

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting Minutes
May 9, 2019

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

Opening ceremony: Councilor Emily Proctor

Closed Session: Yes

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

Absent: Councilor Julia Shananaquet, Councilor Leroy Shomin

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

Corporate Charters Present: none

Executive Officials and Staff Present: Vice-Chairperson Stella Kay, Direct Services Administrator Phil Harmon

Judicial Officials and Staff: none

Public: Melissa Shomin

Invited Guest: none

9:01 a.m. Councilor Shomin arrives

Motion made by Councilor Proctor and supported by Secretary Kiogima to adopt the agenda for May 9, 2019 as Amended.

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

Motion carried.

Motion made by Secretary Kiogima and supported by Councilor Proctor to approve the Regular Meeting minutes of April 27, 2019 as corrected.

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

Motion carried.

Legislative Officer Reports:

Legislative Leader Report

9:04 a.m. Motion made by Councilor Proctor and supported by Councilor Shomin to enter into Closed Session for Confidential Business Matters.

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

Motion carried.

9:34 a.m. Motion made by Councilor David Harrington and supported by Treasurer Reyes to return to Open Session.

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

Motion carried.

Discussion:

- International Building Codes

Motion made by Councilor McNamara and supported by Councilor Shomin to approve next steps as contained in Confidential Memo as presented on May 9, 2019, in developing a plan for leasing of Tribal Lands for economic development purposes, including discussions with Odawa Economic Development Management, Inc.

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

Motion carried.

9:37 a.m. Break

9:54 a.m. Resume

Motion made by Treasurer Reyes and supported by Councilor David Harrington to accept Legislative Leader Fred Harrington Jr.'s verbal report for May 9, 2019.

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

Motion carried.

9:56 a.m. Motion made by Councilor Proctor and supported by Councilor David Harrington to enter into Closed Session for Personnel.

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

Motion carried.

10:02 a.m. Councilor Shananaquet arrives

10:49 a.m. Motion made by Treasurer Reyes and supported Councilor Proctor by to return to Open Session.

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

Motion carried.

10:53 a.m. Break

11:02 a.m. Resume

Motion made by Councilor McNamara and supported by Councilor David Harrington to hire Candidate #1 for the Economic & Business Development Director.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to authorize and approve Legislative Leader Harrington to sign and submit a thank you letter to the Little Traverse Land Conservancy regarding the Stone Circle.

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

Motion carried.

Tribal Council Action Items:

Motion made by Treasurer Reyes and supported by Councilor McNamara to acknowledge receipt of Robert Ellerman's letter of interest and resume' for the Odawa Aviation, Inc. Corporate Charter and set up an interview.

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

Motion carried.

Motion made by Councilor McNamara and supported by Treasurer Reyes to acknowledge receipt of Marvin Mulholland's letter of interest and resume' for the American Indigenous Sovereign Finance Corporate Charter and set up an interview.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to repost LEG-246 Tribal Historic Preservation Office Statute to the Legislative Calendar in the Odawa Register as sponsored by Legislative Leader Harrington.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Proctor to approve Site Plan dated March 1, 2019, for the Ziibimijwang farm property that includes placement of the "pack shed".

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

Motion carried.

Motion made by Councilor David Harrington and supported by Treasurer Reyes to approve the Designation Map dated May 2, 2019, for St. Martin's Island and Lighthouse.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor David Harrington to approve Certified Motion # 050919-01 Assignment of St. Martin's Island, Lake Michigan, Michigan.

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

Motion carried.

Executive Oversight Report:

Vice Chairperson Stella Kay

- Tribal Chairperson Bentley is out of the office.
- Chair is busy with Chippewa Ottawa Resource Authority (CORA) and Consent Decree meetings.
- Tribal Chairperson Regina Gasco-Bentley invited to be opening speaker for the Tribal Economic and Government Contracting Forum held May 1, 2019 at Odawa Casino Resort's Ovation Hall.
- Interviewing candidates for the Executive Director-Unit II. Will be making a selection on Friday.
- Wage Grid Study information sent to Appropriations and Finance Committee.
- RFQ Strategic Planning on September 1, 2019.

Direct Services Administrator Phil Harmon

- Annual Community Meeting went well. Received a lot of feedback from Citizens. Will be discussing input with staff.

- Daugherty Johnson and Caroline Moellering attended the Line 5 discussions last Thursday.
- Michigan's Governor Whitmer intends to continue working with Enbridge whereas the State Attorney General Nessel holds steadfast to Line 5 is unconstitutional.
- On April 17, Law Enforcement Chief Cobe and Direct Services Administrator Harmon attended an Emergency Fire Response training at the Gaylord Incident Command Center.
- Executive Staff attended the SORNA CSNAP training on April 25, 2019.
- Cyber-attack final report for insurance company regarding the financial analysis. The Executive would like to present to Tribal Council at their next Work Session on May 21, 2019.

Secretary Kiogima

Can you ask Education Director Jordan Shananaquet why "Brain Fused" tutoring is only offered to LTBB Tribal Citizens? Can we offer it to descendants and students of Other Indian Tribes?

Vice Chairperson Stella Kay

This would require Education to ask Appropriations and Finance for Supplemental Funding to fund.

Councilor Shananaquet

A statistical survey for Housing should come from the Government Housing Department. The City of Mackinaw approached the Tribe to see if there is an interest for an Assisted Living Wing for Tribal Elders in Mackinaw City. There would be no cost to the Tribe, only a commitment that we would house Elders there. Please add this to the Housing questionnaire.

Treasurer Reyes

Appropriations and Finance Committee (AFC) and Tribal Council would like to review the Wage Grid Study Report prior to the AFC Meeting on May 14, 2019.

Legislative Leader Harrington

Not happy with Law Firm Baker Hostetler and how the cyber-attack was handled against the Tribe. The questions that should have been asked are: 1. What is the Tribe's allowable down time? and 2. How much was the ransom for the return of the Tribe's data? The FBI completed an investigation and told the Tribe to "never negotiate" a ransom. The decision to negotiate rests solely upon the Tribal Council and this was never an option.

Councilor Proctor

Look at future options regarding cyber-attacks. Agrees with Legislative Leader Fred Harrington, Jr.

Councilor Shananaquet

What were our safe guards to protect information?

Legislative Leader Fred Harrington, Jr.

Social cost was more than monetary cost. People were turned away from the dental clinic. We will have a statute that addresses this.

Motion made by Councilor Proctor and supported by Treasurer Reyes to acknowledge the verbal Executive Report as presented by Vice-Chair Stella Kay and Direct Services Administrator Phil Harmon for May 9, 2019.

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

Motion carried.

Tribal Council Officer Reports continued.

Secretary Report

Documents Delivered to Executive:

-Tribal Resolution Designation of May 5th as a Day of Awareness for Missing and Murdered Native Women and Girls was delivered to the Executive for signature on 04/30/19-the Executive signed on 05/01/19.

-Waganakising Odawak Statute Contracting Statute was delivered to the Executive for signature on 04/11/19-the Executive signed on 05/01/19.

-Waganakising Odawak Statute Amendment to Waganakising Odawak Statute # 2011-005 Gaming Regulatory Statute was delivered to the Executive for signature on 04/11/19-PENDING SIGNATURE (due back to Tribal Council on or before 05/13/19.)

-Tribal Resolution Appropriation of Funds for the 2020 Fiscal Year Operating Budgets was delivered to the Executive for signature on 05/07/19-PENDING SIGNATURE (due back to Tribal Council on or before 06/06/19.)

Vetoes (a vote of Tribal Council to override a veto shall occur within 90-days of the veto):

Phone Polls passed by Tribal council:

-05/01/19 Motion to offer Candidate #1 the position of Economic Business and Development Director and the only Tribal Citizen applicant who met all of the qualifications for the position.

Phone Poll Vote: 4 Yes, 5 No, 0 Abstained, 0 Absent

Comments: Councilor Proctor is interested in a second interview for this candidate.

Motion fails.

-05/01/19 Motion to adopt Tribal Resolution Appropriation of Funds for the 2020 Fiscal Year Operating Budgets.

Phone Poll Vote: 8 Yes, 0 No, 0 Abstained, 1 Absent (Councilor Shomin)

Comments: none

Motion carried

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to accept Secretary Kiogima's verbal and written report as presented on the agenda for May 9, 2019.

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

Motion carried.

Treasurer Report

Appropriations and Finance Committee

-Last Meeting: April 16, 2019

(Motions made at Appropriations and Finance Committee Meeting were presented at the April 27, 2019 Tribal Council Meeting)

-Next Meeting: Tuesday, May 14, 2019 at 9:00 a.m. in the Council Chambers

Phone Polls passed by Appropriations and Finance Committee:

-04/30/19 Motion to recommend to Tribal Council to adopt Tribal Resolution Appropriation of Funds for the 2020 Fiscal Year Operating Budgets.

Phone Poll Vote: 3 Yes, 0 No, 0 Abstained, 0 Absent

Comments: none

Motion carried.

11:33 a.m. Legislative Leader Fred Harrington, Jr. leaves the meeting.

Motion made by Councilor Shananaquet and supported by Councilor Shomin to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for May 9, 2019.

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

Motion carried.

Land and Reservation Committee

-Last Meeting: May 3, 2019

(Motions made at Land and Reservation Committee Meeting)

-Motion made by Councilor David Harrington and supported by Treasurer Reyes to recommend to Tribal Council to approve Designation Map dated May 2,

2019, for the Ziibimijwang Farm property that includes placement of the "pack shed".

Vote: 3 yes, 0 no, 0 abstained, 0 absent

Motion carried.

-Motion made by Councilor David Harrington and supported by Councilor Proctor to approve the Designation Map dated May 2, 2019, for St. Martin's Island and Lighthouse.

Vote: 3 yes, 0 no, 0 abstained, 0 absent

Motion carried.

-Motion made by and supported by to recommend to Tribal Council to approve Certified Motion # 050919-01 Assignment of St. Martin's Island, Lake Michigan, Michigan.

Vote: 3 yes, 0 no, 0 abstained, 0 absent

Motion carried.

-Next Meeting: Friday, June 14, 2019 at 9:00 a.m. in the Council Chambers

Motion made by Councilor Shananaquet and supported by Councilor Shomin to accept the Land and Reservation Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for May 9, 2019.

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

Motion carried.

Tribal Council Member Reports:

Secretary Kiogima Attendance at the Economic and Government Contracting Forum May 1st at Odawa Casino Resort.

Motion made by Treasurer Reyes and supported by Councilor Proctor to accept Secretary Kiogima's verbal report for attendance at the Economic and Government Contracting Forum May 1st at Odawa Casino Resort for May 9, 2019.

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

Motion carried.

Councilor Proctor Attendance at the Economic and Government Contracting Forum May 1st at Odawa Casino Resort.

Motion made by Treasurer Reyes and supported by Councilor Shomin to accept Councilor Proctor's verbal Tribal Council Member Report for attendance at the Economic and Government Contracting Forum May 1st at Odawa Casino Resort for May 9, 2019.

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

Motion carried.

11:45 a.m. Public Comment opened:

- Melissa Shomin thanked Tribal Council who are still in the room; asked about Tribal Council division of opinions on phone poll for candidate #1, and then a 2nd interview; spoke regarding in appropriate comments made at the community meeting; commends Councilor Proctor for addressing comments.

11:49 a.m. Public Comment closed.

Legislative Staff Reports:

Office of Finance and Revenue Report – Unemployment, Audit, SUITA Payment, policies needed.

Motion made by Treasurer Reyes and supported by Councilor Shomin to accept Sr. Financial Analyst Rachel Cope's verbal and written report for May 9, 2019.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Legislative Leader Fred Harrington, Jr.)

Motion carried.

Tribal Historic Preservation Officer – no report

Legislative Services Attorney Report – Attendance at Anishinaabemowin class; Family preservation; confidential written report; contacted by Odawa Casino Resort Human Resources Department to provide Tribal law orientation.

Motion made by Treasurer Reyes and supported by Councilor Proctor to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and written report for May 9, 2019.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Legislative Leader Fred Harrington, Jr.)

Motion carried.

General Counsel – Wells Fargo; Saginaw Chippewa Indian Tribe and Grand Traverse Band Medicare/Blue Cross Settlement case; Line 5 tunnel issue consult; Natural Resources Department; Chippewa Ottawa Resource Authority.

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to accept General Counsel Jim Bransky's verbal report for May 9, 2019.

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

Motion carried.

Legislative Office Manager Report

- Citizens Portal not recoverable from cyber-attack. Unable to assign a URL to Tribal Citizens in order for them to be able to attend Tribal Council meeting on line.
- Took photos with Interim Tribal Historic Preservation Officer Melissa Wiatrolik and GIS coordinates of the trail marker trees. Melissa will be working on plan to hopefully include these trees in National because of their association with rooted cultural practices.
- State Court Administrative Office (SCAO) Child Welfare Services Division hosting Heart of Indian Child Welfare Act & Michigan Indian Family Preservation Act Statewide Training August 14, 2019 at Odawa Casino Resort. 9:00 a.m. May 21, 2019.
- Tribal Council Work Session: 3-interviews for American Indigenous Sovereign Finance, Inc., Corporate Charter and 1-for Odawa Aviation.
- Revising the Policy and Procedures for Selection of Tribally Chartered Corporate Board Members and Other Sub-Entities for Tribal Council approval in June.

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

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

Motion carried.

Corporate Charters and/or Board Updates - none

Odawa Economic Development Management, Inc.

Traditional Tribal Burial Board, Inc.

Ziibimijwang, Inc.

Gaming Authority

Other Items of Business:

Adjournment:

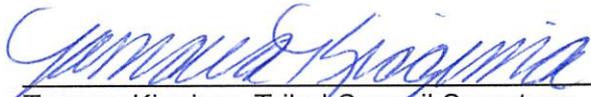
12:42 p.m. p.m. **Motion** made by Councilor David Harrington and supported by Treasurer Reyes to adjourn.

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

Motion carried.

Next Regular Tribal Council Meeting:
May 23, 2019

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



Tamara Kiogima, Tribal Council Secretary

05-23-19

Date

