Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
April 11, 2019

Call to Order: **9:05 a.m.**

Opening ceremony: Councilor Emily Proctor

Closed Session: yes

Council Present: Councilor Frank Bernard, Councilor Emily Proctor, Treasurer Marcella R. Reyes, Secretary Tamara Kiogima, Legislative Leader Fred Harrington Jr.

Absent: Councilor David Harrington, Councilor Dexter McNamara, Councilor Julie Shananaquet, Councilor Leroy Shomin

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

Executive Officials and Staff Present: Tribal Chairperson Regina Gasco-Bentley, Direct Services Administrator Phil Harmon

Judicial Officials and Staff Present: none

Public: John Kawegoma

Invited Guest: none

Motion made by Secretary Kiogima and supported by Treasurer Reyes to adopt the agenda for April 11, 2019 as amended.
Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor David Harrington, Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried.

Motion made by Councilor Proctor and supported by Secretary Kiogima to approve the minutes of March 28, 2019 as corrected.
Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor David Harrington, Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried.

Legislative Officer Reports:

Legislative Leader Report

9:13 a.m. Motion made by Secretary Kiogima and supported by Treasurer Reyes to enter into Closed Session for Personnel.
Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor David Harrington, Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried.

9:22 a.m. Councilor David Harrington arrives

9:36 a.m. Motion made by Treasurer Reyes and supported by Councilor Proctor to return to Open Session.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried.

Motion made by Secretary Kiogima and supported by Councilor David Harrington to contact candidate #1 and set up an interview for the Economic and Business Development Director.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried.

Discussion:

- Apologized for his behavior at the April 9, 2019 Tribal Council Work Session. As an IT Professional himself, Legislative Leader Harrington was upset at the lack of progression from the cyber-attack. Five steps should have occurred right after the attack and didn't.
- Tribal Citizens were turned away from the dental clinic without their names being taken down to be contacted for another appointment.
- Legislative Leader, Tribal Chair, and General Counsel Bransky to meet with the State of Michigan regarding the Little Traverse Bay Bands Gaming Compact. A verbal and written statement regarding Online Gaming will be prepared.
- Potential business options for business development.

Motion made by Secretary Kiogima and supported by Treasurer Reyes to accept Legislative Leader Fred Harrington Jr.'s verbal report for April 11, 2019.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried.

Motion made by Councilor David Harrington and supported by Treasurer Reyes to approve Legislative Leader Harrington's travel to the Tribal Consultation Session between the State of Michigan Governor's Executive Office of the Governor and the Michigan Tribes on April 12, 2019 in Roscommon, MI.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried

Motion made by Secretary Kiogima and supported by Treasurer Reyes to approve Legislative Leader Harrington's travel to meet with the State of Michigan Governor's Office for discussion on the terms of the Little Traverse Bay Bands of Odawa Indians Gaming Compact.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried

Tribal Council Action Items:

Motion made by Treasurer Reyes and supported by Councilor Proctor to approve Tribal Council attendance to NAFOA 2019 Fall Finance & Tribal Economies Conference on October 6-8, 2019 at Mystic Lake Casino Hotel, Prior Lake, Minnesota.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried

Motion made by Treasurer Reyes and supported by Secretary Kiogima to approve Certified Motion #041119-01 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan, U.S. Department of Health and Human Services, Health Resources and Services Administration, Healthy Start Program FY 2019-2023.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried

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

Motion made by Councilor David Harrington and supported by Treasurer Reyes to post the Tribal Historic Preservation Office Statute to the Legislative Calendar in the Odawa Register as sponsored by Legislative Leader Harrington.
Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor McNamara, Councilor Shananaquet, Councilor Shomin)
Motion carried

Executive Oversight Report
Discussion: Tribal Chairperson Regina Gasco-Bentley

- Vice Chair Kay is out at the Tribal-Interior Budget Council (TIBC) in Washington D.C.
- The Veterans Affairs Loan Memorandum of Understanding and Assistance for Veterans will be signed soon.
- Thanked Legislative Leader Harrington for attending the Legislative Consultation with the State of Michigan which the Tribal Chair will also be in attendance. She will provide an update on litigation in next report.
- Chippewa Ottawa Resource Authority (CORA) one-on-one meeting with Little River Band will be held on April 24, 2019 at the Community Center. The next meeting will take place at the Sault Ste. Marie Tribe of Chippewa Indians.
- Both the Chair and General Counsel Jim Bransky will have a phone conference with State of Michigan this morning.
- A casino employee came to the Executive office for assistance which they channeled them over to the Tribal Council office.
- The governor will appoint to the Michigan Public Service Commission which deals with safety.
- Attorney General declared Line 5 unconstitutional.

Discussion: Direct Services Administrator Phil Harmon

- All departments and programs gearing up for the Community Meeting on May 4, 2019. The Executive will have a PowerPoint presentation on the cyber-attack.
- Youth affiliated departments and programs gearing up for Summer Camps.
- The Grants Department rebuilding their programs.
- Purchase Referred Care now offers 1-hour massage therapy through Pateman Chiropractic & Massage. You must be referred by your Primary Care Physician and request a reference number.
- MIS has received the ok to rebuild all servers. The P drive will be first.
- Most health functions are up and running. The dental clinic will be up and running by next Thursday, April 18, 2019.
- IT Phone conference at 2:00 p.m. with Law Firm Baker Hostetler.
- Email sent out at 5:04 p.m. on 04/10/19 regarding Computer Network Update.
- Purchase Referred Care is catching up on 300+ hand note files to date enter.
- Spoke with law firm regarding letters being sent regarding cyber-attack.

Discussion: Tribal Chairperson Regina Gasco-Bentley
- Executive Staff was outstanding during downtime. Will do Employee Appreciation.

10:04 a.m. Councilor McNamara arrives

Motion made by Secretary Kiogima and supported by Councilor Proctor to acknowledge the verbal and written March 2019 Executive Oversight Report as presented by Tribal Chairperson Regina Gasco-Bentley and Direct Services Administrator Phil Harmon on April 11, 2019.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

Motion made by Councilor David Harrington and supported by Treasurer Reyes to pass Waganakising Odawak Statute Contracting Statute.
Roll call: Councilor Bernard-yes, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet-absent, Councilor Shomin-absent, Treasurer Reyes-yes, Secretary Kiogima-yes, Legislative Leader Fred Harrington Jr.-yes
Motion carried.

Motion made by Councilor Bernard and supported by Councilor McNamara to pass Protection of Employees from Supervisors that have Committed a Crime of Domestic Violence or Sexual Harassment Statute.
Roll call: Councilor Bernard-yes, Councilor David Harrington-yes, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet-absent, Councilor Shomin-absent, Treasurer Reyes-yes, Secretary Kiogima-yes, Legislative Leader Fred Harrington Jr.-yes
Motion carried.

Motion made by Secretary Kiogima and supported by Councilor McNamara to pass Amendment to Waganakising Odawak Statute #2011-005 Gaming Regulatory Statute.
Roll call: Councilor Bernard-yes, Councilor David Harrington-abstain, Councilor McNamara-yes, Councilor Proctor-yes, Councilor Shananaquet-absent-Councilor Shomin-absent, Treasurer Reyes-yes, Secretary Kiogima-yes, Legislative Leader Fred Harrington Jr.-yes
Motion carried.

10:12 a.m. Break
10:40 a.m. Resume

Tribal Council Officer Reports continued.

Secretary Report
Documents Delivered to the Executive

-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 was delivered to the Executive for signature on 04/04/19-the Executive signed on 04/04/19.

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 Treasurer Reyes and supported by Councilor McNamara to accept Secretary Kiogima's verbal report as provided on the agenda for April 11, 2019.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried.

Treasurer Report

Appropriations and Finance Committee
-Last Regular Meeting: March 12, 2019

(Motions made at Appropriations and Finance Committee Meeting were presented at the March 28, 2019 Tribal Council Meeting)

-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 and Boards) cancelled due to lack of attendees.
- Thursday, April 4, 2019 at 9:00 a.m. (Remaining Branches, Charters and Boards)

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

Phone Polls passed by Appropriations and Finance Committee:

-04/05/19 Motion to recommend to Tribal Council to approve Certified Motion #041119-01 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan, U.S. Department of Health and Human Services, Health Resources and Services Administration, Healthy Start Program FY 2019-2023.
Phone Poll Vote: 3 Yes, 0 No, 0 Abstained, 0 Absent
Comments: none
Motion carried.

Discussion: Councilor McNamara
- Does not support the Executive Branch statement being made during the Budget Hearings regarding the Wage Grid Study and some staff being overpaid.

Motion made by Secretary Kiogima 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 April 11, 2019.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried.

Land and Reservation Committee
-Last Meeting: April 5, 2019

(No motions made at Land and Reservation Committee Meeting)

-Next Meeting: Friday, May 3, 2019 at 9:00 a.m. in the Council Chambers

Motion made by Councilor McNamara and supported by Secretary Kiogima to accept the Land and Reservation Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for April 11, 2019.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried.

Tribal Council Member Reports: No Reports

Legislative Office Reports:

Office of Finance and Revenue
- Budget timelines.
- Sovereign Finance, Odawa Economic Development Management, Inc., and Fifth Third Non-Disclosure Agreement.
- Michael Hughes training, is Tribal Council interested?
- Odawa Casino Resort free play escrow and 6% compact fees for State.
- Met with Roger Borton and both will be presenting a PowerPoint analysis on debt refinance of Odawa Casino Resort.
- Tribally Accepted Accounting Principles (TAAP) training.

Motion made by Councilor McNamara and supported by Treasurer Reyes to accept Sr Financial Analyst Rachel Cope's verbal and written report for April 11, 2019.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

Motion made by Treasurer Reyes and supported by Secretary Kiogima to authorize Legislative Leader to sign a non-disclosure agreement with Fifth Third Bank as presented by Senior Financial Analyst.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

Tribal Historic Preservation Officer – no report

Public Comment
11:08 a.m. Public Comment opened

- John Kawegoma commented he wants an explanation of how and why the data network and phone service system was attacked on two free standing systems? He wants reassurance his sensitive information wasn't breached including our minors. Who is checking on their credit on the black market?

11:16 a.m. Public Comment closed

Legislative Services Attorney

11:16 a.m. Motion made by Treasurer Reyes and supported by Councilor Proctor to enter into Closed Session for Confidential Legal Matters.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

11:24 a.m. Motion made by Treasurer Reyes and supported by Councilor Proctor to return to Open Session.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

Discussion:
- Closed Session for Confidential Legal material.
- The next 20/20 Consent Decree discussions between Tribes will be with the Sault Tribe on April 29, 2019 in the Sault.
- A Tribal Economic Development and Contracting Forum will be held at the Odawa Casino Resort-Ovation Hall on Wednesday, May 1, 2019. There is no cost to attend.

Motion made by Secretary Kiogima and supported by Treasurer Reyes to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and written report for April 11, 2019.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

General Counsel

Motion to acknowledge receipt of Office of Citizens Legal Assistance Cherie Dominic's verbal and written 2019 1st Quarterly Report.
Comments: Legislative Leader Harrington commented Dominic's report should be reported similar to an attorney billing statement.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

General Counsel Jim Bransky is on a telephone conference. A written report for April 11, 2019 is requested via email.

Legislative Office Manager
- Continue to have a lot of staff time devoted to working around network issues; developing some specific hard copy files and other such related materials for file retrieval.
- Adobe and the BIS recording system are still not functioning.

- Contacted MIS regarding setting up for a new Adobe based on the licenses we have already purchased.
- Three (3) letters of interest for American Indigenous Sovereign Funds were received and the background checks are in progress. Will bring to next Tribal Council meeting.
- Odawa Economic Development Management, Inc. has requested documents on the Mackinaw study.
- Reminder to RSVP Su Lantz regarding CSNAP Training on April 25-26, 2019.
- Had a potential audit compliance issue with Odawa Economic Development Management, Inc. regarding new auditor not receiving new documents from the Board. This has been ironed out and we are back on track.
- There are other minor levels of information received from the Traditional Tribal Burial, Inc. and Ziibimijwang, Inc. and we are getting through those.

Motion made by Councilor McNamara and supported by Treasurer Reyes to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented on April 11, 2019.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

Corporate Charters and/or Board Updates: No reports

Other Items of Business:

Motion made by Councilor McNamara and supported by Councilor David Harrington to authorize the release of the Mackinaw Feasibility Study to Odawa Economic Development Management, Inc. contingent upon receiving a non-disclosure agreement from the board members.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

Public Comment
11:44 a.m. Public Comment opened
- No comments

11:44 a.m. Public Comment closed

Adjournment:
11:57 a.m. Motion made by Councilor David Harrington and supported by Councilor Bernard to adjourn.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Shananaquet, Councilor Shomin)
Motion carried

Next Scheduled Meeting
Saturday, April 27, 2019 at 9:00 a.m.

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

Tamara Kiogima April 27, 2019

Tamara Kiogima, Tribal Council Secretary Date