

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
September 27, 2018**

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

Opening ceremony: Councilor Shanna Wemigwase

Closed Session: Yes

Council Present: Councilor David Harrington, 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 Emily Proctor

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

Executive Officials and Staff Present: Vice-Chairperson Stella Kay, Direct Services Administrator Phil Harmon, Chief Financial Officer Carrie Carlson, Planning Director Amanda Swiss

Judicial Officials and Staff: none

Public: Joanne Carey

Invited Guest: Michael Sparling Rehmman Robson

Motion made by Councilor McNamara and supported by Councilor Wemigwase to adopt the agenda for September 27, 2018 as amended.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to dedicate this meeting in honor of the following Citizens who have walked on: James Hardwick, Sjana Kishigo, Tracy LaCroix, and Fawn Raymond.

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

Motion carried.

9:07 a.m. Motion made by Councilor McNamara and supported by Councilor Wemigwase to go into Closed Session for Confidential Business Matters and Legal.

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

Motion carried.

9:43 a.m. Motion made by Councilor David Harrington and supported by Councilor Shananaquet to return to Open Session.

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

Motion carried.

9:43 a.m. Break

10:07 a.m. Meeting resumes

Action Items:

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to Authorize the filing with Tribal Court of the documents presented by the Legislative Services Attorney Budnick regarding Case No: C-233-0918.

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

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Wemigwase to override Executive Veto of the Legislative Odawa Aviation Corporation Statute.

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

Motion carried.

10:10 a.m. Rehmann Robson 2017 Audit PowerPoint presentation.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to acknowledge receipt of Rehmann Robson's 2017 Audit Report as provided by Michael Sparling on September 27, 2018.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to approve the Regular Meeting minutes of September 13, 2018 as corrected.

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

Motion carried.

Executive Oversight Report:

Discussion by Vice-Chairperson Stella Kay:

- Tribal Chairperson Regina Gasco-Bentley attended a meeting with Governor Snyder.
- Chippewa Ottawa Resource Authority consult on Enbridge's Line 5.
- 2019 FY Budget.
- Tribal Transportation Improvement Plan (TTIP) as presented by Planning Director Amanda Swiss:
 - Road work on State and Stutsmanville Roads in Emmet County, MI.
 - Currently working on Pleasantview Road using recycled asphalt. A joint press release with Emmet County Road Commission and the Tribe will be in an issue of the Petoskey News Review.
- Rebecca Fisher is currently working on her master degree on Museum Study from Harvard University.

Discussion by Direct Services Administrator Phil Harmon:

- The mobile trailer will soon be placed behind the Natural Resources Department for office space as this department has grown.
- Attended and completed the Public Information Officer Training in Gaylord, MI. which would allow Direct Services Administrator Phil Harmon to report any emergencies to the public.

Discussion by Executive Assistant Rebecca Fisher:

- Vice-Chairperson Stella Kay met with Kathryn "Kate" Fort, Staff Attorney and Adjunct Professor for the Indigenous Law and Policy Center at Michigan State University College of Law, on Indian Child Welfare.
- Rebecca is working on an informal meeting between the Tribe and Governor candidate Gretchen Whitmer.
- The YouTube video on the Tribes Reservation is ready to be filmed. Question and Answer from our youth will be the focus point.
- Tribal Chairperson Regina Gasco-Bentley is attending a Line 5 meeting along with all the Tribal Leaders in the State of Michigan.
- Tribal Energy and Tax Agreement properties and meter readings.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to acknowledge the verbal and written Executive Oversight Report as presented by Vice-Chairperson Stella Kay, Direct Services Administrator Phil Harmon and Executive Assistant Rebecca Fisher on September 27, 2018.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor David Harrington to approve Certified Motion #092718-02 Approval of FY 2019 - FY 2021 Tribal Transportation Improvement Plan.

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

Motion carried.

Motion made by Councilor David Harrington and Treasurer Reyes to adopt Tribal Resolution Budget Modifications for FY 2018 Increased Consolidated Tribal Government Program (CTGP) Related General Fund Needs in Other Programs.

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

Motion carried.

Motion made by Councilor David Harrington to adopt Tribal Resolution Appropriation of Funds for the 2019 Fiscal Year Operating Budgets Version 091318.

Motion fails due to lack of support.

Tribal Council Officer Reports:

Legislative Leader Report:

Discussion:

- Executive Tribal Court filing.
directing Legislative Services Attorney Donna Budnick to appear in Tribal Court.
- Youth sweat lodge construction and harassment from construction workers taken care of.

Motion made by Councilor McNamara and supported by Treasurer Reyes to accept the verbal report from Legislative Leader Fred Harrington Jr. for September 27, 2018.

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

Motion carried.

Action Items:

Motion made by Councilor Wemigwase and supported by Councilor McNamara to acknowledge receipt of Raymond Greensky's Letter of Interest and Resume for the Odawa Construction Corporation and schedule an interview.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor David Harrington to acknowledge receipt of Mike Reed's Letter of Interest and Resume for the Odawa Construction Corporation and schedule an interview.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Treasurer Reyes to assign Mary Roberts to the Odawa Economic Affairs Holding, Inc., Corporate Charter for a 3-year term ending September 27, 2021 upon the Legislative Office obtaining a clean Background Report in accordance with policy.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Wemigwase to assign Greg Karlis to the Odawa Economic Affairs Holding, Inc., Corporate Charter for a 3-year term ending September 27, 2021 upon the Legislative Office obtaining a clean Background Report in accordance with policy.

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

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Shananaquet to assign Cheryl Kishigo-Lesky to the Odawa Economic Affairs Holding, Inc., Corporate Charter for a 3-year term ending September 27, 2021 upon the Legislative Office obtaining a clean Background Report in accordance with policy.

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

Motion carried.

The Gaming Authority Statute requires 3-5 members.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to appoint Greg Karlis to the Gaming Authority for a 4-year term upon the Legislative Office obtaining a clean Background Report in accordance with policy, and obtain a Primary Gaming License from the Gaming Regulatory Commission.

Vote: 6 - Yes, 1 - No (Councilor Wemigwase), 1 - Abstained (Councilor David Harrington), 1 - Absent (Councilor Proctor)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to appoint Beverly Wemigwase to the Gaming Authority for a 4-year term upon the Legislative Office obtaining a clean Background Report in accordance with policy, and obtain a Primary Gaming License from the Gaming Regulatory Commission.

Vote: 4 - Yes, 2 - No (Secretary Kiogima, Treasurer Reyes), 2 - Abstained (Councilor David Harrington, Councilor Wemigwase), 1 - Absent (Councilor Proctor)
Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to appoint Bernadece Boda to the Gaming Authority for a 4-year term upon the Legislative Office obtaining a clean Background Report in accordance with policy, and obtain a Primary Gaming License from the Gaming Regulatory Commission.

Vote: 7 - Yes, 0 - No, 1 - Abstained (Councilor David Harrington), 1 - Absent (Councilor Proctor)

Motion carried.

Motion made by Treasurer Reyes and supported by Secretary Kiogima to appoint Donald Lasley to the Gaming Authority for a 4-year term upon the Legislative Office obtaining a clean Background Report in accordance with policy, and obtain a Primary Gaming License from the Gaming Regulatory Commission.

Vote: 5 - Yes, 2 - No (Councilor Shananaquet, Councilor Wemigwase), 1 - Abstained (Councilor David Harrington), 1 - Absent (Councilor Proctor)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to appoint Matt Stempkoski to the Gaming Authority for a 4-year term upon the Legislative Office obtaining a clean Background Report in accordance with policy, and obtain a Primary Gaming License from the Gaming Regulatory Commission.

Vote: 7 - Yes, 0 - No, 1 - Abstained (Councilor David Harrington), 1 - Absent (Councilor Proctor)

Motion carried.

General Counsel:

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to accept General Counsel Jim Bransky's written report as presented on September 27, 2018.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Treasurer Reyes to adopt Tribal Resolution Approval of Consent and Agreement with Chemical Bank and Approval or Affirmation of Prior Approval of Lease, Subleases and Sub-Leasehold Mortgages.

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

Motion carried.

Legislative Office Manager-no report.

FYI: There is no room on the October 9, 2018 Tribal Council Work Session Agenda.

Corporate Charters and/or Board Updates

Odawa Economic Development Management, Inc.: no report

Traditional Tribal Burial Board, Inc.: no report

Ziibimijwang, Inc.: no report

Gaming Enterprise Board: no report

Motion made by Councilor David Harrington and supported by Councilor Wemigwase to approve Citizenship List A-Eligible for Citizenship dated September 24, 2018 for a total of 4.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Secretary Kiogima to approve Citizenship List B-Ineligible for Citizenship dated September 24, 2018 for a total of 3.

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

Motion carried.

Motion made Councilor Wemigwase and supported by Treasurer Reyes to approve Certified Motion #09278-01 Funding from the United States Department of the Interior, Bureau of Indian Affairs, P.L. 93-638 Annual Funding Agreement Road Maintenance Program Contract FY 2018, Funding Increase.

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

Motion carried.

Motion made by Councilor Wemigwase and supported Treasurer Reyes to approve Certified Motion #092718-03 Request for Funding from the U.S. Environmental Protection Agency, Section 103 of the Clean Air Act, FY 2019 – FY 2020 Region 5 Tribal Air Grant, Clean Air Program.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to approve Certified Motion #092718-04 Acceptance of Funds as a Sub-Grantee of the Inter-Tribal Council of Michigan, Inc., Community Services Block Grant Emergency Assistance Program Funding Increase.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to approve Certified Motion #092718-05 Request for Funds from the Bureau of Indian Affairs, Conservation Law Enforcement Officers Funds FY 2019 – FY 2023.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Secretary Kiogima to approve Certified Motion #092718-06 Authorization to Participate in Nationwide Elder Needs Assessment.

Discussion: Legislative Leader Fred Harrington Jr. requested any surveys, assessments, and data collected be made a public document.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor David Harrington to assign Kevin Gasco to the Ziibimijwang, Inc. Corporate Charter to fill the remainder of a 4-year term ending January 8, 2019, and a new 4-year term beginning January 8, 2019 ending January 8, 2023 on the Ziibimijwang, Inc., and to approve a new ARTICLE VII of the Ziibimijwang, Inc. Corporate Charter upon the Legislative Office obtaining a clean Criminal Background Investigation Report.

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

Motion carried.

Motion made by Councilor Wemigwase and supported Councilor David Harrington to approve the Odawa Economic Affairs Holding, Inc. Corporate Charter.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to acknowledge receipt of Robert Ellerman's Letter of Interest and Resume for the Gaming Authority Board.

Vote: 7 - Yes, 0 - No, 1 - Abstained (Councilor David Harrington), 1 - Absent (Councilor Proctor)

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor David Harrington to acknowledge receipt of Robert Ellerman's Letter of Interest and Resume for the Odawa Economic Affairs Holding, Inc. Corporate Charter and schedule an interview.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor David Harrington to adopt Tribal Resolution Budget Modification for Education Department Van Purchase to not Exceed \$35,000.00.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to adopt Tribal Resolution Supplemental Funding in the Amount of \$50,000.00 for the purpose of Elders Emergency Assistance and Fuel and Utility Assistance.

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

Motion carried.

Motion made by Secretary Kiogima and supported by Councilor Wemigwase to amend the agenda to include Appropriations and Finance Committee Action Items.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to acknowledge and declare that Tribal Council will not approve any General Fund-Supplemental Funding Requests for the hiring of any new government employees or for the creation of any new governmental employee positions for the remainder of FY 2018. Vote: 2 - Yes, 6 - No (Councilor David Harrington, Secretary Kiogima, Councilor Shananaquet, Treasurer Reyes, Councilor Bernard, Legislative Leader Fred Harrington Jr.), 0 - Abstained, 1 - Absent (Councilor Proctor)
Motion fails.

Tribal Council Officer Reports continued:

Secretary Report

Documents Delivered to Executive:

-Tribal Resolution Re-Appropriation of the Odawa Economic Development Management, Inc. (OEDMI) Line of Credit was delivered to the Executive for signature on 08/24/18-the Executive signed on 09/19/18.

-Tribal Resolution Limited Waiver of Sovereign Immunity was delivered to the Executive for signature on 09/18/18-PENDING EXECUTIVE SIGNATURE (due back to Tribal Council on/by 10/18/18).

-Waganakising Odawak Statute Ethics for All Levels of Tribal Government was delivered to the Executive for signature on 08/24/18-Enacted without signature on 09/24/18.

-Waganakising Odawak Statute Contracting Statute was delivered to the Executive for signature on 09/18/18-PENDING EXECUTIVE SIGNATURE (due back to Tribal Council on/by 10/18/18).

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

-Waganakising Odawak Statute Odawa Aviation Corporation was delivered to the Executive for signature on 08/10/18-was VETOED on 09/07/2018.

(Tribal Council overrode the Executive Veto as an Action Item this morning)

Phone Polls passed by Tribal Council:

-09/18/18 Motion to approve a Special Work Session for Tribal Council to be held Thursday, September 20, 2018 at 9:00 a.m. in the Tribal Council chambers to avoid unnecessary delay for the purpose of reviewing resumes for the Gaming Authority Board under the new Statute.
Comments: none
Phone Poll Vote: 8 Yes, 1 No (Councilor Proctor), 0 Abstained, 0 Absent
Motion carried.

-09/21/18 Motion to acknowledge receipt of Marvin Mulholland, Beverly Wemigwase, Matt Stempkoski, Sunnese Granados, Rose Pyant, Donald Lasley, Bernadece Boda, and Roger Borton Letters of Interest and Resume's for the Gaming Authority and set up an interview, in order to avoid unnecessary delay in the assignment process.
Comments: none
Phone Poll Vote: 8 - Yes, 0 - No, 1 - Abstained (Councilor David Harrington), 0 - Absent
Motion carried.

Motion made by Councilor David Harrington and supported by Treasurer Reyes to accept Secretary Kiogima's verbal and written report as presented on the agenda for September 27, 2018.

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

Motion carried.

Treasurer Report

Appropriations and Finance Committee

-Last Meeting: September 18, 2018

(Motions made at Appropriations and Finance Committee Meeting)

-Motion made by Councilor McNamara and supported by Councilor Wemigwase totable the approval of the Gaming Authority 2019 Budget.

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 #092718-01 Funding from the United States Department of the Interior, Bureau of Indian Affairs, P.L. 93-638 Annual Funding Agreement Road Maintenance Program Contract FY 2018, Funding Increase.

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

Motion carried.

-Motion made by Councilor McNamara and supported by Councilor Wemigwase to refer Certified Motion's #092718-02 and #092718-06 to Tribal Council.

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 # 092718-03 Request for Funding from U.S. Environmental Protection Agency Section 103 Clean Air Act, FY 2019-FY 2020 Region 5 Tribal Air Grant, Clean Air Program.

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 #092718-04 Acceptance of Funds as a Sub-Grantee of Inter-Tribal Council of Michigan, Inc. Community Services Block Grant Emergency Assistance Program Funding Increase.

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 # 092718-05 Request for Funds from the Bureau of Indian Affairs Conservation Law Enforcement Officers Funds FY 2019-FY 2023.

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 adopt Tribal Resolution Budget Modification for Education Department Van Purchase to not exceed \$35,000.00.

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 adopt Tribal Resolution Funding in the Amount of \$50,000 for the purpose of Elders Emergency Assistance and Fuel and Utility Assistance.

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

Motion carried.

-Motion made by Councilor Wemigwase and supported by Councilor McNamara to acknowledge and declare that Tribal Council will not approve any General Fund Supplemental Funding requests for the hiring of any new government employees or for the creation of any new governmental employee positions for the remainder of FY 2018.

Vote: 2-yes, 1-no (Treasurer Reyes), 0-abstain, 0-absent

Motion carried.

-Motion made by Councilor McNamara and supported by Councilor Wemigwase to acknowledge receipt of additional funds from the Consolidated Tribal Government Program (CTGP) in the amount of \$62,429.48 and from the State of Michigan Child Care Fund in the amount of \$26,000 for a total of \$88,429.48.

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

Motion carried.

-Motion made by Councilor Wemigwase and supported by Councilor McNamara to acknowledge receipt of the Executive's Tribal Resolution for an Amended Budget FY 2019 received on September 13, 2018.

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 not approve the Executive's Tribal Resolution for an Amended Budget for FY 2019 received on September 13, 2018.

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

Motion carried.

-Next Meeting: October 16, 2018.

Phone Polls passed by Appropriations and Finance Committee: none.

Motion Councilor McNamara and supported by Councilor Wemigwase to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chairperson for September 27, 2018.

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

Motion carried.

Land and Reservation Committee

-Last Meeting: September 7, 2018.

(No Motions made at Land and Reservation Committee Meeting)

-Next Meeting: October 5, 2018.

Phone Polls passed by Land and Reservation Committee:

(The 09/13/18 Phone Poll was previously reported at the 09/13/18 Tribal Council Meeting.)

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 by Treasurer Reyes, Committee Chairperson for September 27, 2018.

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

Motion carried.

11:41 a.m. Legislative Leader Fred Harrington Jr. exits the meeting.

Tribal Council Members Reports

Treasurer Reyes-Travel Report

- Discussed the Tribal Labor Sovereignty Act and how it's being used as a "Political Leverage Bill".
- Wisconsin's Assembly Bill 118 Burial Site Preservation Legislation attempts to weaken the Burial Site Preservation Law. "Grave markers" now include Indian mounds in the definition and more than 10 feet around site is protected.
- Assembly Bill 114 Battery to a Tribal Judge is a Class H Felony and includes Tribal Judges, Prosecutors and Law Enforcement Officers.
- United States v. Washington impact across Indian Country.
- Tribal opportunities for developing renewable energy.
- The Upper Skagit Decision and other recent developments in Tribal Sovereignty Immunity.
- Cannabidiol (CBD) ventures in Wisconsin Indian Country.
- Opioids epidemic in Indian Country. Since 2015 alcohol related births have decreased while the heroin, prescription drugs and methamphetamine addicted births have increased.

Public Comment:

11:45 a.m. Public Comment opened

- Linda Gokee spoke as requested by Citizens from Detroit as they would like to see larger per capita payments as they do not receive the same benefits as those who live on or near the reservation.

11:46 a.m. Public Comment closed

Tribal Council Member Reports continued:

11:53 a.m. Councilor Bernard exits the meeting.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to accept Treasurer Reyes' verbal and written report as presented on September 27, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard)

Motion carried.

Councilor Wemigwase

-Whistle Blower Act and what happens to the individual after the fact of submitting a whistle blower complaint?

Per Waganakising Odawak Statute 2010-001 WHISTLE BLOWER PROTECTION STATUTE, Section IV. RETALIATION PROHIBITED

A. No employee shall be terminated, demoted, penalized or disciplined in any way as a direct result of the employee's reporting of activity, over which the employee has actual knowledge and which the employee reasonably believes to be in violation of any applicable law, to a supervisor, tribal law enforcement official, or the Tribal Council.

B. Cause of Action. Any employee who is subject to retaliatory action based on good faith and reasonable reporting as described in subsection (A) shall have standing to bring a cause of action in Tribal Court for the remedies set forth in this Statute.

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to accept Councilor Wemigwase's verbal report as presented on September 27, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to acknowledge receipt of Barry Laughlin's Whistle Blower violation of Tribal Law within Odawa Casino Resort.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard)

Motion carried.

12:07 p.m. Lunch Break

1:34 p.m. Meeting Resumes

Tribal Council Member Reports continued:

Councilor Shananaquet

-Whistle Blower Protection Act.

-Attended the Odawa Casino Resort Town Hall Meeting.

- Contacted Gaming Enterprise Board Member Marvin Mulholland, regarding concern that employees were being forced to participate in unfavorable activities.

-Attended the Odawa Casino Resort Informational Meeting.

- Marvin Mulholland gave notice that this is his last meeting.
- Julie thanked Marvin for his commitment and work while on the Gaming Enterprise Board.
- Comment made the casino needs to improve employee morale.

-Julie would like a declaration honoring Wesley Andrews for years of service to the Tribe.

Motion made by Councilor Wemigwase and supported by Councilor David Harrington to accept Councilor Shananaquet's verbal report as presented on September 27, 2018.

Discussion: Councilor David Harrington asked which direction should the whistle blower complainant take due to the lack of a Gaming Authority Board? It was noted the complainant cannot be retaliated on after an official complaint was received by Tribal Council. Tribal Council will further address this with the new Gaming Authority at the October 11, 2018 Tribal Council Meeting.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to have General Counsel Bransky review and address Waganakising Odawak Statute 2010-001 Whistle Blower Protection Statute with the Gaming Authority Board.

Vote: 5 - Yes, 0 - No, 1 – Abstained (Councilor David Harrington), 3 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard)

Motion carried.

Councilor McNamara

-Tribal Council received Wesley Andrews' Tribal Historic Preservation Officer and the Native American Graves Preservation and Repatriation Act/Michigan Anishinaabek Cultural Preservation & Repatriation Alliance Representative resignation letter. Dexter is also requesting a declaration in his honor to include an ice cream social hour. Legislative Leader Fred Harrington Jr. will be presenting Wesley an Eagle Feather and box.

-An Enrolled Tribal Citizen who signed a recall petition is being threatened due to signing a recall petition.

Motion made by Councilor Wemigwase and supported by Councilor Shananaquet to accept Councilor McNamara's verbal report as presented on September 27, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard)

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to schedule and post a Tribal Council Special Meeting on Thursday, October 4, 2018 at 9:00 a.m. to include a tentative Closed Session regarding Tribal Historic Preservation Office.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard)

Motion carried.

Legislative Staff Reports:

Office of Finance and Revenue:

-Investments

-General Fund account balance

-Revenue Allocation Plan (RAP) will be \$500.00 for 2018.

-Odawa Economic Development Management, Inc.

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to accept Sr. Financial Analyst Rachel Cope's verbal and written report for September 27, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard)

Motion carried.

2:25 p.m. Councilor McNamara exits meeting.

Tribal Historic Preservation Officer

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to acknowledge receipt of Wesley Andrews resignation from both the Tribal Historic Preservation Office and Native American Graves Preservation and

Repatriation/Michigan Anishinaabek Cultural Preservation & Repatriation Alliance representative. effective October 9, 2018.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to recognize Wesley Andrews for his many years of service to Little Traverse Bay Bands of Odawa Indians.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard, Councilor McNamara)

Motion carried.

Legislative Services Attorney

-Social Security's new law allows elected officials to claim disability.

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to acknowledge receipt of Legislative Services Attorney Budnick's verbal and written report for September 27, 2018.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard, Councilor McNamara)

Motion carried.

Public Comment

2:35 p.m. Public Comment opened

- No comments

2:35 p.m. Public Comment Closed

Adjournment:

2:35 p.m. Motion made by Councilor David Harrington and supported by Treasurer Reyes to adjourn.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor Proctor, Legislative Leader Fred Harrington Jr., Councilor Bernard, Councilor McNamara)

Motion carried.

Next Regular Tribal Council Meeting
Thursday, October 11, 2018 at 9:00 a.m.

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



Tamara Kiogima, Tribal Council Secretary

10-11-18

Date

