion carried.

9:25 a.m. Motion made by Councilor Shananaquet and supported by Councilor David Harrington to go into Closed Session for Legal and Confidential Business.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

10:43 a.m. Motion made by Councilor David Harrington and supported by Councilor Shananaquet to return to open session.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

11:07 a.m. Public Comment opened:

- Gerald Chingwa asked if Tribal Council's meet the Citizens in Grand Rapids is piggybacking with the Natural Resources Commission meeting, and the Natural Resources Commission knowing nothing about it.

11:11 a.m. Public Comment closed.

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to post Waganakising Odawak Statute Shirley Naganashe Oldman Secondary Education Completion Honorarium to the Legislative Calendar in the Odawa Register as sponsored by Legislative Leader Fred Harrington Jr.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to adopt Tribal Resolution Limited Waiver of Sovereign Immunity.

Roll Call vote: Councilor Bernard-yes, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet-yes, Councilor Wemigwase-absent, Treasurer Reyes-absent, Secretary Kiogima-yes, Legislative Leader Fred Harrington, Jr.-yes

Motion carried.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to approve the Blue Cross/Blue Shield Fees Reimbursement Memo to the Gaming Enterprise Board and Odawa Casino Resort General Manager.

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

Motion carried.

Legislative Leader Fred Harrington, Jr.:

Discussion regarding Holiday pay as currently in the Legislative Handbook as described as double time. Would like to see Holiday pay described as time and a half plus eight (8) hours holiday pay.

Executive Report tabled to the afternoon.

Secretary Report:

Documents Delivered to the Executive:

- Re-Appropriation of the Odawa Economic Development Management, Inc. Line of Credit – delivered to Executive on 08/24/18, due back 09/23/18
- Ethics for all levels of Tribal Government - delivered to Executive on 08/24/18, due back 09/23/18

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

- Gaming Authority Statute Vetoed on 08/10/18
- Odawa Aviation Corporation Vetoed on 09/07/18

Phone Polls passed by Tribal Council: 09/12/18 Motion to override Executive Veto of the Gaming Authority Statute as Tribal Council realizes there is only one (1) Gaming Enterprise Board Member left on the current Board which does not constitute a quorum in accordance with current Statute, and realizing that an override of the Executive Veto requires a vote of seven (7) Tribal Council members present at the time of the vote, Tribal Council finds this a necessary action in order to move forward on behalf of establishing a viable Gaming Board. Phone poll passed: 7- yes, 1- no (Councilor Proctor), 1- abstained (Councilor David Harrington), 0 - absent

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to accept Secretary Kiogima's verbal and written report as presented on the agenda for September 18, 2018.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

Treasurer Report - Appropriations and Finance Committee

- Last Meeting: August 14, 2018 Motions made at Appropriations and Finance Committee Meeting where reported at the August 23, 2018 Tribal Council Meeting.
- Next Meeting: September 18, 2018, 9:00 a.m. in Tribal Council Chambers
- Phone Polls passed by Appropriations and Finance Committee: none

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to accept Councilor McNamara's Appropriations and Finance Committee verbal and written report as presented on the agenda for September 13, 2018.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

Land and Reservation Committee

- Last Meeting: August 31, 2018 Motions made at Land and Reservation Committee Meeting: Information will be provided by Treasurer Reyes Committee Chairperson during this report and added to the minutes of the meeting.
- Next Meeting: October 5, 2018 in the Tribal Council Chambers
- Phone Polls passed by Land and Reservation Committee: 09/13/18 Motion to recommend to Tribal Council to approve the Residential Land Lease of Tribal Owned Land located at 3706 Kee Wad Noong between Little Traverse Bay Bands

of Odawa Indians and Rose Mary Pyant as received from the Executive on September 12, 2018. passed 3-yes, 0-no, 0-abstained, 0-absent

Motion made by Secretary Kiogima and supported by Councilor David Harrington to accept Councilor Proctor's Committee Member verbal and written report for the Land and Reservation Committee as presented on the agenda for
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Wemigwase, Councilor Bernard)

Tribal Council Member Reports

Councilor Wemigwase (absent): Tribal Citizen Emergency Assistance will be noted on the agenda in Public Comment.

Councilor Proctor: Indian Child Welfare and the importance of the Tribe being able to care for Tribal Children.

Public Comment:

11:45 a.m. Public Comment opened: no comments.

11:45 a.m. Public Comment closed

Written Public Comment received:

- Samantha and Larry Floyd – Debt consolidation loan.
- Christine Shomin – Election Board Statute and corresponding regulations and policies with regard to cost of recalls and litigation processes.

Councilor Proctor report continued: Councilor Proctor will bring additional information to Tribal Council regarding Indian Child Welfare.

Motion made by Secretary Kiogima and supported by Councilor McNamara to accept Councilor Proctor's verbal report as presented September 13, 2018.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

Secretary Kiogima: Update regarding her Title VI position in Harbor Springs Schools as bringing Sovereignty Day presentations to the High School. Requested Eric Hemenway from the LTBB Department of the Repatriation, Archives and Records to present history of the Tribe. There will be a drum and dancers with an explanation of regalia and food demo. The High School handbook now recognizes Tribal Sovereignty Day. The Middle School will work on placing Tribal government into their curriculum. There will be posters, etc. regarding the LTBB Constitution and governmental structure. Also working with Elders to see if they can share stories/read books to kids.

Motion made by Councilor McNamara and supported by Councilor David Harrington to accept Secretary Kiogima's verbal report as presented September 13, 2018.

Vote: 7- Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

Councilor McNamara: Sovereignty Day event update. Have 10-12 performers, event starts at 3:00 p.m. with performers between 5:00-7:00 p.m. Rehearsal is Monday night.

Motion made by Secretary Kiogima and supported by Councilor Proctor to accept Councilor McNamara's verbal report as presented September 13, 2018.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Treasurer Reyes, Councilor Wemigwase)
Motion carried.

Legislative Leader Fred Harrington, Jr.: The Legislative Office will close at 3:00 p.m. Thursday in order to attend the sovereignty Day celebration.

11:59 p.m. Lunch

1:41 p.m. Return with Councilor Bernard absent

Legislative Staff Reports:

Office of Finance and Revenue Report: Self-funded insurance plans, the Living Wage, Wells Fargo pricing, Sovereign Finance, Casino financial update.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept Sr. Financial Analyst Rachel Cope's report for September 13, 2018.

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

Tribal Historic Preservation Officer: No report

Legislative Services Attorney Report: SORNA training, research of confidential memo, and recommended training for restorative justice.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to accept Donna Budnick Legislative Services Attorney verbal report for September 18, 2018.

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

Motion carried.

General Counsel: Blue Cross Blue Shield refunds, Bureau of Indian Affairs lease holds.

2:31 p.m. Public Comment opened:

- Andrew Stich spoke regarding the 2019 Budget, 2018 Emergency Budget, and Corporate Charters, need to work on housing, lawsuit cost and low casino revenue.
- Bernadece Boda encouraged Tribe to explain Tribal Preference in employment to all Tribal employment entities, the value of education, casino low wages compared to top wages and the unfair point system; the casino general manager's ability to override process through waivers is unfairly processed. Services and criteria's when applying takes too long and causes delays such as for the K-12 scholarships; and voter registration needs to happened at the enrollment process.
- Joy Compo spoke regarding a workshop for the youth on the Reservation litigation.

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to acknowledge receipt of General Counsel Bransky verbal report for September 13, 2018.

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

Legislative Office Manager Report:

Citizen emailed comments for response received

- 08/23/18 from Councilor Wemigwase on behalf of Samantha Russo-Subject: "Information"
- 09/09/18 Warren Petoskey Subject: "Recall Petitions"
- 09/10/18 Christine Shomin Subject: "Electric Board Statute, Regs, and Policy"

The next Tribal Council Work Session is Wednesday September 25, 2018 so far, we have Tribal Historic Preservation Office scheduled. 09/27/18 Rehmann Robson will present the 2017 audit review. 10/9/18 Reminder: Spring Grant Program Presentation will be providing their program update in October 9, 2018 at 1:30 p.m. with Spring Presentation Project Officer Kamiesha Bennet visit.

We are in the process of ordering an external microphone for the Adobe connect
PTO: tomorrow September 14.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept Legislative Office Manager Portman-LaCount's written and verbal report as presented on September 13, 2018.

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

Executive Report:

Discussion: Vice-Chair Stella Kay-Violence Against Women Act Meeting attendance, Midwest Alliance of Sovereign Tribes in Green Bay attendance, LTBB hosted the Flotilla dinner, update on Professional Development tour, Tribal Chairperson Regina Gasco-Bentley attending an Inter-tribal Council Meeting, recycling program, graduation celebration, Healing to Wellness Court, housing Lease Agreement, Amicus Brief on Opioid Litigation. Direct Services Administrator Phil Harmon-Health Park upgrades, Natural Resources Department outreach regarding harvest tags, briefing paper exception regarding American Indian / Alaskan Natives (AI/AN) Social Security Act authorizing states full authority regarding race vs nationality, will be submitting a new 2019 Budget.

Legislative Leader Fred Harrington, Jr.: Executive will need to send the new proposed budget to Appropriations and Finance Committee.

Motion made by Councilor McNamara and supported by Councilor David Harrington to acknowledge the verbal Executive Report as presented by Vice-Chair Stella Kay and Direct Services Administrator Phil Harmon on September 13, 2018.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Wemigwase, Councilor Shananaquet, Councilor Bernard)
Motion carried.

3:17 p.m. Break

3:40 p.m. Return

Corporate Charters and/or Board Updates

Odawa Economic Development Management, Inc. – No report

Traditional Tribal Burial Board, Inc. – No report

Ziibimijwang, Inc. - Bylaws

Motion made by Councilor Shananaquet and supported by Secretary Kiogima to acknowledge receipt of the Ziibimijwang By-Laws dated September 11, 2018.

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

Motion carried.

Gaming Enterprise Board – No report

Motion made by Councilor David Harrington and supported by Councilor McNamara to acknowledge receipt of Kevin Gasco's Letter of Interest for the Ziibimijwang, Inc. Board and set up an interview.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to acknowledge receipt of Cheryl Kishigo-Lesky's Letter of Interest for the Odawa Economic Affairs Holding Company Corporate Charter and set up an interview.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to acknowledge receipt of Greg Karlis' Letter of Interest for the Odawa Economic Affairs Holding Company Corporate Charter and set up an interview.

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

Motion carried.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to acknowledge receipt of Mary Robert's Letter of Interest for the Odawa Economic Affairs Holding Company Corporate Charter and set up an interview.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Proctor to amend the agenda to include residential lease, the Tribal Council Phone Poll Policy, Legislative Directive, to approve Tribal Council to attend the Tribal Justice as Restorative Justice Pre-Documentary Screening September 19, 2018 in Marquette Mi, and Tribal Justice Documentary Screening October 31, 2018 in Lansing MI.

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

Motion carried.

Motion made by Councilor McNamara and supported by Councilor David Harrington to approve the Residential Land Lease of Tribal Owned Land located at 3706 Kee Wad Noong between Little Traverse Bay Bands of Odawa Indians and Rose Mary Pyant as received from the Executive on September 12, 2018 as recommended by the Land and Reservation Committee.

Vote: 5 - Yes, 1 - No (Councilor Shananaquet), 0 - Abstained, 3 - Absent (Treasurer Reyes, Councilor Wemigwase, Councilor Bernard)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor David Harrington to approve Legislative Directive 091318-01 Amendment of Section VII Employee Benefits and Compensation Program.

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

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Proctor to approve Tribal Council Phone Poll Policy.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to approve Tribal Council to attend the Tribal Justice as Restorative Justice Pre-Documentary Screening September 19, 2018 in Marquette MI, and Tribal Justice Documentary Screening October 31, 2018 in Lansing MI.

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

Motion carried.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to pass the Contracting Statute.

Roll Call Vote: Councilor Bernard-absent, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet-, Councilor Wemigwase-absent, Treasurer Reyes-absent, Secretary Kiogima-absent, Legislative Leader Fred Harrington, Jr.- absent

Motion carried.

Adjournment:

3:54 p.m. Motion made by Secretary Kiogima and supported by Councilor David Harrington to adjourn.

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

Motion carried.

Next Tribal Council Regular Meeting:
September 27, 2018

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

Tamara Kiogima

09-27-18

Tamara Kiogima, Tribal Council Secretary

Date

