

**Little Traverse Bay Bands of Odawa Indians  
Tribal Council Chambers  
7500 Odawa Circle, Harbor Springs, MI 49740  
Tribal Council Regular Meeting  
October 11, 2018**

Call to Order: **9:03 a.m.**

Opening ceremony: none

Closed Session: Yes

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

Absent: Councilor Julie Shananaquet, Councilor Frank Bernard, Councilor David Harrington

Legislative Office Staff and Chartered Corporation Members Present: Legislative Services Attorney Donna Budnick Legislative, General Counsel Jim Bransky, Sr Financial Analyst Rachel Cope, Office Manager Michele Portman-LaCount, Legislative Administrative Assistant Linda Gokee, Tribal Historic Preservation Officer Wes Andrews, Traditional Tribal Burial, Inc. Vice Chair Patrick Wemigwase, Traditional Tribal Burial, Inc. Secretary Gwen Teuthorn, Odawa Economic Development Management, Inc. President Tanya Gibbs, Odawa Economic Development Management, Inc. Vice President Alan Proctor, Odawa Economic Development Management, Inc. Committee Member Shiloh Slomsky, GNI Steve Hayward,

Executive Officials and Staff Present: Vice-Chairperson Stella Kay, Human Resources Director Denise Petoskey, Environmental Administrative Assistant Heidi Bosma, Environmental Water Quality Specialist Bill Oeming, Education Department Employment and Training Specialist Rachel Koepf, Education WOCTEP Lab Assistant Bob Chicks, Tribal Health Department Community Health Nurse Liberty Pearsall, Health Educator Regina Brubaker-Carver, Communications Coordinator Annette VanDeCar, Pre-Press Graphic Specialist Wendy Congdon, Department of Commerce Assistant Theresa Keshick, Accounting Technician Danielle Becenti, Natural Resources Director Doug Carven, Conservationist Noah Jansen

Judicial Officials and Staff: none

Public: Tribal Citizens Sarah "Sally" Proctor, Andrew Stitch, Mary Schneider, Brian Wiatroluk

Invited Guest: none

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**9:06 a.m. Councilor David Harrington arrived.**

**Motion** made by Treasurer Reyes and supported by Councilor David Harrington to adopt the agenda for October 11, 2018 as amended.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Bernard)

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Secretary Kiogima to approve the Regular Meeting minutes of September 27, 2018 as corrected.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Bernard)

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to approve the Special Meeting minutes of October 4, 2018 as presented.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Bernard)

Motion carried.

### **Executive Report:**

Discussion: Vice-Chairperson Stella Kay verbal report.

-Tribal Chairperson Regina Gasco-Bentley is off on PTO today.

-Tribal Chairperson attended the Governor Summit Meeting two weeks ago.

- Discussion on Enbridge's Line 5.
- The No Anchor Zone needs "more teeth"
- The Michigan Governor gave signs that the Michigan Indian Tuition Waiver (MITW) will be fully funded.

-Vice Chairperson had a conference call regarding 2017 Senate Bill 616 which allows Tribal Officials access to records kept in a State central registry of serious child abuse cases. Faults within this bill as Tribal Social Services is to be notified on Indian Child Welfare matters. A collaborative State and Tribal work group is being created to address this concern.

-A Tribal Citizen is concerned with the outcome of the Brackeen v. Zinke decision and would like a Tribal Resolution or Declaration denouncing this ruling.

-The Tribe's Indian Child Welfare Committee will be conducting an Emergency Phone Conference regarding the above matter.

-Tribes to receive direct funding from the government for Opioid Abuse.

-Forestry funding will go directly to Tribes.

Requesting \$21,000 supplemental funding to be used for the 2018 Michigan election.

-The Tribal Citizen complaint received regarding Waganakising Odawak Statute 2006-001 William Raymond Kiogima and Helen Agnes Kiogima Noozwin Act has been taken care of. Tribal Enrollment's Regulations will be redone to comply with this statute which mandates posting of adult names.

**Motion** made by Treasurer Reyes and supported by Councilor Wemigwase to acknowledge the verbal Executive Operating Report as presented by Vice-Chairperson Stella Kay for October 11, 2018.

Comments:

- Councilor Wemigwase asked if the Executive has obtained a qualified Expert Witness for Indian Child Welfare matters and if not, has this position been posted? Requested an update from either Natural Resources Director Doug Craven and/or Natural Resources Commissioner John Keshick III regarding where the Tribe's stance is at for the 2020 Consent Decree negotiations. Would like both the Legislative and Executive to host a meeting for the residents of Harbor Point Association to dispel rumors of the Tribe's Boundary Litigation lawsuit.
- Secretary Kiogima would like a Harbor Springs School District fiber optic update. Requested a reason as to why root canals are not covered under Purchase Referred Care formerly known as Contract Health.

- Councilor David Harrington suggested a meeting amongst Emmet County cities, townships and Tribal Citizens a questions and answers period to address rumors regarding the Tribal Boundary Litigation Case.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Bernard)

Motion carried.

Introduction of new Tribal Government Employees: Environmental Administrative Assistant Heidi Bosma, Environmental Water Quality Specialist Bill Oeming, Education Department Employment and Training Specialist Rachel Koepp, Education WOCTEP Lab Assistant Bob Chicks, and Tribal Health Department Community Health Nurse Liberty Pearsall.

**9:32 a.m. Motion** made by Councilor Wemigwase and supported by Councilor Proctor to go into Closed Session for Confidential Business Matters.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Bernard)

Motion carried.

**10:13 a.m. Motion** made by Councilor McNamara and supported by Councilor David Harrington to return to Open Session.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Bernard)

Motion carried.

**10:13 a.m. Break**

**10:36 a.m. Meeting resumes**

### **Legislative Officer Reports:**

#### Legislative Leader Report

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to accept Legislative Leader Fred Harrington's verbal report for October 11, 2018.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)

Motion carried.

### **Action Items:**

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to no longer direct and utilize resources toward negotiating an economic development relationship with RB Construction.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)

Motion carried.

**Motion** made by Councilor David Harrington and supported Councilor Wemigwase to approve the Odawa Construction Corporate Charter upon the Legislative Office obtaining clean background reports for Raymond Greensky and Mike Reed.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Wemigwase to assign Raymond Greensky to the Odawa Construction Corporation Charter for a 4-year term ending October 11, 2021 upon the Legislative Office obtaining a clean Background Report in accordance with policy.  
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor David Harrington to assign Mike Reed to the Odawa Construction Corporation Charter for a 3-year term ending October 11, 2021 upon the Legislative Office obtaining a clean Background Report in accordance with policy.  
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)  
Motion carried.

**Motion** made by Treasurer Reyes and supported by Councilor Wemigwase to assign Mary Roberts, Odawa Economic Affairs Holding Corporation member to the Odawa Construction Corporation for a three (3) year term ending September 27, 2021.  
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor David Harrington and supported by Treasurer Reyes to post Protection of Vulnerable People in Employment Statute 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 (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor McNamara and supported by Treasurer Reyes to post Amendment to Waganakising Odawak Statute #2011-005 Gaming Regulatory Statute to the Legislative Calendar in the Odawa Register as sponsored by Legislative Leader Fred Harrington Jr.  
Vote: 5 - Yes, 0 - No, 1 - Abstained (Councilor David Harrington), 3 - Absent (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)  
Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Wemigwase to adopt Tribal Resolution Secured Centralized Data Storage System.  
Roll call: Councilor Bernard-absent, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet-absent, Councilor Wemigwase-yes, Treasurer Reyes-yes, Secretary Kiogima-yes, Legislative Leader Fred Harrington Jr.-yes  
Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to approve the revised Deputy Tribal Historic Preservation Officer job description dated

October 10, 2018 and promote Melissa Wiatrolik, the current Deputy Tribal Historic Preservation Officer to such increased duties as described within the context of the job description including the administration of duties of the Michigan Anishinaabek Cultural Preservation & Repatriation Alliance and Native American Graves Preservation and Repatriation Act representative.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Bernard)

Motion carried.

**Motion** made by Treasurer Reyes and supported by Councilor David Harrington to approve Tribal Council attendance at the Tribal Green Symposium in Las Vegas Nevada November 13-15, 2018.

Vote: 5 – Yes, 2 – No (Secretary Kiogima, Councilor Proctor), 0 – Abstained, 1 – Absent (Councilor Bernard)

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Treasurer Reyes to accept Certified Motion #110918-01 Ziibimijwang, Inc. Request for Funding through the Michigan Good Food Council.

Vote: 7 – Yes, 0 – No, 0 – Abstained, 2 – Absent (Councilor Bernard, Councilor Shananaquet)

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor David Harrington to assign Rob Ellerman to the Odawa Economic Affairs Holding, Inc., Corporate Charter for a 3-year term ending October 11, 2021 upon the Legislative Office obtaining a clean Background Report in accordance with policy.

Vote: 5 – Yes, 2 – No (Secretary Kiogima, Councilor Proctor), 0 – Abstained, 2 – Absent (Councilor Bernard, Councilor Shananaquet)

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to adopt Tribal Resolution Paid time-Off for Elections.

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

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Treasurer Reyes to acknowledge the signing of the *Special Tribute for Wesley Andrews* by Tribal Council.

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

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Treasurer Reyes to post Waganakising Odawak Statute Tribal Historic Preservation Office Protection and Management of Archaeological, Historical and Cultural Properties and Cultural Resource to the Legislative Calendar in the Odawa Register as sponsored by Tribal Council.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)

Motion carried.

**Motion** made by Councilor Wemigwase and supported by Councilor McNamara to post Waganakising Odawak Statute Repeal of LTBB Waganakising Representative to Michigan Anishnaabeg Cultural Preservation and Repatriation Alliance (MACPRA) and Native American Graves Protection and Repatriation Act (NAGPRA) WOS 2011-017.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Shananaquet, Councilor Bernard)

Motion carried.

**10:57 a.m.** Councilor Shananaquet arrives

**Motion** made by Councilor McNamara and supported by Councilor Wemigwase to approve the Independent Contracting Agreement between Little Traverse Bay Bands of Odawa Indians and Wesley Andrews, d.b.a. Andrews Cultural Resources, pending legal and financial review, for Tribal Historical Preservation Office (THPO) services, and authorize the Legislative Leader to sign the contract.

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

Motion carried.

### Secretary Report

#### Documents Delivered to the Executive

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

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

*-Tribal Resolution Approval of Consent and Agreement with Chemical Bank and Approval of Affirmation of Prior Approval of Lease, Subleases, and Sub-Leasehold Mortgages was delivered to the Executive for signature on 10/02/18-the Executive signed on 10/02/18.*

*-Tribal Resolution Budget Modification for FY 2018 Increased Consolidated Tribal Government Program (CTGP) Related General Fund Needs in Other Programs was delivered to the Executive for signature-the Executive signed on 10/05/18.*

*-Tribal Resolution Budget Modification for Education Department Van Purchase to not Exceed \$35,000.00 was delivered to the Executive for signature on 10/02/18-the Executive signed on 10/05/18.*

*-Tribal Resolution Supplemental Funding in the Amount of \$50,000.00 for the purpose of Elders Emergency Assistance and Fuel and Utility Assistance was delivered to the Executive on 10/02/18-the Executive signed on 10/05/18.*

**Vetoes** (a vote of Tribal Council to override a veto shall occur within 90-days of the veto): none

Phone Polls passed by Tribal council: none

#### Discussion:

-Thanked Legislative Office Manager Michele Portman-LaCount and Legislative Administrative Assistant Linda Gokee for taking minutes and keeping track of the agenda when it's been amended these pasts few Tribal Council Meetings.

**Motion** made by Treasurer Reyes and supported by Councilor Wemigwase to accept Secretary Kiogima's verbal and written report as presented on the agenda for October 11, 2018.

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

Motion carried.

### Treasurer Report

#### **Appropriations and Finance Committee**

-Last Meeting: September 18, 2018

*(Motions made at Appropriations and Finance Committee Meeting were presented at the September 27, 2018 Tribal Council Meeting)*

-Next Meeting: Tuesday, October 16, 2018 at 9:00 a.m. in Council Chambers.

Phone Polls passed by Appropriations and Finance Committee:

-10/09/18 Motion to recommend to Tribal Council to approve Certified Motion Ziibimijwang, Inc. Request for Funding through the Michigan Good Food Fund.

Committee Comments: none

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

Motion carried.

**Motion** made by Councilor David Harrington and supported by Councilor Proctor to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for October 11, 2018.

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

Motion carried.

#### **Land and Reservation Committee**

-Last Meeting: August 31, 2018

-The last regular scheduled meeting for October 5, 2018 was cancelled. The committee attempted to reschedule and was unable to due to conflicting, previously obligated schedules.

*(No Motions made at Land and Reservation Committee Meeting)*

-Next Regular Scheduled Meeting: Friday, November 2, 2018 at 9:00 a.m.

Phone Polls passed by Land and Reservation Committee: none

**Motion** made by Councilor Shananaquet and supported by Councilor Proctor to accept the Land and Reservation Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for October 11, 2018.

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

Motion carried.

#### **Tribal Council Member Reports:**

Councilor Shananaquet:

-Congratulated General Counsel Jim Bransky for receiving the State Bar of Michigan American Indian Law Section, Tecumseh Peacekeeping Award. Mr. Bransky is an individual who has made significant contributions to protecting the rights of American Indians and/or American Indian Nations.

-Telephone contact made by two of the newly appointed Gaming Authority members on 09/28/2018 regarding quorums, meetings, and temporary licenses.

-Attended the 10-16-2018 Gaming Authority meeting where the following was discussed:

- Improvement of Employee morale,
- Improvement of Marketing Strategies,
- Improvement of patron perks and/or events,
- Facility improvements,
- Financial reporting requirements,
- The development of sound policies that will guide the new Authority in reaching their goal,
- All Gaming Authority Meetings will take place at the Odawa Hotel.
- Gaming Authority elections were held amongst the eligible voting members.
- Questions brought forward regarding capped meetings and the ability to divide the amount over several work sessions and meetings.
- Discussion of the General Managers Contract.
- Living wage increases,
- Necessary housing needs, and
- Tribal recognition of "years of service=level of education"

**Motion** made by Treasurer Reyes and supported by Councilor Wemigwase to accept Councilor Shananaquet's verbal and written report as presented on October 11, 2018.

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

Motion carried.

Councilor Wemigwase:

-Previously discussed the Harbor Point Association concerns during the Executive Oversight Report. Shanna has offered to make introductions between the Executive and the association.

-Attended the first Gaming Authority meeting under the new statute. The following was discussed:

- The Board members seem strong and able to communicate effectively. Each member has a diverse background in business and respect each other's expertise.
- Open discussion with the Board, and participants were allowed partake.
- The Board would like to obtain documents pertaining to the Odawa Casino Resort such as financial reports, legal opinions, and prior minutes.
- Other attendees were Councilor McNamara, Councilor Shananaquet, Sr Financial Analyst Rachel Cope, and Odawa Casino Resort Directors: Dennis Shananaquet-Slots, Barry Laughlin-Property Operations, Nick Foltz-Associate Table Games, and Hank Rowland-Hospitality.
- The Board asked for clarification of the Tribal Council motions regarding the Whistle Blower letter from Barry Laughlin, Free play, communication between the General Manager and Tribal Council.
- Asked general questions regarding meetings and quorums.

--Councilor Wemigwase questioned if documents received from Odawa Casino Resort employees could be forwarded to the new Board.

**Motion** made by Councilor Shananaquet and supported by Treasurer Reyes to accept Councilor Wemigwase's verbal and written report as presented on October 11, 2018.

Comments: Secretary Kiogima inquired if all Tribal affiliated boards could use an email address associated with the @LTBBOdawa-nsn.gov.

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

Motion carried.

**Motion** made by and supported by Councilor Wemigwase and supported by Councilor Shananaquet to request and authorize Enjinaaknegeng and the Office of Finance and Revenue be available to assist the Gaming Authority and the Tribally Chartered Corporations, as needed, within their areas of expertise.

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

Motion carried.

Councilor Proctor:

-Indian Child Welfare in reference to the unprecedented ruling on the Brackeen v. Zinke Decision.

- The Northern District Court of Texas, Ft. Worth Division deemed nearly all of the Indian Child Welfare Act of 1978 (ICWA) and its 2016 Regulations unconstitutional under the Equal Protection Clause. It also found the new Regulations have violated the Administrative Procedures Act.
- Federal Judge Reed O'Connor "declared ICWA to be a "race-based statute" that treats Indian children differently because on their ancestry or heritage." He also said, "The federal government "did not prove—or attempt to prove" why Indian children need to remain connected to their communities.

-Adoptive parents of non-enrolled Indian children have filed similar lawsuits in Oklahoma, Arizona and Indiana as they claim ICWA is unconstitutional.

-Emily is interested in bringing in an Indigenous Case Law firm to present Indian Child Welfare matters which is also important in the Tribes boundary litigation case on November 2, 2018 in the afternoon.

**Public Comment:**

**11:46 a.m.** Public Comment opened

- No comments

**11:46 a.m.** Public Comment closed

Councilor Proctor report continued:

**Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to accept Councilor Proctor's verbal report as presented on October 11, 2018.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Bernard)

Motion carried.

Treasurer Reyes:

-Attended the Native American Finance Officers Association (NAFOA) Conference in Santa Ana Pueblo, New Mexico break-out sessions in:

- Renewable Energy: Unleashing Limitless Energy on Indian Country
- Real Estate: Investing in Tangible Assets
- Guide to a Visionary Economic Development Board

- The Impact of Cannabis & Hemp Legislation on Indian Country
    - “Incubator Program” to help small, Tribally owned businesses off the ground,
    - Do not mix with Federal funds
    - Play close attention to the Farm Bill as it relates to hemp.
  - Farm Bill Fallout: Opportunities for Infrastructure, Jobs, and Economic Growth
- Will submit an extensive, written travel report for the next Tribal Council Meeting.

**Motion** made by Secretary Kiogima and supported by Councilor Proctor to accept Treasurer Reyes verbal travel report as presented on October 11, 2018.

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

Motion carried.

**12:02 p.m.** Lunch

**1:30 p.m.** Meeting resumes

Tribal Council pays *Special Tribute to Wesley Andrews* (read by Secretary Kiogima)

**WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians and its citizens are vested with inherent sovereignty and right to self-governance;

**WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

**WHEREAS** in accordance with the Tribe’s Administrative Procedures Act, WOS 2008-001, a Special Tribute is a document that acknowledges or recognizes a person(s) or organization with gratitude, respect or admiration for an action or accomplishment;

**WHEREAS** In 1995, Wesley Andrews began a long-term relationship with the Little Traverse Bay Bands of Odawa Indians by being the Native American Graves Protection Repatriation Act Designee through his company “Andrews Cultural Resource” serving until 2004 and again in 2012 to the present; and

**WHEREAS** since the formation of that relationship, Wesley Andrews held several very significant roles within the LTBB Tribal government which included the Historic & Cultural Preservation Officer and the position of Archives & Records Director from 1997 through 2001, where he implemented the historic and cultural records management plan, and the tribal ethnological and archaeological collection plan; and

**WHEREAS** Wesley Andrews also contributed to the Tribe when he was appointed to the Constitution Committee in 1996 and participated in the United States vs. Michigan negotiations in 1999 regarding the Great Lakes Consent Decree; and

**WHEREAS** Wesley Andrews was chosen for these important positions because of his knowledge and dedication toward the Tribe’s cultural, spiritual and historical teachings; and

**WHEREAS** after all the many things that Wesley Andrews has accomplished, he shall best be known and appreciated for his dedication to assure that the Tribe’s history and culture is maintained with respect and the utmost cultural and physical integrity possible.

**THEREFORE, BE IT RESOLVED** that the undersigned Tribal Leaders do hereby

express our heartfelt appreciation and gratitude for all that Wesley Andrews has contributed to the Tribe and its Citizens, and we express our appreciation for his years of service and dedication to the Tribe and our Tribal Citizens.

Followed by Legislative Leader Fred Harrington Jr. presenting an Eagle Feather, a Pendleton blanket, and a "farewell song".

**1:50 p.m.** Break for ice cream social in honor of Wesley Andrews provided by the Legislative Office.

**2:10 p.m.** Meeting resumes

General Counsel:

- Met with Gaming Authority Board for orientation
- Would like Enjinaaknegeng (Legal Department) to attend the Gaming Authority Board meetings for a short time to bring Board up to date on issues.
- Trust Applications moving along and are in the preliminary stage.
- Thanked Tribal Council for Tribal Resolution with Chemical Bank.
- Update on Bay Mills Indian Community v. Rick Snyder detailed opinion was they (Bay Mills) could not open their casino in Vanderbilt, MI.
- Only Child Support Orders can be garnished from a Revenue Allocation Plan aka: Per Capita Payments.

**Motion** made by Treasurer Reyes and supported by Councilor Wemigwase to accept General Counsel Jim Bransky's verbal report for October 11, 2018.  
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)  
Motion carried.

Legislative Services Attorney:

- Tribal Court date on October 24, 2018 at 2:00 p.m. for Motion to Dismiss.
- Some Legislative Staff will be attending an Employee Years of Service Luncheon on Friday, October 26, 2018 from 12 Noon to 1:30 p.m. Recognition for Years of Service awards go to Donna Budnick-10+ years, Michele Portman-LaCount-15+ years, and Linda Gokee-20+ years.
- Donna will be out on October 18 & 19, 2018 for the intertribal meeting for discussion on the Great Lakes Consent Decree.

**Motion** made by Councilor Wemigwase and supported by Councilor Proctor to accept Legislative Services Attorney Donna Budnick's verbal and written report for October 11, 2018.  
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Bernard)  
Motion carried.

Councilor McNamara:

- Attended the Gaming Authority Board meeting on Saturday, October 6, 2018. The following was discussed:
  - The Board asked questions on Policy and Procedures.
  - Odawa Casino Resort Directors and Staff were in attendance and had questions.
- What is the status of Odawa Casino Resort's 1968 F-100, 2-wheel drive, black pickup truck?
- In 2003 and 2007 a feasibility study was completed on a potential north passage rail by Emmet County. Infrastructure is already in place for a passenger train. This would attract

tourism for this area. Councilor McNamara asked his fellow Tribal Councilors if the Council would be interested in being a part of this opportunity.

**Motion** made by Secretary Kiogima and supported by Councilor Proctor to accept Councilor McNamara's verbal report for as presented on October 11, 2018.

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

Motion carried.

Office of Finance and Revenue:

-Reviewed Audits for Odawa Economic Development Management, Inc., Traditional Tribal Burial, Inc. and Ziibimijwang, Inc.

- Will work with the above charters for improvement.

-Met with Steve Hayward on Friday, October 5, 2018 at Victories Square to go over:

- Pavement issues
- Development pads, leases types, filled and open.

-Plans on attending the Michigan Economic Developers Association (MEDA) Fall Economic Development Toolbox conference on November 29, 2018 in Lansing Michigan.

-Continuing to work with PNC on the Treasury Management.

-Attended the Gaming Authority Board Meeting on October 6, 2018.

**Motion** made by Treasurer Reyes and supported by Councilor McNamara to accept Sr Financial Analyst Rachel Cope's verbal report for October 11, 2018.

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

Motion carried.

**Motion** made by Councilor Shananaquet and supported by Treasurer Reyes to acknowledge receipt of the August 2018 Update and Financial Reports for Odawa Casino Resort as provided to Tribal Council by Sr Financial Analyst Rachel Cope.

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

Motion carried.

Legislative Office Manager:

- Training with Mark C. Bishop, Director, Strategic Operations/Community Engagement Michigan Department of Civil Rights Public Affairs Division for Legislative staff, Tribal Council, Gaming Board and Corporate Charter Board Members training in the areas of sexual harassment and discrimination, along with the basic understanding of what "sexual orientation" as a protected class is. As we roll out the employee benefit of legal service provided by Michigan Indian Legal Services (MILS) on October 25, 2018 from 9 a.m. to 12 Noon. Please RSVP.

-Requested an update on the Tribal Government Wage Grid Study from the Executive.

-Received all background checks for the three members of the Odawa Economic Affairs Holding Corporation.

-Awaiting one background report for the newest Ziibimijwang, Inc. Board member.

-Received four of the newly elected Gaming Authority Board background reports. Waiting on the last one.

-Sent the Gaming Authority Board the forms Tribal Council requires for Confidentiality, Agenda Placement, and their 2019 operating budget.

-Worked on the restructuring of the Tribal Historic Preservation Officer (THPO), MACPRA/NAGPRA program.

**Motion** made by Councilor McNamara and supported by Treasurer Reyes to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report for October 11, 2018.

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

Motion carried.

### **Corporate Charters and/or Board Updates:**

Traditional Tribal Burial, Inc.: 2018 3<sup>rd</sup> Quarter Report.

-The board was tasked with the development of a natural burial ground for Tribal Citizens and their family members.

-A Board of Directors has been established.

-Three regular meetings held during the 3<sup>rd</sup> quarter

-A Conference call held on August 7, 2018 with Global Environmental Engineering, Inc. (GEE) to discuss a possible contract to perform an Environmental Impact Study (EIS) on the cemetery parcels on both Murray and Osborne Roads. On September 5, 2018, the Board accepted a proposal from GEE and submitted it to Enjinaaknegeng for legal review which was approved.

-Would like to establish office hours and employ a full-time secretary upon the ability of utilizing Traditional burials.

-Need to develop internal policies and procedures to include how fundraising money is spent and general funds.

-Regina Brubaker-Carver coordinated the LTBB t-shirt quilt, along with the help of community volunteers was completed and raffled off.

-Traditional Tribal Burial, Inc. Chair Kevin Willis and Treasurer Lisa Flynn attended a meeting with Bill Borgeld, Natural Resources Conservation Service (NRCS) Grant Manager to discuss the current status of the Traditional Tribal Burial, Inc. cemetery development grant. Conservation and Cover crops were also discussed, as well as, implementing the planting of a shelterbelt/windbreak vegetation in the Spring 2019.

**2:47 p.m.** Councilor Wemigwase exits meeting.

**Motion** made by Treasurer Reyes and supported by Councilor Shananaquet to acknowledge receipt of the Traditional Tribal Burial, Inc. 3<sup>rd</sup> Quarter verbal and written report as presented by Traditional Tribal Burial, Inc. Vice-Chair Patrice Wemigwase and Secretary Gwen Gasco for October 11, 2018.

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

Motion carried.

### **Public Comment**

**2:54 p.m.** Public Comment Opened

- Tribal Citizen Brian Wiatrolik received reference numbers for Purchase Referred Care (formerly known as Contract Health) yet his bills get denied. His bills have been sent to collections. He can't be seen by his doctors for his medical condition due to non-payment.
- Tribal Citizen Andrew Stitch regarding the Appropriations and Finance Committee meeting change hours from 9am to 1pm. The 2019 Budget. How much money is in bank, investments and goes to Hogan Adams. Believes Citizens should have had a vote on the spending of funds for reservation litigation. The pharmacy is good. Need housing.

- Tribal Elder Frank Ettawageshik asked, if possible, to use available funds to assist Tribal Citizens who are victims of natural disasters. (See Resolution # 092505-02 Support for Victims of Hurricanes Katrina and Rita) by a pre-paid VISA card.
- Tribal Citizen Linda Gokee on behalf of telephone message from Tribal Citizen Justin Pagel. He and his mother have requested the Housing Department to repair water leaks at their residences at the Murray Road housing to no avail. They now have black mold. They are frustrated by the lack of concern and do not know who to approach to remedy this problem.

**3:02 p.m.** Public Comment Closed

**Discussion:** Councilor Shananaquet is concerned due to the many complaints received from Tribal Citizens regarding Purchase Referred Care and Housing. The Executive needs to address these issues.

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

**3:23 p.m.** Meeting resumes

Odawa Economic Development Management, Inc.:

- Audit has been completed. The Board intends to hire an outside consultant to assist with accounting.
- Thanked Tribal Council for the Tribal Resolution with Chemical Bank.
- Boston's Bar & Grill and the Marriott have received their Odawa Liquor Licenses.
- A call to bid for snow plowing in Victories Square will be placed in the Odawa Trails and Petoskey News Review.
- The Marriott Hotel Human Resources Department will be hiring and will comply with Tribal Preference Laws.
- Starbucks tentative opening is slated for November 6, 2018.
- Boston's Bar & Grill tentative opening is slated for early 2019 (February or March).
- The Marriott's tentative opening is slated for May 2019.
- A formal meeting on the snowmobile trail was conducted. The trail will be completed by November 15, 2018.
- The pavement around Victories Square will be completed next week.
- A check in the amount of \$225,000.00 was presented to Tribal Council for the Tribe from Odawa Economic Development Management, Inc. Board of Directors.

**Motion** made by Treasurer Reyes and supported by Councilor McNamara to acknowledge receipt of the Odawa Economic Development Management, Inc. (OEDMI) written and verbal 2018 3<sup>rd</sup> Quarter Report as presented by OEDMI Board Members, President Tanya Gibbs, Vice President Alan Proctor, Shiloh Slomsky and Steve Hayward.

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

Motion carried.

**Motion** made by Secretary Kiogima and supported by Councilor David Harrington to acknowledge receipt of the written Ziibimijwang, Inc. 2018 3<sup>rd</sup> Quarter Report as provided on the agenda for October 11, 2018.

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

Motion carried.

**Motion** made by Councilor David Harrington and supported by Treasurer Reyes to approve the November 2, 2018 travel expenditures for Kate Fort, Michigan State University Staff Attorney for the Indigenous Law and Policy Center to present information on the Indian Child Welfare Act and current judicial case law for all employees and Tribal Citizens.

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

Motion carried.

**Adjournment:**

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

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

Motion carried.

Next Regular Tribal Council Meeting:  
Saturday, October 27, 2018 at 9:00 a.m.

These Minutes have been read and are approved:

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

11-08-18  
\_\_\_\_\_  
Date





