

**Little Traverse Bay Bands of Odawa Indians  
Tribal Council Chambers  
7500 Odawa Circle, Harbor Springs, MI 49740  
Tribal Council Regular Meeting  
September 12, 2019**

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

Opening ceremony: Legislative Leader Emily Proctor

Closed Session: yes

Council Present: Councilor Fred Harrington Jr., Councilor Fred Kiogima, Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Marty Van De Car, Legislative Leader Emily Proctor, Secretary Julie Shananaquet, Treasurer Marcella Reyes

Absent: Councilor Leroy Shomin

Legislative Office Staff Present: Office Manager Michele Portman-LaCount, Senior Financial Analyst Rachel Cope, Legislative Administrative Assistant Linda Gokee, Economic Business and Development Director Billi Jo Head, Tribal Historic Preservation Officer Melissa Wiatrolik, General Counsel James Bransky, Office of Citizens Legal Assistance Cherie Dominic

Corporate Charters Present: Traditional Tribal Burial Board Inc. Patrick Wemigwase, Zibimijwang: Joe VanAlstine, Kevin Donner, Odawa Economic Affairs Holding Inc.: Mary Roberts, Cheryl Kishigo-Lesky, Odawa Economic Development Management, Inc.: Alan Proctor,

Executive Officials and Staff Present: Tribal Chairperson Regina Gasco-Bentley, Unit I Executive Director Phil Harmon, Human Services Survivors Outreach Specialists Keely Frye and Stacey Ettawageshik, Human Resources Department: Director Denise Petoskey, and Generalist Rose Pyant, Law Enforcement Chief Jeff Cobe, Planning: Director Amanda Swiss and Administrative Assistant Shari Temple

Judicial Officials and Staff: Chief Judge Allie Maldonado

Public: Mary Schneider, Susan Swadling, Jannan Cornstalk, Annette VanDeCar, Sarah Proctor, Dexter McNamara

Invited Guest: Michigan Indian Legal Services, James Keedy and Norika Betti

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**Agenda**

**Motion** made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to adopt the agenda for September 12, 2019 as presented.

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

Motion carried.

**9:00 a.m. Public Comment Opens**

- Susan Swadling - Demolition of Tribal Government's "*white house*" (Tribal Council awareness, what will happen to all other buildings that are in disrepair or under consideration of removal?) Laws affecting hemp and marijuana production.

**9:16 a.m. Public Comment Closes**

- *While technical difficulties were taken care of, an informal discussion occurred regarding economic adventures.*

**9:30 a.m. Training:** Discrimination and Sexual Harassment Awareness as presented by Keely Frye and Stacy Ettawageshik

**10:45 a.m. Break**

**10:58a.m. Resume**

Discussion: Not just an employee issue, but also includes Vendor/Client harassment, Administrative, Elected Officials as supervisors. How to address complaints when harassment involves key executive employees.

Legislative Leader Emily Proctor thanked attendees for presentation and participation.

**Motion** made by Councilor Fred Harrington Jr. and supported by Councilor Marty Van De Car to approve the August 22, 2019 morning session meeting minutes as presented.

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

Motion carried.

**Motion** made by Councilor Fred Harrington Jr. and supported by Councilor Melissa Pamp to approve the August 22, 2019 afternoon session meeting minutes as presented.

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

Motion carried.

**Executive Oversight Report:**

Discussion items: Chippewa Ottawa Resource Authority meeting, Mackinaw Island Training/United Tribes, Reminder of Traditional pow-wow and Sovereignty Day events. Need to get emergency response process in place. North wing carpeting completed. Language Department moving forward, Employee Appreciation Day. Hunter Safety/Survival class underway.

Questions raised regarding safety and maintenance of Tribal dock in Mackinaw and signage lighting issues with the entrance of government complex.

**Motion** made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to acknowledge the verbal Executive Report presented by Chairperson Regina Gasco-Bentley and Unit I Executive Director Phil Harmon on September 12, 2019.

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

Motion carried.

**Legislative Officer Reports:**

Legislative Leader Report

Discussion: Written report included. Suggest adding Public Comment Policy to the next work session.

Break for Public comment

**11:42 a.m. Open**

- Janaan Cornstalk thanked people and Tribal Council for support who attended "Flotation Event" and Festival and gave summary of events. Will attend upcoming Texas Water event. Water tourism needed.

- Linda Gokee thanked Janaan for water protection efforts. Thanked Councilor Fred Harrington Jr. for his economic development efforts. Would like to see all names of people expressing interest in sitting on Boards. Legislation needed to ensure all Citizens interested in board positions have equal opportunity.
- Chief Judge Allie Maldonado Indian Child Welfare update. Invitation to Tribal Council to attend the graduation of the Healing to Wellness participant.

**11:52 a.m. Closed**

**11:53 a.m. Lunch Break**

**1:35 p.m. Meeting Resumes**

**1:42 p.m. Motion** made by Councilor Tamara Kiogima and supported by Councilor Fred Harrington Jr. to go into closed session for personnel.

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

Motion carried.

**2:14 p.m. Motion** made by Councilor Tamara Kiogima and supported by Councilor Marty Van De Car to return to open session.

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

Motion carried.

Legislative Leader Report continued:

- i. **Tribal Citizen Contact** – Issues brought forward by citizens:
  - Increase support for Mental Health
  - Payees or Elder Advocate
  - Housing
  - Request to make sure information on the tribal website is updated.
  - Questions about the White House demolition
- ii. **Meetings** - Contact and attendance:
  - Chairperson Regina Gasco-Bentley
  - Legislative Staff – Legislative Office Manager Michele Portman-LaCount, Economic and Business Development Director Billi Jo Head, Sr Financial Analyst Rachel Cope and Tribal Historic Preservation Office Melissa Wiatrolik.
  - Attended Townhall Meeting regarding the Reservation Litigation
  - Attended Cass County Family Court visit with Tribal Court
  - Matt Stemkoski, Gaming Authority Vice-Chair
  - New Council member orientation
- iii. **Discussion items:**
  - White House demolition
  - Office of Finance and Revenue, Economic and Business Development (Funding, personnel, expectations of the Director, prioritizing economic development projects)
- iv. **Activity and FYI:**
  - Request from Tribal Court to support Jennifer E. Deegan to the judicial vacancy in the 90th District Court located in Emmet and Charlevoix County
  - Requested Executive to create a nomination process policy for Boards and Charters.
  - Requested Legislative Staff to post the Public Comment Policy
  - Fall Extension Conference October 29<sup>th</sup> – 30<sup>th</sup>, Grand Traverse Resort
  - Out on travel to the [21st Annual American Indian Tourism Conference](#)

**Motion** made by Councilor Tamara Kiogima and supported by Councilor Marty Van De Car to accept Legislative Leader Emily Proctor's written and verbal report as presented on September 12, 2019.

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

Motion carried.

#### Secretary Report

Phone Polls passed by Tribal Council:

-08/29/19 Motion to approve Emily Proctor Legislative Leader, Regina Bentley, Tribal Chair and Allie Greenleaf Maldonado, Chief Judge to sign a Letter of Support for Jenny Deegan to be appointed to the Emmet County 90th District Court.

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

Motion carried.

-08/29/19 Motion to Authorize to send signed Letter of Support for Jenny Deegan to be appointed to the Emmet County 90th District Court to Governor Whitmer.

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

Motion carried.

-08/30/19 Motion to authorize Enjinaaknegeng to retain the law firm of Kanji & Katzen, PLLC to represent LTBB in its appeal of the August 15, 2019 ruling of the Federal District Court for the Western District of Michigan in LTBB v Whitmer, et al, case no. 1:15-cv-850.

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

Motion carried.

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Harrington Jr. to accept Secretary Julie Shananaquet's verbal and written report as presented on the agenda of September 12, 2019.

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

Motion carried.

#### Treasurer Report

##### **Appropriations and Finance Committee:**

**Motion** made by Secretary Julie Shananaquet and supported by Councilor Melissa Pamp to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda of September 12, 2019 and presented by Treasurer Marcella Reyes, Committee Chair.

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

Motion carried.

##### **Land and Reservation Committee:**

Phone Polls passed by Land and Reservation Committee:

-08/28/19 Motion to recommend to Tribal Council to approve the May 14<sup>th</sup>, 2019 Summary Terms and Conditions sheet from 5/3 Bank in principal and authorizing Odawa Economic Development Management, Inc. (OEDMI) to work with appropriate LTBB employees to continue negotiations for the purposes of acquiring Land Parcel # 123 and subsequent lease to OEDMI to incorporate into Victories Square. OEDMI will assume repayment terms and conditions for financing.

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

Motion carried.

Committee Comments: None

**Motion** made by Councilor Fred Harrington Jr. and supported by Councilor Marty Van De Car to accept the Land and Reservation Committee verbal and written report as provided on the agenda of September 12, 2019 and presented by Treasurer Marcella Reyes, Committee Chair.

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

Motion carried.

**2:33 p.m. Councilor Fred Harrington Jr. exits meeting**

**Tribal Council Member Reports:**

Councilor Tamara Kiogima – Cass County Family Preservation Court

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to accept Councilor Tamara Kiogima's verbal and written report as provided on September 12, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Legislative Staff Reports:**

Economic & Business Development

Corporate Charters and/or Board Updates:

- Traditional Tribal Burial Board, Inc.
- Odawa Economic Development Management, Inc.
- Ziibimijwang, Inc. – Letter of Resignation
- American Indigenous Sovereign Funds, Inc.
- Odawa Construction, Inc.
- Odawa Aviation, Inc.
- Odawa Economic Affairs Holding, Inc.

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to accept Economic Business and Development Director Billi Jo Head's verbal and written report as presented on September 12, 2019.

Vote: 7- Yes, 0 - No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

Office of Finance and Revenue Report

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Melissa Pamp to accept Sr. Financial Analyst Rachel Cope's verbal and written report as presented on September 12, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Treasurer Marcella Reyes and supported by Secretary Julie Shananaquet to authorize Senior Financial Analyst Rachel Cope to sign confidentiality agreements with Jon Panamaroff and Eric Trevan of Anishnabe Development, LLC for the purposes of research on the Economic Impact of Tribal Business Entities in the State of Michigan.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Public Comment**



**2:58 p.m. Opens**

- Citizen Andrew Stich - Personnel termination brought up previous meetings.
- Citizen Dexter McNamara – Funding for Citizen housing. Court ruling regarding nominations for Committee/Boards. Need creation of statute that requires all names to be brought forward for consideration/appointment.

**3:04 p.m. Closes**

**3:04 p.m. Break**

**3:24 p.m. Resume**

Tribal Historic Preservation Officer

**Motion** made by Councilor Melissa Pamp and supported by Treasurer Marcella Reyes to accept Tribal Historic Preservation Officer Melissa Wiatrolik's verbal and written report as presented on September 12, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

General Counsel

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Melissa Pamp to accept General Counsel Jim Bransky's verbal report as presented on September 12, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

Legislative Office Manager Report

**Motion** made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented on September 12, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Tribal Council Action Items: Motions**

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to reappoint David Dominic to a 3-year term beginning September 1, 2019 and ending September 1, 2022.

Vote: 6- Yes, 0- No, 1- Abstained (Secretary Julie Shananaquet), 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Councilor Marty Van De Car and supported by Councilor Fred Kiogima to reappoint Terry Thomsma to a 3-year term beginning September 1, 2019 and ending September 1, 2022.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to appoint Mary Kilmer to the Gaming Authority to fill the remainder of a 4-year term ending 09/27/22, pending background check in accordance with statute.

Vote: 5- Yes, 1- No (Councilor Tamara Kiogima), 1- Abstained (Councilor Marty Van De Car), 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Treasurer Marcella Reyes and supported by Secretary Julie Shananaquet to approve up to (3) three Tribal Councilors to attend the National Congress of American Indians 76<sup>th</sup> Annual Convention October 20-25, 2019 in Albuquerque NM. (*Registration due by September 30, 2019*)

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to approve Citizenship List A-Eligible for Citizenship dated September 4, 2019 for a total of four (4).

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to approve Citizenship List B-Declination (Ineligible) dated September 4, 2019 for a total of two (2).

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Secretary Julie Shananaquet and supported by Councilor Tamara Kiogima to amend the agenda to include:

- Citizenship notification of land leases for medical marijuana purposes
- To retain employment of Billi Jo Head, Economic Business and Development Director
- Land and Reservation Phone poll
- Travel to Grand Traverse
- Acknowledge Ziibimijwang, Inc. resignation letter

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to notify the Tribal Citizenship that the Tribe has leased out two of its trust parcels, 1345 US 31 North and the former Kings Inn site on Nicolet Street in Mackinaw City, to a Michigan corporation to operate medical marijuana dispensaries.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Secretary Julie Shananaquet and supported by Councilor Melissa Pamp to retain employment of Billi Jo Head as the Economic Business and

Development Director until February 2020 and to recommend review by the Appropriation and Finance Committee.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Secretary Julie Shananaquet and supported by Councilor Fred Kiogima to approve the May 14th, 2019 Summary Terms and Conditions sheet from 5/3 Bank in principal and authorizing Odawa Economic Development Management, Inc. (OEDMI) to work with appropriate LTBB employees to continue negotiations for the purposes of acquiring Land Parcel # 123 and subsequent lease to OEDMI to incorporate into Victories Square. OEDMI will assume repayment terms and conditions for financing.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to approve travel for Tribal Council members to attend Fall Extension Conference October 29th & 30th Grand Traverse Resort.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Motion** made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to acknowledge receipt of Blair Millier's Letter of Resignation from the Ziibimijiwang, Inc.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried

**Tribal Council Action Items:** Roll Call Votes - none

**Other Items of Business:**

- i. Gaming Enterprise Board - no report

**Adjournment:**

**5:02 p.m. Motion** made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to adjourn.

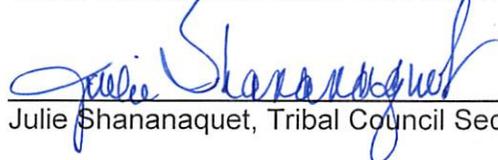
Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Leroy Shomin, Councilor Fred Harrington Jr.)

Motion carried.

Next Regular Tribal Council Meeting:

September 26, 2019

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

  
Julie Shananaquet, Tribal Council Secretary

Date

9/26/19