

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
September 26, 2019**

Call to Order: 9:05 a.m.
Opening ceremony: Tamara Kiogima
Closed Session: yes

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

Absent: none

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, Legislative Services Attorney Donna Budnick, General Counsel James Bransky

Corporate Charters Present: Odawa Economic Affairs Holding Company Mary Roberts, Greg Karlis and Cheryl Keshigo Lesky

Executive Officials and Staff Present: Tribal Chairperson Regina Gasco-Bentley, Executive Director Unit II Daugherty Johnson, Chief Financial Officer Carrie Carlson

Judicial Officials and Staff: none

Public: Renee' Dillard, Toni Gasco, William Ortiz, Andrew Stich

Invited Guests:
Odawa Casino Resort's General Manager Ron Olson, Director of Finance Roger Borton, Director of Property Operations Barry Laughlin and Director of Slots Dennis Shananaquet

Agenda:

Motion made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to adopt the agenda for September 26, 2019 as presented.

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

Motion carried.

Dedication:

Motion made Treasurer Marcella Reyes and supported by Councilor Fred Harrington Jr. to dedicate this meeting in honor of the following Citizen(s) who have walked on: Charles Keway, Jr.

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

Motion carried.

Minutes:

Motion made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to approve the Regular Meeting minutes of September 12, 2019, as presented.
Vote: 9- Yes, 0- No, 0- Abstained, 0- Absent
Motion carried.

Executive Oversight Report

Discussion: Chairperson Regina-Gasco Bentley: Will be attending Violence Against Women Act (VAWA)/Mackinac Island and United Tribes of Michigan meeting. Attended Women in Business. Dock and signage improvements in progress.
Executive Director-Unit 2 Daugherty Johnson addressed upcoming changes in Elder's programs due to limited funding.

Motion made by Councilor Tamara Kiogima and supported by Councilor Marty Van De Car to acknowledge the verbal and written Executive Oversight Report as presented by Tribal Chairperson Regina Gasco-Bentley and Executive Director Unit II Daugherty Johnson on September 26, 2019.
Vote: 9- Yes, 0- No, 0- Abstained, 0- Absent
Motion carried.

Legislative Officer Reports:

Legislative Leader Report

- i. Travel Report – American Indian Tourism Conference, Tulsa, OK
- ii. Activities
- iii. Communication with Executive Branch

10:03 a.m. Break

10:18 a.m. Resume

Motion made by Secretary Julie Shananaquet and supported by Councilor Melissa Pamp to accept Legislative Leader Emily Proctor's verbal Travel Report for attendance at the American Indian Tourism Conference held in Tulsa, OK.
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Councilor Fred Harrington, Jr.)
Motion carried.

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to accept Legislative Leader Emily Proctor's verbal report as presented on September 26, 2019.
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Councilor Fred Harrington, Jr.)
Motion carried.

10:25 a.m. Odawa Casino Resort

Motion made by Secretary Julie Shananaquet and supported by Councilor Melissa Pamp to approve Odawa Casino Resort's PNC Final Term Sheet and Commitment Letter not to exceed \$50,000,000.00 and authorize the Treasurer Marcella Reyes and Chairperson Regina Gasco-Bentley to sign.
Vote: 5- Yes, 2- No (Councilor Fred Kiogima, Legislative Leader Emily Proctor) 1- Abstained (Councilor Marty Van De Car), 1- Absent (Councilor Fred Harrington Jr.)
Motion carried.

Motion made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to approve Odawa Casino & I-5 Design-Build, Inc. as part of the \$50,000,000.00 PNC loan package and not to exceed \$2,896,440.00.

Vote: 6- Yes, 1- No (Legislative Leader Emily Proctor), 1 Abstained (Councilor Marty Van De Car), 1- Absent (Councilor Fred Harrington, Jr.)

Motion carried.

Secretary Report

Documents Delivered to Executive: None

Vetoed:

09/19/19-Gaming Regulatory Statute was **VETOED**

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

Phone Polls: None

Motion made by Councilor Tamara Kiogima and supported by Councilor Leroy Shomin to accept Secretary Julie Shananaquet's verbal and written report as presented on the agenda for September 26, 2019.

Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Councilor Fred Harrington, jr.)

Motion carried.

Treasurer Report

Appropriations and Finance Committee

(Motions made at Appropriations and Finance Committee Meeting held on September 17, 2019))

-Motion made by Secretary Shananaquet and supported by Councilor Shomin to recommend to Tribal Council to approve Certified Motion # 092619-01 Request for Funding from U.S. Department of Housing and Urban Development Native American Housing Assistance and Self-Determination Act (NAHASDA), Indian Housing Block Grant Program FY 2020.

Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent

Motion carried.

-Motion made by Secretary Shananaquet and supported Councilor Shomin to recommend to Tribal Council to approve Certified Motion # 092619-03 Ziibimijwang, Inc. Request for Funding through the Native American Agricultural Fund.

Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent

Motion carried.

-Motion made by Councilor Shomin and supported Secretary Shananaquet to recommend to Tribal Council to adopt Tribal Resolution Supplemental Funding in the amount of \$135,286.00 for infrastructure and virtual server for the LTBB Government.

Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent

Motion carried.

-Motion made by Secretary Shananaquet and supported by Councilor Shomin to recommend to Tribal Council to approve Odawa Casino Resort's PNC Final Term Sheet and Commitment Letter in the Amount of \$50,000,000.00

Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent

Motion carried.

-Motion made by Councilor Shomin and supported by Secretary Shananaquet to recommend to Tribal Council to approve the Design-Build Agreement between Odawa

Casino & I-5 Design-Build, Inc. as part of the \$50,000,000.00 PNC loan package and not to exceed \$2,896,440.00.

Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent

Motion carried.

-Motion made by Secretary Shananaquet and supported by Councilor Shomin to recommend to Tribal Council to adopt Tribal Resolution Supplemental Funding for the Office of Finance and Revenue, Economic & Business Development Director for FY 2020 in the amount of \$128,727.00 to come from the General Fund-Fund Balance.

Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent

Motion carried.

Phone Polls passed by Appropriations and Finance Committee:

09/19/19 - Motion to recommend to Tribal Council to approve Certified Motion # 092619-04 Request for Funding from the U.S. Department of Health and Human Services, Indian Health Service, Joint Venture Construction Program FY 2020.

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

Comments: none

Motion carried.

09/24/19 - Motion to recommend to Tribal Council to adopt Tribal Resolution Supplemental Funding to Mina Mskiki Gumik for Computer Infrastructure and a Virtual Server in the amount of \$121,687.00.

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

Comments: none

Motion carried.

-Next Meeting: Tuesday, October 15, 2019 at 9:00 a.m. in Council Chambers

Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Kiogima to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda of September 26, 2019, by Treasurer Marcella Reyes, Committee Chair.

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

Motion carried.

Land and Reservation Committee

-Last Meeting: September 6, 2019

(Motions presented at the September 12, 2019 Tribal Council Meeting)

-Next Meeting: October 4, 2019 at 10:00 a.m. for the 2019 Northern Land Tour.

-Next Regular Scheduled Meeting: Friday, November 1, 2019 at 9:00 a.m. in Council Chambers.

Motion made by Councilor Tamara Kiogima and supported by Councilor Melissa Pamp to accept the Land and Reservation Committee verbal report as provided on the agenda of September 26, 2019 by Treasurer Reyes, Committee Chair.

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

Motion carried.

Public Comment

11:41 a.m. Opens

Andrew Stich-LTBB Citizen, Personnel Issue, Reservation boundary issues, Tribal housing needs.

11:46 a.m. Closes

Tribal Council Member Reports:

Councilor Tamara Kiogima – Update on Drug Court Graduation that occurred on September 25, 2019.

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to accept Councilor Tamara Kiogima’s verbal report as presented on September 26, 2019.

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

Motion carried.

11:53 a.m. Lunch Break

1:38 p.m. Meeting Resumes

Legislative Office Reports:

Office of Economic & Business Development

Travel Report – American Indian Museum Conference – Tulsa, OK

Motion made by Councilor Melissa Pamp and supported by Councilor Leroy Shomin to accept Economic Business and Development Director Billi Jo Head’s verbal and written travel report as presented on September 12, 2019.

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

Motion carried.

Corporate Charters and/or Board Updates:

- a. Traditional Tribal Burial Board, Inc.- no report
- b. Odawa Economic Development Management, Inc.- no report
- c. Ziibimijwang, Inc.-no report
- d. Odawa Economic Affairs Holding, Inc.- update provided
- e. American Indigenous Sovereign Funds, Inc. – no report
- f. Odawa Construction, Inc. – no report
- g. Odawa Aviation, Inc. – no report

Motion made by Secretary Julie Shananaquet and supported by Councilor Tamara Kiogima to accept Economic Business and Development Director Billi Jo Head’s verbal report as presented on September 26, 2019.

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

Motion carried.

Odawa Economic Affairs Holding Corporation

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Tamara Kiogima to accept Odawa Economic Affairs Holding Corporation verbal and written report as presented on September 26, 2019.

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

Motion carried.

Public Comment

2:42 p.m. Opens

Andrew Stich – Housing shortage, Hogan/Adams, personnel issue.

Renee Dillard – Here for observation only.

Tonia Gasco – Two previous reports sent to Executive Department. Read into record last complaint.

Linda Gokee – Law Enforcement improprieties (release of information and laws preventing unauthorized actions)

3:23 p.m. Closes

3:23 p.m. Break

3:42 p.m. Resume

Office of Finance and Revenue

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Fred Kiogima to accept Sr Financial Analyst Rachel Cope's verbal and written report as presented on September 26, 2019.

Vote: 8- Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader Emily Proctor)

Motion carried.

Tribal Historic Preservation Officer

Motion made by Treasurer Marcella Reyes and supported by Councilor Tamara Kiogima to accept the Tribal Historic Preservation Officer Melissa Wiatrolik's verbal and written report as presented on September 26, 2019.

Vote: 8- Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader Emily Proctor)

Motion carried.

Legislative Services Attorney (Closed Session)

4:03 p.m. Motion made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to go into closed session for Confidential Business Matters.

Vote: 8- Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader Emily Proctor)

Motion carried.

4:20 p.m. Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to return to open session.

Vote: 8- Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader Emily Proctor)

Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and written report as presented on September 26, 2019.

Vote: 8- Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader Emily Proctor)

Motion carried.

General Counsel

Motion made by Councilor Tamara Kiogima and supported by Councilor Leroy Shomin to accept General Counsel Jim Bransky's verbal report as presented on September 26, 2019.

Vote: 8- Yes, 0- No, 0- Abstained, 1– Absent (Legislative Leader Emily Proctor)

Motion carried.

Legislative Office Manager

Motion made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented on September 26, 2019.

Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)
Motion carried.

Tribal Council Action Items: Motions

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to approve Certified Motion # 092619-01 Request for Funding from U.S. Department of Housing and Urban Development Native American Housing Assistance and Self-Determination Act (NAHASDA), Indian Housing Block Grant Program FY 2020.
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)
Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Councilor Marty Van De Car to approve Certified Motion # 092619-02 Approval of FY 2020 – FY 2023 Tribal Transportation Improvement Plan.
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)
Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Treasurer Marcella Reyes to approve Certified Motion # 092619-03 Ziibimijwang, Inc., Request for Funding through the Native American Agricultural Fund.
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)
Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Tamara Kiogima to approve Certified Motion # 092619-04 Request for Funding from the U.S. Department of Health and Human Services, Indian Health Service, Joint Venture Construction Program FY 2020.
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)
Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to approve Certified Motion # 092619-05 Gaming Authority Agreement with TSG Interactive US Services Limited for Online Market Access.
Vote: 6- Yes, 1- No (Councilor Fred Kiogima), 1- Abstained (Councilor Marty Van De Car), 1- Absent (Legislative Leader Emily Proctor)
Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Melissa Pamp to approve Citizenship List A-Eligible for Citizenship dated September 18, 2019 for a total of seven (7).
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)
Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to approve Citizenship List B-Declination (Ineligible) dated September 18, 2019 for a total of one (1).
Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)
Motion carried.

Motion Treasurer Marcella Reyes and Councilor Marty Van De Car to approve Tribal Council attendance to RES2020 Reservation Economic Summit on March 1-5, 2020 in Las Vegas, NV.

Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)

Motion carried.

Motion Councilor Leroy Shomin and Treasurer Marcella Reyes to authorize and approve the Tribal Chairperson to send a letter requesting a meeting to discuss a potential compact with Governor Whitmer of the State of Michigan regarding the Michigan Regulation and Taxation of Marihuana Act.

Vote: 7- Yes, 1- No (Councilor Tamara Kiogima), 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to amend the agenda to include:

- a) Clark Construction Contract
- b) Remove motion regarding Gaming veto

Vote: 8- Yes, 0- No, 0- Abstained, 1- Absent (Legislative Leader Emily Proctor)

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Treasurer Marcella Reyes to approve Clark Construction Contract for Mackinaw City Casino expansion.

Vote: 8- Yes, 0- No, 1- Abstained (Councilor Marty Van De Car), 1- Absent (Legislative Leader Emily Proctor)

Motion carried.

Tribal Council Action Items: Roll Call Votes

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to adopt Tribal Resolution Supplemental Funding in the amount of \$135,286.00 for (*computer*) infrastructure and virtual server for the LTBB government.

Roll Call: Councilor Fred Harrington Jr.-yes, Councilor Fred Kiogima-yes, Councilor Tamara Kiogima-yes, Councilor Melissa Pamp-yes, Councilor Leroy Shomin-yes, Councilor Marty Van De Car-yes, Legislative Leader Emily Proctor-absent, Secretary Julie Shananaquet-yes, Treasurer Marcella Reyes-yes

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Treasurer Marcella Reyes to adopt Tribal Resolution Supplemental Funding to Mina Mskiki Gumik for Computer Infrastructure and a Virtual Server in the amount of \$121,687.00.

Roll Call: Councilor Fred Harrington Jr.-yes, Councilor Fred Kiogima-yes, Councilor Tamara Kiogima-yes, Councilor Melissa Pamp-yes, Councilor Leroy Shomin-yes, Councilor Marty Van De Car-yes, Legislative Leader Emily Proctor-absent, Secretary Julie Shananaquet-yes, Treasurer Marcella Reyes-yes

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported Councilor Leroy Shomin to adopt Tribal Resolution Supplemental Funding to the Office of Finance and Revenue, Economic & Business Development Director for FY 2020 in the amount of \$128,727.00 to come from the General Fund-Fund Balance.



