

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
January 10, 2019**

Call to Order: **9:02 a.m.**

Opening ceremony: Councilor Emily Proctor

Closed Session: Yes

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

Absent: Councilor David Harrington, Secretary Tamara Kiogima

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

Corporate Charters Present: Ziibimijwang, Inc. Chair Joseph Vanalstine

Executive Officials and Staff Present: Tribal Chairperson Regina Gasco-Bentley, Vice-Chairperson Stella Kay, Direct Services Administrator Phil Harmon, Human Resources Director Denise Petoskey, Human Services Administrative Assistant Veronica Sanders and Victim Advocate Diana Isard; Accounting Technician/Accounts Payable Mary Schneider, Cultural Library Project Assistant DeJuan Jordan, Deputy Law Enforcement Officer Tieler Schick

Judicial Officials and Staff Present: none

Public: Tribal Citizens John Kawegoma, Kristen Okuly, Tammy Okuly-Shananaquet, Daugherty "Duffy" Johnson, Andrew Stitch

Invited Guest: None

Motion made by Councilor Shananaquet and supported by Councilor Proctor to adopt the agenda for January 10, 2019 as presented.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor David Harrington, Secretary Kiogima)

Motion carried.

9:05 a.m. Motion made by Councilor McNamara and supported by Councilor Shananaquet to enter into Closed Session for Confidential Business matters.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor David Harrington, Secretary Kiogima)

Motion carried.

9:06 a.m. Councilor David Harrington arrives

10:32 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, 1 - Absent (Secretary Kiogima)

Motion carried.

10:33 a.m. Break

10:47 a.m. Meeting resumes

Motion made by Treasurer Reyes and supported by Councilor David Harrington to accept the travel report from the Legislative Leader with confidential attachments for January 10, 2019.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Kiogima)

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to accept Legislative Leader's confidential business report for January 10, 2019.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Kiogima)

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor McNamara to adopt Tribal Resolution "To appropriate the Legislative Branch-Office of Finance and Revenue in the amount of \$220,000.00 to come from the General Fund-Fund Balance restricted for Economic Development and Supplemental Funding".

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor McNamara to approve the job descriptions for the positions of Economic and Business Development Director and Administrative Assistant, and to approve the posting upon allocation of funds.

Vote: 6 - Yes, 1 - No (Councilor Proctor), 0 - Abstained, 1 - Absent (Secretary Kiogima)

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to approve Confidential Business Strategy 1 as proposed by the Legislative Leader.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Kiogima)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to approve Confidential Business Strategy 2 as proposed by the Legislative Leader.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Kiogima)

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor McNamara to approve Confidential Business Strategy 3 as proposed by the Legislative Leader.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Kiogima)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to approve Confidential Business Strategy 4 as proposed by the Legislative Leader.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Kiogima)
Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to pass the American Indigenous Sovereign Funds Statute, Inc. and the posting of the board positions.
Roll call: Councilor Bernard-yes, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-no, Councilor Shananaquet-yes, Treasurer Reyes-yes, Secretary Kiogima-absent, Legislative Leader Fred Harrington Jr.-yes
Motion carried.

Introduction of new Tribal Government Employees

- Veronica Sanders-Human Services Administrative Assistant-Human Services
- Diana Isard-Victim Advocate-Human Services
- Mary Schneider-Accounting Technician/Accounts Payable-Accounting
- DeJuan Jordan-Project Assistant, Cultural Library-Education
- Tieler Schick-Deputy Law Enforcement Officer-Law Enforcement

11:08 a.m. Legislative Leader Fred Harrington Jr. exits meeting

Executive Oversight Report:

Discussion: Tribal Chairperson Regina Gasco-Bentley

- Attended the Inauguration of Governor Elect Gretchen Whitmer on January 1, 2019.
- The Boozhooning event held on January 3, 2019 was a great success. A few Tribal Citizens also participated.
- The Chair will be out of the office on Friday, January 12, 2019 to attend her Department of Civil Rights Commission training.
- The United States census met with Executive Assistant Rebecca Fisher and Enrollment Director Pauline Boulton.
- Direct Services Administrator Phil Harmon will meet with departments to set departmental goals.
- Meeting with Bay Mills Indian Community to discuss Chippewa Ottawa Resource Authority (CORA) needs.
- Will provide update to Tribal Council regarding Housing.

Discussion: Vice-Chairperson Stella Kay

- Has been diligently keeping track of the United States government shut down.
- Working with Chief Financial Officer Carrie Carlson on funds and expenditures.
- Bureau of Indian Affairs (BIA) programs, Natural Resources Department, Environmental, Tribal Historic Preservation Office, Enrollment, and the USDA Commodity Food Program, will be affected. Funding is secured through June with the exception of Commodities has funding through March.
- Indian Health Services programs, Tribal Health Clinic, has secured funding for one (1) year.

Discussion: Direct Services Administrator Phil Harmon

- The SEEDS Grant is in its 5th and final year. The Tribe will be partnering with North Central Michigan College with a SEDS Grant, a 3-year grant.

- Update on the north wing flood. The carpet may need to be replaced. The administrator will continue to work with Facilities and Sue Gasco.
- Education interviews are scheduled to begin on January 23 and will continue to the end of the month. Dorothy Perry is the interim department director.
- The Snow Snake games is scheduled for Saturday, February 2, 2019 at the Tribal Government Complex.
- Sergeant Roger Marsh has retired after 18 years of working in the Law Enforcement Department. We wish him well.
- We have a new WOCTEP Grant in conjunction with Bay Mills Community College.
- The Planning, GIS, and Department of Commerce move is complete. The Environmental Department will need to have construction work completed before their lab can be installed.

Motion made by Councilor David Harrington and supported by Councilor Proctor to acknowledge the verbal Executive Oversight Report as presented by Tribal Chairperson Regina Gasco-Bentley, Vice-Chairperson Stella Kay, and Direct Services Administrator Phil Harmon on January 10, 2019.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Kiogima, Legislative Leader Fred Harrington Jr.)

Motion carried.

Tribal Council Action Items:

Motion made by Councilor Shananaquet and supported by Councilor Proctor to approve Tribal Council attendance to the United Tribes of Michigan Legislative Reception and meeting to be held on February 20 and 21, 2019, in Lansing Michigan.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Kiogima, Legislative Leader Fred Harrington Jr.)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Shananaquet to repost Waganakising Odawak Statute Elders' Food, Utilities, and Medical Cost Statute to the Legislative Calendar in the Odawa Register as sponsored by Councilor McNamara.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Kiogima, Legislative Leader Fred Harrington Jr.)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor David Harrington to acknowledge receipt of Blair Miller's Letter of Interest for reassignment to Ziibimijwang, Inc., waive the interview process, reassign him to a 2-year term ending January 10, 2021, and to amend the charter to reflect this assignment.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Kiogima, Legislative Leader Fred Harrington Jr.)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor David Harrington to acknowledge receipt of Blayne Bott's Letter of Interest for reassignment to Ziibimijwang, Inc., waive the interview process, reassign him to a 4-year term ending January 10, 2023, and to amend the charter to reflect this assignment.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Kiogima, Legislative Leader Fred Harrington Jr.)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to acknowledge receipt of Joseph Vanalstine's Letter of Interest for reassignment to Ziibimijwang, Inc., waive the interview process, reassign him to a 4-year term ending January 10, 2023, and to amend the charter to reflect this assignment.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Kiogima, Legislative Leader Fred Harrington Jr.)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to acknowledge receipt of Brock Miller's Letter of Interest for the Odawa Aviation Corporation Board and set up an interview.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Kiogima, Legislative Leader Fred Harrington Jr.)

Motion carried.

Motion made by Councilor Proctor and supported by Councilor David Harrington to approve the minutes of December 20, 2018 as corrected.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Kiogima, Legislative Leader Fred Harrington Jr.)

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Proctor to accept the Executive Nomination of Kevin Hesselink as Special Prosecutor, waive the interview process, and appoint him to a 2-year term ending January 10, 2021.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Secretary Kiogima, Legislative Leader Fred Harrington Jr.)

Motion carried.

11:43 a.m. Public Comment Opens

- Tribal Citizen Kristen Okuly commented the Housing Department personnel has not properly fixed maintenance repairs at her unit on Murrury Road since 2016. The drive and sidewalks are not being salted. All of these pose dangers for herself, who is 8 months pregnant, her children, other citizens and Elders who reside within the units. There is a need for storage units as there is no place for renters to store their belongings. She applied for Daycare Assistance through the Tribes Human Services Department. She initially heard from this department one time in one month. Three months later, she received a response from Human Services and by this time, her babysitter quit which left her struggling to keep her job.
- Tribal Citizen Michele Portman-LaCount commented the Housing Department is 5 years behind in overall repairs to the duplex on Petoskey Street. The Contracting Statute/Policy needs to be revisited as the Tribe uses the lowest bidder which is not always the best choice when it comes to the welfare of our Tribal Citizens.
- Tribal Elder Tammy Okuly-Shananaquet commented concern over the legal settlement paid to former casino employees who did not pursue legal action or obtain a court order and when she approached the same council members, she was told to file her ethics violation claim in Tribal Court. She is now requesting, "demanding" financial support to pay for an attorney. Secondly, she and her daughter Kristen Okuly are requesting additional funds for the Housing Department to purchase

storage units for each apartment unit on both Murray and Heynig Road housing complexes.

- Tribal Elder John Kawegoma commented what will be the continued effects of the legal settlement paid to the former casino employees? Odawa Casino Resort has Liability Insurance to cover lawsuits. This money could have built 10-14 "tiny houses" for our single Tribal Citizens.

12:02 p.m. Councilor Bernard exits meeting.

- Tribal Citizen Daugherty "Duffy" Johnson commented he would like either Tribal Council and/or the Executive to pursue a tribally plated vehicle system.

12:03 Public Comment Closed

12:03 p.m. Lunch recess

1:44 p.m. Meeting resumes. Councilor Bernard absent.

Tribal Council Officer Reports:

Secretary Report

Documents Delivered to the Executive

-Tribal Resolution Request to the Secretary of the Interior to assume State Historic Preservation Office (SHPO) and establish a Tribal Historic Preservation Office Program was delivered to the Executive for signature on 12/05/18-the Executive signed on 12/20/18.

-Tribal Resolution Supplemental Funding to Enjinaaknegeng in the Total Amount of \$384,645.02 for Legal Settlement Payment was delivered to the Executive for signature on 12/20/18-the Executive signed on 12/21/18.

-Tribal Resolution Use of 3rd Party Support Revenues to supplement IHS programming funding for FY 2019 in the amount of \$475,000.00 was delivered to the Executive for signature on 12/20/18-the Executive signed on 12/21/18.

-Tribal Resolution The 3rd Party Support Revenues to supplement construction projects at the Health Park in the amount of \$100,000.00 was delivered to the Executive for signature on 12/20/18-the Executive signed on 12/21/18.

-Tribal Resolution Supplemental Funding to Enjinaaknegeng in the Total Amount of \$50,000.00 for Business and Economic Legal Consultant was delivered to the Executive for signature on 12/20/18-the Executive signed on 12/21/18.

-Tribal Resolution To appropriate to the Little Traverse Bay Bands of Odawa Indians Tribally Chartered Corporations in the amount of \$40,000.00 to come from the restricted General Fund Balance Funds-Economic Development Reserve was delivered to the Executive for signature on 12/20/18-the Executive signed on 12/21/18.

-Tribal Resolution Support for Chippewa Ottawa Resource Authority Litigation Support Request for FY 2019 was delivered to the Executive for signature on 12/20/18-the Executive signed on 12/21/18.

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

Motion made by Councilor Shananaquet and supported by Councilor Proctor to accept Secretary Kiogima's verbal and written report on the agenda as presented by Treasurer Reyes for January 10, 2019.

Comments: Councilor McNamara is surprised the Executive signed the Tribal Resolutions so quickly.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Treasurer Report

Appropriations and Finance Committee

-Last Meeting: December 11, 2018

(Motions made at Appropriations and Finance Committee Meeting were presented at the December 20, 2018 Tribal Council Meeting)

-Next Meeting: January 15, 2019 at 9:00 a.m. in the Council Chambers

Phone Polls passed by Appropriations and Finance Committee: none

Motion made by Councilor Shananaquet 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 January 10, 2019.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Land and Reservation Com

-Last Meeting: November 2, 2018

-The December 7, 2018 Meeting was cancelled due to a lack of agenda.

-The January 4, 2019 was cancelled due to the Legislative Branch office closure.

(Motions made at November 2, 2018 Land and Reservation Committee Meeting were presented at the November 9, 2018 Tribal Council Meeting.)

-Next Meeting: Friday, February 1, 2019 at 9:00 a.m. in the Council Chambers

Phone Polls passed by the Land and Reservation Committee:

-12/21/18 Motion to cancel the regularly scheduled January 4, 2019 Land & Reservation Committee Meeting due to Tribal Council approving Legislative employees to enjoy the days off of January 2nd thru January 4th, 2019.

Committee Comments: none

Phone Poll Vote: 1 Yes, 0 No, 0 Abstained, 2 Absent (Councilor Proctor, Treasurer Reyes)

Motion fails.

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 January 10, 2019.

Comment: Treasurer Reyes officially voted "Yes" for the phone poll but did not hit send. Councilor Proctor's vote would have been "Yes" for the phone poll but she was in a work meeting all day and was not available to vote.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Tribal Council Member Reports: No reports

Legislative Office Reports:

Office of Finance and Revenue

- Meeting with Clay Vanderpoole of DHW Corporation on Friday, January 11, 2019. Clay is no longer with PNC.
- Roger Borton is the Director of Finance for Odawa Casino Resort. A tentative meeting is scheduled next week.
- PNC's Christine Welham to meet with the Gaming Authority Board.
- Federal Consultant Michael Hughes will be here in August. Is Tribal Council interested in having here to provide training?

Motion made by Councilor Shananaquet and supported by Councilor Proctor to accept Sr Financial Analyst Rachel Cope's verbal and written report for January 10, 2019.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Tribal Historic Preservation Officer-no report

Legislative Services Attorney

- Nicole Ducheneaux is now representing the Tribal Chair as John Petoskey has retired. A Stipulation on Moratorium has been received. A phone conference is scheduled for Friday, January 11, 2019.
- The Sexual Harassment & Discrimination Training provided by Michigan Department of Civil Rights will be rescheduled.
- Drafted the Odawa Casino Resort General Manager hiring policy.
- Will be attending a meeting on the 2020 Consent Decree negotiations.
- Will not be in attendance of the Saturday, January 26, 2019 Tribal Council Meeting due to previously made plans.

Motion made by Councilor Shananaquet and supported by Councilor Proctor to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and written report for January 10, 2019.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

General Counsel

- Will not be in attendance to the Saturday, January 26, 2019 Tribal Council Meeting due to previously made plans.
- Worked on the Cemetery Road land acquisition package.
- Worked on the two land parcels in Indian Town.
- The social security agreement is permanent and can-not be undone.

2:16 p.m. Motion made by Councilor Shananaquet and supported by Councilor David Harrington to enter into Closed Session for Confidential Legal Matters.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

2:37 p.m. Motion made by Councilor David Harrington and supported by Councilor Shananaquet to return to Open Session.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

2:37 p.m. Break

2:49 p.m. Meeting resumes

Motion made by Councilor Shananaquet and supported by Councilor McNamara to accept General Counsel Jim Bransky's verbal report for January 10, 2019.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Proctor to approve the agreement with the Social Security Administration for Tribal Council participation in the social security system, and to authorize Chairperson Regina Gasco-Bentley to sign the agreement on behalf of LTBB.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Legislative Office Manager

- Letter of Interest received for the Odawa Aviation Charter.
- Received email from Aaron Otto on January 5, 2019.
- Received Public Document Request from Christine Shomin on December 24, 2018.
- Working on the job posting for Tribal Historic Preservation Officer.
- Working with MIS Director Mark Tracy on sub-domains for all of the charter and board members. There will be a cost. Tribal Council will need to initially appropriate funds to cover cost, thereafter, the charters will be responsible for the costs.

3:02 p.m. Public Comment Opened

- Tribal Citizen Andrew Stich commented on \$200,000 for economic development. Said a lot of appropriations have occurred already for the beginning of the year. What are we building? Prior Nimkii Board, nothing happened. No credit union. Tribal Citizens should be in here asking questions too. Need to look at community problems first. Tribal Council vacancy-how will it be filled? He is disappointed.

3:06 p.m. Public Comment Closed

Legislative Office Manager Report continued.

- Copy of Bay Mills Indian Community Motor Vehicle License and Registration Ordinance, Keweenaw Bay Indian Community Motor Vehicle Code link, and Wisconsin Legislature 341.409 Reciprocal registration exemption agreements for federally recognized Indian tribes or bands provided by Office Manager.

Motion made by Councilor Shananaquet and supported by Councilor Proctor to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented on January 10, 2019.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Corporate Charters and/or Board Updates: No updates

- a. Traditional Tribal Burial Board
- b. Odawa Economic Development Management, Inc.
- c. Ziibimijwang, Inc.
- d. Gaming Authority Board

Other Items of Business:

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to amend the agenda to include the receipt of the letter of interest for the Aviation Corporate Charter.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to acknowledge receipt of Blair Miller's Letter of Interest for the Aviation Corporate Charter and set up an interview.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Adjournment:

3:13 p.m. Motion made by Councilor David Harrington and supported by Councilor Shananaquet to adjourn.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Secretary Kiogima, Councilor Bernard, Legislative Leader Fred Harrington Jr.)

Motion carried.

Next Scheduled Meeting
Saturday, January 26, 2019 at 9:00 a.m.

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



Tamara Kiogima, Tribal Council Secretary

2/07/19

Date

