

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
February 7, 2019**

Call to Order: **8:59 a.m.**

Opening ceremony: Tribal Citizen Anthony Davis

Closed Session: Yes

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

Absent: Secretary Tamara Kiogima, Councilor Julie Shananaquet

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

Corporate Charters Present: none

Executive Officials and Staff Present: Tribal Chairperson Regina Gasco-Bentley, Vice-Chairperson Stella Kay, Health Director Jody Werner, Pre-Press Graphic Specialist Wendy Congdon

Judicial Officials and Staff: Chief Judge Allie Maldonado, Senior Court Clerk Cynthia Brouckaert, Cultural Resource Advisors Anthony Davis and Roberta Shalifoe

Public: Dean Samuels, Sharon Sierzputowski, Jannan Cornstalk

Invited Guest:

9:02 a.m. Secretary Kiogima arrives

Motion made by Councilor Proctor and supported by Councilor McNamara to adopt the agenda for February 7, 2019 as amended.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Shananaquet), 1 - Tribal Council seat declared vacant

Motion carried.

Motion made by Councilor McNamara and supported by Secretary Kiogima to approve the Regular Meeting minutes of January 26, 2019 as corrected.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Shananaquet), 1 - Tribal Council seat declared vacant

Motion carried.

Legislative Officer Reports:

Legislative Leader Report

Discussion:

- Reviewed and discussed what is a non-disclosure agreement in business and how it would relate to Tribal Council.
- Had a phone conference with Chuck Freemont of Sovereign Funds Group regarding tax credits and how it could fund a new health care building.
- Third Party Revenue fund usage.

Motion made by Councilor McNamara and supported by Councilor Proctor to accept Legislative Leader Fred Harrington Jr. verbal report for February 7, 2019.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Shananaquet), 1 - Tribal Council seat declared vacant

Motion carried.

9:24 a.m. Councilor Shananaquet arrives.

Motion made by Councilor McNamara and supported by Councilor David Harrington to approve and authorize Legislative Leader Fred Harrington Jr. to sign a Non-Disclosure Agreement with a confidential business entity as presented by Legislative Leader Harrington to Tribal Council on February 7, 2019.

Vote: 6 - Yes, 2 - No (Councilor Proctor, Secretary Kiogima), 0 - Abstained, 0 - Absent, 1 - Tribal Council seat declared vacant

Motion carried.

Public Comment

9:27 a.m. Public Comment Opened

- Dean Samuels commented a small building company can survive building houses but the cash flow sources to form a large construction company would be difficult to get big contracts because of demographics and racism. Racism is alive and well in this area. He fills it is ill advised in forming the Aviation Corporation as we will be up against great resistance.

9:30 a.m. Public Comment Closed

9:32 a.m.-9:41 a.m. Oath of Office for Leroy Shomin

Executive Oversight Report:

Discussion: Tribal Chairperson Regina Gasco-Bentley

- Tribal Citizen Wenona Singel is the liaison for Michigan Governor Gretchen Whitmer and the Deputy Attorney General. Congratulations Wenona!
- Tribal Chair Bentley will be attending the United Tribes of Michigan Meeting on February 20-21, 2019 in Lansing, MI.
- Both Tribal Chair Bentley and General Counsel Jim Bransky will be attending the Chippewa Ottawa Resource Authority (CORA) Meeting on February 20, 2019 at...
- The Executive Branch will be sponsoring the coffee break at the Midwest Alliance of Sovereign Tribes (MAST) Impact Week 2019 Conference held March 5-8, 2019 in Washington, DC.
- Vice-Chairperson Stella Kay will be out of the office next week attending The National Congress of American Indians (NCAI) in Washington, DC.
- The Executive Branch will send draft housing designs to Councilor Shananaquet.

Discussion: Vice-Chairperson Stella Kay

- Jordan Shananaquet is the new Education Director.

- The Repatriation and Archives Department will have a limited opening to the public of their Reference Books.
- The fiber network project is still being worked on by MIS Director Mark Tracy.
- Communications Coordinator Annette Vandecar will be out of the office. Make sure to either speak with Pre-Press Graphic Specialist and/or include her in all emails regarding the Communications Department.

Discussion: Health Department Director Jody Werner

- Use of Third-Party Support Revenues and Elders' Food, Utility, and Medical Reimbursement Statute.
 - Tribal Council approved the Elder's Department Food and Utility Program Regulations on May 8, 2018 eliminating receipts for reimbursement. If the Tribe were to use 3rd Party funds, receipts would be required.
 - Funds for Medicaid reimbursement is a federal and state sponsored program. Each state defines who is eligible for Medicaid coverage and may propose new amendment (policy) at any given time such as Senate Bill 897 which would require able-bodied adults to work an average of 80 hours per month of qualifying work activities. The Bill defines "qualifying work activities". In accordance with 1902(a)(73) of the Social Security Act, the State of Michigan must solicit input or concerns from all Tribal representatives regarding any proposed amendments.

NOTE: The following is a list submitted on behalf of Jody Werner and the Executive.

LTBB Health Department Third Party Revenue Plans (2/6/19)

Short Term Plans (3 years):

- New Electronic Health Records (EHR) system (estimate \$100,000-\$500,000 initial purchase cost to start with annual maintenance cost).
- Building a new LTBB Health Department Building and LTBB Wellness Building (~\$25 million)
- Reserve funds in case of decrease in third party revenue or to provide uninterrupted health services during government shutdowns.
- Medicare D sponsorships for all LTBB Elders nationwide (~\$500k / year) **
- Root canals -1 per person per year in 27 county service area (~\$50,000 per year)
- Acupuncture/Alternative Medicine options in 27 county service area (TBD)

Plans under consideration:

For all Citizens Nationwide:

- Vision services for all (~\$500k / year)
- Dental Services for all -\$1000/year per person Limit (~\$3 million / year)
- Medicare B reimbursement for all 65+ (~\$1 million / year)

**cost estimates based upon enrollment statistics and Purchase Referred Care (PRC) expenses.

Discussion: Building a new Health Department

- Legislative Leader Harrington-Develop a strategic plan of what we want and need in a Health Department.

- Health Director Jody Werner-The Health staff had their first meeting this week which included their “wish” and need list. Their next meeting is with the Executive and will include departments such as Planning, etc.

Discussion: Office closures

- The Executive and/or Health Department needs to get the message out to all Tribal Citizens when the clinic is closed due to weather via text messages, telephone, or Blazecast.

Secretary Kiogima thanked the Executive and the Health Director for presenting the Health Department’s Third-Party Revenue Plans.

Discussion: Dr. Terry Samuels, M.D.

- Is willing to speak with Tribal Council regarding Health Department procedures when Tribal Government offices close.
- Felt Medical was tacked on to Waganakising Odawak Statute Elders’ Food and Utility Reimbursement in order to use Health’s Third-Party funds.
- Our Tribal Elder population is on the rise, the Health Department needs to be cautious on spending.
- The older we get; health care costs rise.
- More Tribal Citizens come home for health care services.
- The Health Department takes care dependents, descendants of LTBB and others of Federally Recognized Indian Tribes with Direct and Purchase Referred Care Services.
- Health care billing is not stable. Billing legislation changes.
- Pharmacy is doing well but that could change with the State of Michigan’s proposed new Medicaid policies.
- Childhood obesity is on the rise.
- Mental health services are available.
- Health care costs rise 20% per year on average.
- These are some things to keep in mind. \$600 will not improve health care. Health Director Werner’s Third-Party Revenue Plans covers this.

Discussion: Vice-Chairperson Stella Kay

- The Health Department presented \$7 million in third-party revenues for 2019.
- Anticipated third-party revenue for 2020 is \$5 million.

Public Comment:

10:17 a.m. Public Comment opened

- Sharon Sierzputowski commented third-party funds is being used to serve the full membership and not just the service area. Our population is getting older, health care costs rise while funding decreases

10:20 a.m. Public Comment closed

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to acknowledge the verbal Executive Oversight Report as presented by Tribal Chairperson Regina Gasco-Bentley and Vice-Chairperson Stella Kay on February 7, 2019.

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

Motion carried.

Tribal Council Action Items:

Motion to approve Certified Motion # 020719-01 Governmental Branches Allocation of General Funds for Fiscal Year 2020 deferred back to Appropriations and Finance Committee for further discussion.

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to approve Citizenship List A-Eligible for Citizenship date received December 21, 2018 for a total of five (5).

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

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to approve Citizenship List B-Declination (Ineligible) date received December 21, 2018 for a total of five (5).

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

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to approve Citizenship List A-Eligible for Citizenship date received January 23, 2019 for a total of two (2).

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

Motion made by Councilor McNamara and supported by Councilor Shananaquet to approve List B-Declination (Ineligible) date received January 23, 2019 for a total of three (3).

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

Motion made by Councilor McNamara and supported by Councilor Shomin to appoint Blair Miller to the Odawa Aviation Board for a 2-year term, pending a satisfactory background check, ending February 7, 2021, and to amend the charter to reflect this assignment.

Vote: 4 - Yes, 4 - No (Councilor Proctor, Councilor David Harrington, Secretary Kiogima, Councilor Shananaquet), 1 - Abstained (Treasurer Reyes), 0 - Absent
Motion fails.

Motion made by Councilor McNamara and supported by Councilor David Harrington to appoint Brock Miller to the Odawa Aviation Board for a 3-year term, pending a satisfactory background check, ending February 7, 2022, and to amend the charter to reflect this assignment.

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

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to appoint Brock Miller to the American Indigenous Sovereign Funds, Inc. for a 3-year term, pending a satisfactory background check, contingent on the enactment of both the

“American Indigenous Sovereign Funds Corporate Charter” and “American Indigenous Sovereign Funds, Inc. Statute”, and to amend the charter to reflect this assignment.
Vote: 6 - Yes, 2 - No (Councilor Proctor, Secretary Kiogima), 0 - Abstained, 1 – Absent (Treasurer Reyes)
Motion carried.

Secretary Report

Documents Delivered to the Executive

-Tribal Resolution To appropriate the Legislative Branch-Office of Finance and Revenue in the amount of \$220,000 to come from the General Fund-Fund Balance restricted for Economic Development and Supplemental Funding was delivered to the Executive for signature on 01/11/19-**PENDING SIGNATURE** (due back to Tribal Council on/before 02/11/19).

-Waganakising Odawak Statute American Indigenous Sovereign Funds, Inc. was delivered to the Executive for signature on 01/11/19-**PENDING SIGNATURE** (due back to Tribal Council on/before 02/11/19).

-Tribal Resolution Transfer and Segregation of Compact Payment was delivered to the Executive for signature on 01/29/19-the Executive signed on 01/29/19.

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 McNamara and supported by Councilor Shomin to accept Secretary Kiogima’s verbal and written report as presented on the agenda for February 7, 2019.

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

Treasurer Report

Appropriations and Finance Committee

-Last Regular Meeting: January 15, 2019

(Motions made at the Appropriations and Finance Committee Meeting were presented at the January 26, 2019 Tribal Council Meeting).

-Last Special Meeting: January 29, 2019.

(Motions made at the Special Appropriations and Finance Committee Meeting)

-Motion made by Councilor McNamara and supported by Treasurer Reyes to recommend to Tribal Council to approve Certified Motion 020719-01 Governmental Branches Allocation of General Funds for Fiscal Year 2020.

Vote: 2 -yes, 0 -no, 0 -abstain, 0 -absent
Motion carried

-Next Regular Meeting: February 12, 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 David Harrington to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for February 7, 2019.

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

Motion carried.

Land and Reservation Committee

-Last Meeting: January 4, 2019 cancelled due to office closure.

-Last Meeting: February 1, 2019.

(No Motions made at Land and Reservation Committee Meeting)

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

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept the Land and Reservation Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for February 7, 2019.

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

Motion carried.

Tribal Council Member Reports:

Councilor Proctor-Activity update

- Good meeting with the Executive.
- Worked on the Odawa Historical and Cultural Sites Statute with Executive Departments, as well as, Deputy Tribal Historic Preservation Officer Melissa Wiatrolik and Wes Andrews on January 23, 2019.
- Attended the Special Appropriation and Finance Committee Meeting on January 29, 2019. Appreciates the feedback from Tribal Citizens.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept Councilor Proctor's verbal report as presented on February 7, 2019.

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

Motion carried.

Legislative Office Reports:

Office of Finance and Revenue

- Busy with the 2020 Budget Formulation.
- Phone conference on Monday, February 4, 2019 with Chuck Freemont.
- Phone conference on Tuesday, February 5, 2019 with Odawa Economic Development Management, Inc. President Tanya Gibbs and Chuck Freemont.
- Phone conference with Chuck Freemont regarding financial accounts.
- Met with General Counsel Jim Bransky on Friday, February 1, 2019 regarding Odawa Casino Resort payment to State of Michigan.

Motion made by Secretary Kiogima and supported by Councilor Shomin to accept Sr Financial Analyst Rachel Cope's verbal and written report for February 7, 2019.

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

Motion carried.

Tribal Historic Preservation Officer-No Report

Legislative Services Attorney

- Working with Attorney Schulte on Hemp Statute.
- Fish Report completed. Little Traverse Bay Bands of Odawa Indians hosted the last meeting at the Odawa Hotel which Congressman Jack Bergman attended.
- Grand Traverse Band and Little Traverse Bay Bands will meet next week for 2020 negotiations.
- Response back on due diligence. Will be completing assessment and evaluations next week with Sr Financial Analyst Rachel Cope.
- Will be working on the Odawa Historical and Cultural Sites Statute next week.
- Received the Stipulation to Continue Moratorium granting a 14-day extension. Nicole Ducheneaux is being replace by Mike Novotny.

Motion made by Councilor Shomin and supported by Councilor David Harrington to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and written report for February 7, 2019.

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

Motion carried.

10:51 a.m. Break

11:02 a.m. Resume

General Counsel

Executive Legal Assistant Su Lantz

- National Criminal Justice Training, Center Fox Valley Technical College, Community Safety Net Accountability Program (CSNAP) Training synopsis of webinar.
 - Re-branded from Native American Sex Offense Management (NASOM) and Circles of Support and Accountability (CoSA).
 - Project goal is to control and reduce violent crime by providing additional monitoring for offenders returning to the community to enhance the Sex Offender Registration and Notification Act (SORNA) program.
 - Transitions offender back into the community.
 - Provided education to families.
 - End result will determine if we want to continue with and fund this program.
 - 4-5 grants are available to apply for funding.
 - CSNAP PowerPoint to be sent to Tribal Council by Su Lantz.

Motion made by Councilor Proctor and supported by Councilor David Harrington to approve the Letter of Intent to the National Criminal Justice Training Center and authorize the Tribal Chair to sign.

Comment: Councilor Shananaquet iterated make sure all Tribal Programs are invited.

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

Motion carried.

General Counsel Jim Bransky

- Closed session for Confidential Legal Matters.

11:18 p.m. Motion made by Councilor Shananaquet and supported by Treasurer Reyes to enter into Closed Session for Confidential Legal Matters.

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

Motion carried.

11:31 a.m. Motion made by Councilor McNamara and supported by Councilor Proctor to return to Open Session.

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

Motion carried.

Discussion:

- Cemetery Road should be in Trust in a couple of months.
- Land Parcels 612 and 608 Second Street will be in Trust soon.
- The City of Harbor Springs has hired Benchmark Engineering to design and build a new and improved drain system to prevent the citizens of Harbor Springs from purchasing flood insurance. The plan is to build a 7-9-foot culvert along M-119 east of Zoll Street. Counsel Bransky, Deputy Tribal Historic Preservation Officer Melissa Wiatrolik, Repatriation and Archives Director Eric Hemenway, and GIS Director Alan Proctor met with Benchmark Engineering to discuss identifying potential grave sites. It was agreed Melissa will be onsite during the excavation process.

Motion made by Treasurer Reyes supported by Councilor Proctor to accept General Counsel Jim Bransky's verbal report for February 7, 2019.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shomin to authorize and approve travel for two councilors to Washington, DC for legal purposes.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor David Harrington to adopt Tribal Resolution Grant of Right-of-Way to Petoskey Snowmobile Club.

Roll call: Councilor Bernard-yes, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet-yes, Councilor Shomin-yes, Treasurer Reyes-yes, Secretary Kiogima-yes, Legislative Leader Fred Harrington Jr.-yes
Motion carried.

Motion made by Councilor Proctor and supported by Councilor David Harrington to amend the agenda to include the appointment to the Appropriations and Finance Committee vacancy.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to appoint Secretary Kiogima to the Appropriations and Finance Committee.

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

Motion carried.

Legislative Office Manager Report

- The December and January Newsletter was sent to the Odawa Trails.

- Tribal Historic Preservation Office Job posting update.
- Sexual Awareness training.
- Strategic Planning Session update for Tribal Council.
- Running Background reports.
- Charter sub-domain e-mails.
- Wage grid study completed in October.
- Working on the FY2020 budgets.

11:41 a.m. Councilor Bernard exits meeting.

Public Comment:

11:42 a.m. Public Comment opened

- Netawn Kiogima spoke regarding her resignation from the Traditional Tribal Burial Board do to personal time constraints and Board meetings not being able to accommodate around her summer activity schedule for ceremony and language attendance.
- Julie Shananaquet thanked Tribal Council for prayers for her sister and her health.

11:50 a.m. Public Comment closed

Motion made by Councilor Proctor and supported by Councilor Shananaquet to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented on February 7, 2019.

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

Corporate Charters and/or Board Updates-no reports

Adjournment:

11:55 a.m. **Motion** made by Councilor David Harrington and supported by Councilor Shomin to adjourn.

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

Next Regular Tribal Council Meeting:
Thursday, February 21, 2019 at 9:00 a.m.

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



Tamara Kiogima, Tribal Council Secretary

2-21-19

Date

