

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
March 28, 2019**

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

Opening ceremony: Councilor Frank Bernard

Closed Session: Yes

Council Present: Councilor Emily Proctor, Councilor David Harrington, Secretary Tamara Kiogima, Councilor Julie Shananaquet, Treasurer Marcella R. Reyes, Councilor Dexter McNamara, Councilor Leroy Shomin, Councilor Frank Bernard, Legislative Leader Fred Harrington Jr.

Absent: none

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele Portman-LaCount, Legislative Administrative Assistant Linda Gokee, General Counsel Jim Bransky

Corporate Charters Present: none

Executive Officials and Staff Present: Direct Services Administrator Phil Harmon

Judicial Officials and Staff Present: none

Public: none

Invited Guest: Gaming Authority Board Vice President Bernadece Compo-Boda, Odawa Casino Resort Leadership Oversight Committee Member Dennis Shananaquet, and Odawa Casino Resort Director of Finance Roger Borton

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to adopt the agenda for March 28, 2019 as presented.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to dedicate this meeting in honor of the following Tribal Citizen who walked on: Veronica High.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Shomin to approve the minutes of March 7, 2019 as corrected.

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

Motion carried.

Tribal Council Action Items:

Motion made by Treasurer Reyes and supported by Councilor David Harrington to approve Certified Motion # 032818-01 Request for Funding from First Nations Development Institute, Native Youth & Cultural Fund FY 2019, Youth Jiimaan Build.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor McNamara and supported by Treasurer Reyes to approve Certified Motion # 032819-02 Request for Funding from the U.S. Department of Agriculture, Natural Resources Conservation Service, FY 2019 Environmental Quality Incentives Program (EQIP), Gill Road Crossing Improvement Project.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor McNamara and Treasurer Reyes to approve Certified Motion # 032819-03 Request for Funding from U.S. Department of Agriculture, Natural Resources Conservation Service, FY 2019 Regional Conservation Partnership Program (RCPP) Environmental Quality Incentives Program (EQIP), Gill Road Crossing Improvement Project.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor David Harrington and supported by Councilor McNamara to approve Citizenship List A-Eligible for Citizenship dated March 20, 2019 for a total of one (1).
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Treasurer Reyes and supported by Councilor David Harrington to approve Citizenship List B-Declination (Ineligible) dated March 20, 2019 for a total of one (1).
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to acknowledge receipt and supporting documents from the Traditional Tribal Burial Board for the NRCS Award Grant.
Comments: Councilor Shananaquet commented the Traditional Tribal Burial Board did an excellent presentation.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

The motion for the Tribal Historic Preservation Officer job posting was tabled.

Discussion:

- Revision to the Tribal Historic Preservation Office Statute will be discussed and revamped at a Tribal Council Work Session.
- The Granting Agency requirements are different than what the current statute has. The Tribal Historic Preservation Office does not require current standards.
- We currently are non-compliant with the National Park Service (NPS) and will need a motion to make the Deputy Tribal Historic Preservation Officer the interim Tribal Historic Preservation Officer.
- The Tribal Historic Preservation Officer job description will be updated.

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to amend the agenda to designate an interim Tribal Historic Preservation Officer.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shomin to designate Deputy Tribal Historic Preservation Officer Melissa Wiatrolik as the Interim Tribal Historic Preservation Officer.

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

Motion carried.

Legislative Officer Reports:

Secretary Report:

Documents Delivered to the Executive

-Tribal Resolution Supplemental funding for Ziibimijwang, Inc. in the amount of \$243,750.00 was delivered to the Executive for signature on 02/21/19-Enacted without signature on 03/25/19.

-Waganakising Odawak Statute Tribally Accepted Accounting Practice Statute was delivered to the Executive for signature on 02/21/19-Enacted without signature on 03/25/19.

-Tribal Resolution Michigan Indian Elders Association Delegate Appointment was delivered to the Executive for signature on 03/07/19-the Executive signed on 03/13/19.

-Tribal Resolution Transfer and Segregation of Compact Payment was delivered to the Executive for signature on 03/07/19-the Executive signed on 03/13/19.

-Tribal Resolution Transfer of Funds in Excess of "Three Year Free Play Amount" was delivered to the Executive on 03/07/19-the Executive signed on 03/13/19.

Vetoes: none

Phone Polls passed by Tribal Council:

-03/08/19 Motion to override the Executive Veto of 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.

Comments: none

Phone Poll Vote: 8 Yes, 1 No (Secretary Kiogima), 0 Abstained, 0 Absent

Motion carried.

-03/21/19 Motion to Authorize the retention of the Law Firm of Baker Hostetler to assist with any potential data or security breach.

Comments: none

Phone Poll Vote: 9 Yes, 0 No, 0 Abstained, 0 Absent

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Shomin to accept Secretary Kiogima's verbal and written report as presented on the agenda for March 28, 2019.

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

Motion carried.

Treasurer Report

Appropriations and Finance Committee

-Last Regular Meeting: March 12, 2019

(Motions made at the Appropriations and Finance Committee)

-Motion made by Councilor McNamara and supported by Secretary Kiogima to recommend to Tribal Council to approve the 1-year extension for BDO to audit for Odawa Casino Resort FY 2019.

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

Motion carried.

-Motion made by Councilor McNamara and supported by Secretary Kiogima to recommend to Tribal Council to review the Odawa Casino-Mackinaw Option 1 & 2 plans and the Cap-Ex Budget for Tribal Council approval.

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

Motion carried.

-Motion made by Councilor McNamara and supported by Secretary Kiogima to recommend to Tribal Council to approve Certified Motion # 032818-01 Request for Funding from First Nations Development Institute, Native Youth & Cultural Fund FY 2019, Youth Jiimaan Build.

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

Motion carried.

-Motion made by Councilor McNamara and supported by Secretary Kiogima to recommend to Tribal Council to approve Certified Motion # 032819-02 Request for Funding from the U.S. Department of Agriculture, Natural Resources Conservation Service, FY 2019 Environmental Quality Incentives Program (EQIP), Gill Road Crossing Improvement Project.

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

Motion carried.

-Motion made by Councilor McNamara and supported by Secretary Kiogima to recommend to Tribal Council to approve Certified Motion # 032819-03 Request for Funding from U.S. Department of Agriculture, Natural Resources Conservation Service, FY 2019 Regional Conservation Partnership Program (RCPP) Environmental Quality Incentives Program (EQIP), Gill Road Crossing Improvement Project.

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

Motion carried.

-Next Special Budget Hearing dates:

- Monday, April 1, 2019 at 9:00 a.m. (Executive Branch);
- Tuesday, April 2, 2019 at 9:00 a.m. (Executive Branch);
- Wednesday, April 3, 2019 at 9:00 a.m. (Remaining Branches, Charters & Boards);
- Thursday, April 4, 2019 at 9:00 a.m. (Remaining Branches, Charters & Boards)

-Next Regular Meeting: Tuesday, April 16, 2019 at 9:00 a.m. in Council Chambers.

Phone Polls passed by Appropriations and Finance Committee: none

Discussion:

- On Certified Motion's 032819-02 and 03, the Tribe applied for both grants but can only receive one grant.
- Secretary Kiogima has asked the Leadership Oversight Committee to present Odawa Casino Resort-Mackinaw City Options 1 & 2 to a full Tribal Council.

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 Secretary Kiogima, Committee Secretary for March 28, 2019.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Land and Reservation Committee has not met since March 1, 2019. The next regular scheduled meeting will be held on Friday, April 5, 2019.

9:53 a.m. Break
10:01 a.m. Return

Legislative Officer Reports continued.

Legislative Leader Report

Discussion:

- Working with MIS and the Executive regarding the security breach.
- The Law Firm of Baker Hostetler has two (2) components in regards to the cyber-attack.
 - The Legal Branch will send out legal notices to Tribal Citizens and/or vendors whose information may have been breached.
 - The Security Specialist works with MIS for to determine what information was breached. They will also implement an application called Carbon Black for cyber security.
- New statute forthcoming on mandated server protection, recovery plans, and protection of systems data. This will require mandatory staff security training.
- The Legislative Leader is requesting professional written formatted emails when sending to staff and outside entities.

10:02 a.m. Motion made by Treasurer Reyes and supported by Councilor McNamara to enter into Closed Session for Confidential Business and Legal Matters.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Proctor, Councilor David Harrington, Secretary Kiogima)
Motion carried.

11:46 a.m. Motion made by Councilor Shananaquet and supported by Treasurer Reyes to return to Open Session.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to accept Legislative Leader Fred Harrington Jr.'s verbal report for March 28, 2019.
Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

Public Comment:

11:47 a.m. Public Comment opened

- No Public Comment made

11:47 a.m. Public Comment closed

Tribal Council Member Reports:

Treasurer Reyes and Councilor Shomin – Closed Session Washington DC travel reports.

Motion made by Councilor Proctor and supported by Councilor David Harrington to accept Treasurer Reyes's Confidential verbal and written travel report for March 28, 2019.

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

Motion carried.

Motion made by Councilor Proctor and supported by Councilor David Harrington to accept Councilor Shomin's Confidential verbal and written travel report for March 28, 2019.

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

Motion carried.

Legislative Office Reports:

Legislative Services Attorney

- Confidential Business and Legal Matters report given in Closed Session.
- Delay on projects due to cyber-attack.
- Will be working with Councilor Proctor on LEG-233 Odawa Historical and Cultural Site Registries Statute.
- Working on LEG-237 Amendment to Waganakising Odawak Statute #2011-005 Gaming Regulatory Statute to remove Non-Keys.
- Will be working with the Legislative Leader on a Security Statute.
- Continued work on court case C-233-0918

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 March 28, 2019.

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

Motion carried.

Executive Oversight Report

Discussion: Direct Services Administrator Phil Harmon

Below is a status update of the do's, don'ts, and what's new. Chi-Miigwetch for everyone's patience during this unfortunate situation.

- IT is going around to all the offices and installing the new security software (Carbon Black) on all work PC's, Laptops, and Tablets. Once the new software is installed and IT hooks your network cable back into your computer you will be able to use e-mail and get on the internet. Still no access to the p-drive or other network drives at this time.
- No attachments are allowed in or out at this time. Attachments may be enabled within a couple of days.
- Please no flash drives at this time.
- Please log off your computer at the end of the day. Please do not shut down your computer.
- All employees with work cell phones will have multi-factor authentication on our e-mail accounts for heightened security. Director's will get it first and then everyone else. Please see Mark's e-mail sent out on 3/26/2019 at 10:44am for full instruction.

- Website is back up-and-running as of this morning. Directors please review your website page(s) to make sure all the information is there and accurate. Any changes please e-mail Ed the changes. Ed has also set up a script/page and a Google Drive to upload files. This is a temporary workaround until we can send attachments through e-mail again. Please click on the link and upload, only one file at a time though.
- If you encounter a weird or fishy e-mail please notify IT immediately. Do not open.
- Thank you to staff who volunteered their time to assist with scanning computers, laptops, tablets and phones.

Motion made by Councilor Proctor and supported by Councilor David Harrington to acknowledge the verbal Executive Oversight Report as presented by Direct Services Administrator Phil Harmon on March 28, 2019.

Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.

11:58 a.m. Councilor Bernard exits meeting.

11:58 a.m. Lunch Recess

1:39 p.m. Meeting resumes

Odawa Casino Resort Leadership Oversight Committee

Discussion: Auditor

- Extend BDO Auditors for a 1-year extension for FY 2019.
- Will be selecting a new auditor for FY 2020 and up.

Motion made by Treasurer Reyes and supported by Councilor Proctor to approve the 1-year extension for BDO to audit for Odawa Casino Resort FY 2019.

Vote: 6 - Yes, 0 - No, 2 - Abstained (Councilor David Harrington, Councilor Shananaquet), 1 - Absent (Councilor Bernard)

Motion carried.

Discussion: CAP EX Budget for Odawa Casino-Mackinaw

- Cap Ex Budget derived from casino revenue.
- Option 1 is forgiveness of the \$1.1 Million given to Odawa Casino Resort-Mackinaw from Odawa Casino Resort-Petoskey for start-up.
- Option 2 is payback of funds to Odawa Casino Resort-Petoskey.
- Gaming Authority recommends Option 2.
- Return of Investment (ROI) numbers is expected by Tribal Council from the Leadership Oversight Committee (LOC) when future budgets are discussed.

Motion made by Secretary Kiogima and supported by Councilor Shomin to acknowledge the notification of the capital expenditure for the Odawa Casino-Mackinaw for FY 2019, Option 2, as presented by the Gaming Authority and Odawa Casino Resort.

Vote: 6 - Yes, 0 - No, 2 - Abstained (Councilor David Harrington, Councilor Shananaquet), 1 - Absent (Councilor Bernard)

Motion carried.

Legislative Office Reports continued

Office of Finance and Revenue - No report

Tribal Historic Preservation Officer

- Michigan Anishnaabek Cultural Preservation and Repatriation Alliance (MACPRA) Quarterly Meeting travel report from March 12-13, 2019 in Mount Pleasant, MI.
- Met with Michigan State Police regarding Cheboygan remains. Little Traverse Bay Bands of Odawa Indians will serve as authorized transfer recipient for the transfer of possession and reburial.
- Upcoming travel to Mount Pleasant, MI Ziibiwing for a smudge ceremony for the ancestor on April 1, 2019.
- Will be working with Jane Bernstein of Berstein & Associates and Michigan State University NAGPRA consultation process.
- Notified of remains found on Sleeping Bear Dunes beach. Will be working with Jamie Lee Marks from the National Park Service (NPS) Tribal Historic Preservation Program.
- Working with Dan Hinmon on the canoe being donated to the Tribe.
- Completed the Cultural Stewardship and Historic preservation certificate through Association of Tribal Archives, Libraries & Museums (ATALM).
- Monitoring areas of construction every two weeks.
- Working on HPF Grant work plan for the next grant cycle and,
- Section 106 reviews.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept Interim Tribal Historic Preservation Officer Melissa Wiatrolik's verbal and written report as presented on March 28, 2019.

Comments: Legislative Leader Fred Harrington Jr. suggests a written letter to thank the conservancy for giving the Tribe the option to purchase the Stone Circle.

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

Motion carried.

General Counsel

- Cemetery Road trust is pending.
- 608 and 612 Second St packets have been sent to the Bureau of Indian Affairs.
- Michigan Indian Legal Services (MILS) is interested in applying for grant from Americorps on behalf of Grand Traverse Band, Little River Band and Little Traverse Band for legal health issues such as Supplemental Security Income (SSI) and have asked for a Tribal Resolution.

Motion made by Councilor Proctor and supported by Councilor Shomin to accept General Counsel Jim Bransky's verbal report for March 28, 2019.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Proctor to adopt Tribal Resolution Authorization for Michigan Indian Legal Services, Inc. To Pursue Americorps Funding on Behalf of the Little Traverse Bay Bands of Odawa Indians to Develop a Medical-Legal Partnership

Roll Call Vote: Councilor Bernard-absent, Councilor David Harrington-absent, 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.

Legislative Office Manager Report

- Staff time devoted to making paper copies.
- Information sent to Tribal Council in regards to the Salvation Army.
- Email sent to Corporate Charters should they choose to seek additional funding, they must go through the Appropriations and Finance Committee and complete an Agenda Placement Form.
- Notified Human Resources of Interim Tribal Historic Preservation Officer Melissa Wiatroluk and will be sending the Authorization Form.
- Water Walkers couldn't cross the Mackinaw Bridge and were stopped by the Michigan State Police. The call was transferred to the Executive's office.
- No subdomains for Corporate Charters.
- Will be on Paid Time Off (PTO) on March 29, April 1-2, and April 5, 2019 in the afternoon.
- Legislative Administrative Assistant Linda Gokee will be reaching out to the Executive Administration regarding Cemetery Road housing.

Motion made by Treasurer Reyes and supported by Councilor Shomin to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented on March 28, 2019.

Comments: Councilor Shananaquet commented the local Water Walkers made it to Capital in Lansing, MI.

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

Motion carried.

Corporate Charters and/or Boards Updates: No reports

Other Items of Business:

FYI: Renee "Wasson" Dillard is circulating a petition to Amend the Tribes Constitution in regards to the Election Board Recall Process. She will be required to obtain 20% of all Registered Voters signatures. Renee states all signors names will be kept confidential. There are two (2) ways to amend the Constitution, either by Tribal Council or by Tribal Citizens.

Public Comment:

2:51 p.m. Public Comment opened

- No Public Comment made

2:51 p.m. Public Comment closed

Adjournment

2:51 p.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 Scheduled Meeting:

Thursday, April 11, 2019 at 9:00 a.m. in Council Chambers

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



Tamara Kiogima, Tribal Council Secretary

4-11-19

Date



