

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting Minutes  
November 21, 2019

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

Opening ceremony: Marty Van De Car

Closed Session: yes

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

Absent: Councilor Tamara Kiogima, Councilor Melissa Pamp

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick Legislative, Office Manager Michele Portman-LaCount, Sr. Financial Analyst Rachel Cope, Tribal Historic Preservation Officer Melissa Wiatroluk, Economic and Business Development Director Billi Jo Head

Executive Officials and Staff Present: Chief Financial Officer Carrie Carlson, Executive Director Unit II Daugherty Johnson, Human Resources Department Director Denise Petoskey

Judicial Officials and Staff: none

Public: Andrew Stich

Invited Guest: Rehmann Robson Annette Eustice

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**Motion** made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to adopt the agenda for November 21, 2019 as presented.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to dedicate this meeting in honor of the following Citizen(s) who have walked on:

Christopher Beaver, Shirley (Shann) Davenport, Shirley Dunkley.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

**9:14 a.m.** Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to enter into Closed Session for Personnel.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Kiogima)

Motion carried.

**10:24 a.m.** Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to return to Open Session.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)  
Motion carried.

**10:24 a.m.** Break  
**10:36 a.m.** Return

**Rehmann Robson Audit Presentation.**

**Motion** made by Secretary Julie Shananaquet and supported by Councilor Marty Van De Car to acknowledge receipt of Rehmann Robson's FY2018 Audit Report.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

**Executive Report:**

Discussion: Executive Director Unit II Daugherty Johnson – Halloween a success. Per Cap checks all sent out. Tribal Chairperson Regina Gasco-Bentley attended Tribal-State Summit with Governor. At Chippewa Ottawa Resource Authority today. Hunting, Fishing, Gathering Regulations posted for comment. Hemp Regulations moving along. New house moving onto foundation. Handbook wrapping up-used Legislative Branch's as template. Executive and Judicial Branch closed December 24, 2019-January 1, 2020 with the exception of the Health Clinic, Pharmacy, Law Enforcement and Natural Resources Department Conservation.

**Motion** made by Councilor Fred Harrington, Jr. and supported by Treasurer Marcella Reyes to acknowledge the verbal Executive Report as presented by Executive Director Unit II Daugherty Johnson for November 21, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

**Legislative Officer Reports:**

Legislative Leader Report

Discussion: Responded to emails and personnel Issues.

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Harrington, Jr. to accept Legislative Leader Emily Proctor's verbal report for November 21, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

Secretary Report

Documents Delivered to Executive:

- i. The following Tribal Resolutions were signed by the Executive on 10/29/19:
  - Election Board Request for Supplemental Funding in the Amount of \$27,197.00 to Come from the General Fund-Fund Balance.
  - Ziibimijwang, Inc. Request for Supplemental Funding in the Amount of \$30,000 to Provide for a 30% cash match of the Rural Development Grant to come from the General Fund-Fund Balance restricted for Economic Development.
  - Ad-Hoc Insurance Committee.
  - To Reduce and Eliminate the use of Plastic Straws and Expanded Polystyrene Products.

- ii. The following Tribal Resolution was signed by the Executive on 11/12/19:  
-Clarification of Tribal Resolution #082219-01 Promotion of a Living Wage.
- iii. Vetoes: none
- iv. Phone Polls passed by Tribal Council:

**-11/14/19 Reason for Phone Poll: Motion** to authorize and approve Odawa Economic Development Management Inc. (OEDMI) to negotiate a revolving line of credit with Fifth Third Bank in an amount not to exceed \$3 million under option 3 (excluding the deposit account requirement), as identified in the term sheet dated October 8, 2019, for the purchase of the Windsor Inn, 1859 US-131, Petoskey, Michigan; and OEDMI will assume all costs associated with obtaining the line of credit.

**Phone Poll Vote:** 3 Yes, 6 No (Councilor Fred Harrington Jr., Councilor Melissa Pamp, Councilor Leroy Shomin, Councilor Marty Van De Car, Treasurer Marcella Reyes, Secretary Julie Shananaquet), 0 Abstained, 0 Absent

**Motion fails.**

**Comments:**

**Fred Kiogima:** Am very concerned about our continued reliance on borrowing money.

**Melissa Pamp:** I voted NO, for the following reasons. Too often, we've bought property that's not worth the selling price. Windsor Inn is at most a 2-star hotel. According to guest reviews: Bathrooms have mold in the corners/walls due to poor working exhaust fans, carpet is dirty, rooms are filthy, electrical outlets not working, beds shaped like bowls, bathrooms smell like sewer, wallpaper peeling, curtains won't close, refrigerators not holding temp, electrical issues in numerous rooms, pet hair all over, pool needs repair and the list goes on. There would be a substantial amount of money invested into repairs/updates to make it suitable for our tribal citizens. I'd rather see \$3 million go towards permanent housing instead of temporary housing that will be demolished in a few years.

**Julie Shananaquet:** My vote will be no for the following reasons: We never received a copy of the proposed land purchase price of (\$2M) as requested. We have not seen a complete business economic plan for property other than comments that this land will be utilized as a transitional property for the next 3-5 years? If the proposed sale price is \$2M what, how and where will the additional \$1M come into play or be used? If Council is to do their due diligence on property carrying a hefty price tag, should we not have the complete economic development plan? Granted I know the need for transitional housing, but we have already sunk large amounts of tribal \$\$ into the run-down Coach House, do we want to continue this trend with Windsor Inn, who is in close running with Coach House? I know this property is in a "sweet" location, but if we are doing this solely as a housing service, we may be better off building or locating a different building for that purpose and at the price of \$3M. If this is truly for economic development, I have an expectation that we would be presented with a thorough business plan including payoff and revenue expectations. Just food for thought.

**Motion** made by Councilor Fred Harrington, Jr. and supported by Councilor Fred Kiogima to accept Secretary Julie Shananaquet's verbal and written report as presented on the agenda for November 21, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

Treasurer Report

Appropriations and Finance Committee

Last meeting: November 12, 2019

*-Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend to Tribal Council to approve Certified Motion # 112119-01 Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs, FY 2020 Rights Protection Implementation.*

*Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent  
Motion carried.*

*-Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend to Tribal Council to approve Certified Motion # 112119-02 Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs, Fish Hatchery Maintenance Project FY 2020.*

*Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent  
Motion carried.*

*-Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend to Tribal Council to approve Certified Motion # 112119-03 Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs, FY 2020 Tribal Youth Initiative Project.*

*Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent  
Motion carried.*

*-Motion made by Councilor Leroy Shomin and supported by Secretary Julie Shananaquet to recommend to Tribal Council to approve Certified Motion # 112119-04 Request for Funding from U.S. Environmental Protection Agency, FY 2018 & FY 2019 Request for Applications from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319 Non-Federal Match Amended.*

*Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent  
Motion carried.*

*-Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend to Tribal Council to adopt Tribal Resolution Traditional Tribal Burial, Inc. Request for FY2020 Contribution in the Amount of \$73,094.00 to come from the General Fund-Fund Balance.*

*Vote: 3 - Yes, 0 - No, 0 - Abstain, 0 - Absent  
Motion carried.*

**Next Meeting: December 10, 2019 at 9:00 a.m. in the Council Chambers.**

**Phone Polls passed by Appropriations and Finance Committee:**

*-11/18/19 Reason for Phone Poll: Motion to recommend to Tribal Council to approve Certified Motion # 112119-05 Request for Funding from U.S. Environmental Protection Agency, FY 2020 Request for Applications from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319.*

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

*Comments: none*

*Motion carried.*

**Motion** made by Councilor Fred Harrington, Jr. and supported by Councilor Marty Van De Car to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda by Treasurer Marcella Reyes' Committee Chair for November 21, 2019.

**Vote:** 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

**Tribal Council Committee Reports:**

Land and Reservation Committee

Last meeting: November 1, 2019 (*Motions made at Land and Reservation Committee Meeting were presented at the November 7, 2019 Tribal Council Meeting.*)

Next meeting: Friday, December 6, 2019 at 9:00 a.m. in Council Chambers

**Motion** made by Councilor Leroy Shomin and supported by Councilor Fred Kiogima to accept Treasurer Marcella Reyes Committee Chair's verbal and written report for the Land and Reservation Committee as presented on the agenda for November 21, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

**Legislative Staff Reports:**

Tribal Historic Preservation Officer

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Marty Van De Car to accept the Tribal Historic Preservation Officer Melissa Wiatrolik's verbal and written report for November 21, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

**Motion** made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to accept Tribal Historic Preservation Officer Melissa Wiatrolik's verbal and written November 11-15, 2019 Association on American Indian Affairs Repatriation Conference travel report.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Marty Van De Car)

Motion carried.

Office of Finance and Revenue

Sr Financial Analyst Rachel Cope

**Motion** made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to accept Sr Financial Analyst Rachel Cope's verbal and written report for November 21, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

**Public Comment:**

**11:46 a.m.** Public Comment opened

- Citizen Andrew Stich says \$7.5 million spent for litigation when there are no emergency services such as having a fire department.
- Citizen Jannan Cornstalk says the Odawa Casino Resort sign property is a hazardous area in winter so perhaps a snow fence could be put in place. Would like to revive summer solstice gatherings at Stone Circle.

**11:50 a.m.** Public Comment closed

## **Tribal Council Member Reports:**

### Councilor Marty Van De Car

**Motion** made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to accept Councilor Marty Van De Car's written October 20-25, 2019 National Congress of American Indians travel report.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

Legislative Staff Reports continued

### Legislative Services Attorney

**Motion** made by Treasurer Marcella Reyes and sponsored by Secretary Julie Shananaquet to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and written report for November 21, 2019.

Vote: 7- Yes, 0- No, 0- Abstained, 2- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp)

Motion carried.

**12:03 p.m.** Lunch, Councilor Fred Harrington, Jr. left the meeting.

**1:30 p.m. p.m.** Return

Introduction of new Tribal Government Employees: Theresa Keshick Anishinaabemowin Department Assistant, Medical Records Tech Maya Schlappi, Danielle Becenti Family Spirit Health Educator and Randy Lucy Deputy Law Enforcement Officer.

### Legislative Office Manager

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report for November 21, 2019.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

**Motion** made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to amend the agenda to schedule a Special Work Session.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

**Motion** made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to schedule a Special Work Session on December 6, 2019 at 1:30 p.m. for Ethics Statute discussion and other Tribal Council business.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

### Review and Approve Minutes

**Motion** made by Treasurer Marcella Reyes and supported by Secretary Julie Shananaquet to approve the minutes of November 7, 2019 as presented.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)  
Motion carried.

**Motion** made by Councilor Leroy Shomin and supported by Councilor Marty Van De Car to repost the Hemp Authorization and Regulatory Commission Statute to the Legislative Calendar in the Odawa Register as sponsored by Councilor Fred Harrington Jr.  
Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)  
Motion carried.

**Motion** made by Councilor Fred Kiogima and supported by Treasurer Marcella Reyes to approve Certified Motion # 112119-01 Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs, FY 2020 Rights Protection Implementation.  
Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)  
Motion carried.

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to Tribal Council to approve Certified Motion # 112119-02 Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs, Fish Hatchery Maintenance Project FY 2020.  
Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)  
Motion carried.

**Motion** made by Councilor Leroy Shomin and supported by Councilor Fred Kiogima to approve Certified Motion # 112119-03 Request for Funding from the United States Department of the Interior, Bureau of Indian Affairs, FY 2020 Tribal Youth Initiative Project.  
Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)  
Motion carried.

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to approve Certified Motion # 112119-04 Request for Funding from U.S. Environmental Protection Agency, FY 2018 & FY 2019 Request for Applications from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319 Non-Federal Match Amended.  
Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)  
Motion carried.

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Marty Van De Car to approve Certified Motion # 112119-05 Request for Funding from U.S. Environmental Protection Agency, FY 2020 Request for Applications from Indian Tribes and Intertribal Consortia for Nonpoint Source Management Grants Under Clean Water Act (CWA) Section 319.  
Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)  
Motion carried.

**Motion** made by Councilor Fred Kiogima and supported by Councilor Marty Van De Car to remove LEG-251 American Indigenous Sovereign Funds, LEG-252 Odawa Aviation Corporation, LEG-253 Odawa Construction Corporation, LEG-254 Ziibimijwang, Inc. Corporate Charter, and LEG-255 Odawa Economic Affairs Holding Corporation from the Legislative Calendar.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to approve the Memorandum of Understanding with Michigan Indian Legal Services for a Medical Legal Partnership, and authorize the Chairperson or designee to sign the Memorandum of Understanding on behalf of the Tribe.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

**Motion** made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to approve Citizenship List A-Eligible for Citizenship dated November 19, 2019 for a total of two (2).

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

**Motion** made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to adopt Tribal Resolution Traditional Tribal Burial, Inc. Request for FY2020 Contribution in the Amount of \$73,094.00 to come from the General Fund-Fund Balance.

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

Motion carried.

**Motion** made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to amend the agenda to include motion to rescind the November 7, 2019 to direct Councilor Fred Harrington, Jr. to continue the Strategic Planning Process for Economic Growth as started in December 2018 at no additional cost.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

**Motion** made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to rescind the November 7, 2019 motion made by Secretary Julie Shananaquet and supported by Councilor Melissa Pamp to direct Councilor Fred Harrington, Jr. to continue the Strategic Planning Process for Economic Growth as started in December 2018 at no additional cost.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

2:53 p.m. Break

3:00 p.m. Return

**Public Comment**

**3:02 p.m.** Open

- Citizen Frank Ettawageshik spoke on going to Madrid to represent National Congress of American Indians. Would like to develop document regarding how we save energy including food waste to present.
- Citizen Meredith Kennedy spoke regarding LTBB Headstart and the need for a bus driver.

**3:16 p.m.** Closes

**3:35 p.m.** Break

**4:00 p.m.** Resume

Gaming Authority Report – 2019 3<sup>rd</sup> Quarter Report

**4:01 p.m. Motion** made by Councilor Fred Kiogima and supported by Councilor Leroy Shomin to enter into Closed Session for Confidential Business.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

**5:12 p.m. Motion** made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to return to open session.

Vote: 6- Yes, 0- No, 0- Abstained, 3- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr.)

Motion carried.

**5:45 p.m.** Legislative Leader Emily Proctor left the meeting.

**Motion** made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to acknowledge receipt of the Gaming Authority/Odawa Casino Resort 2019 3<sup>rd</sup> Quarter Report, and September 2019 Odawa Casino Resort Petoskey and Mackinaw Financial Reports.

Vote: 4- Yes, 0- No, 1- Abstained (Councilor Marty Van De Car), 4- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr., Legislative Leader Emily Proctor)

Motion carried.

**6:08 p.m. Motion** made by Councilor Leroy Shomin and supported by Councilor Fred Kiogima to adjourn.

Vote: 5- Yes, 0- No, 0- Abstained, 4- Absent (Councilor Tamara Kiogima, Councilor Melissa Pamp, Councilor Fred Harrington, Jr., Legislative Leader Emily Proctor)

Motion carried.

Next Tribal Council Meeting  
Regular: December 19, 2019

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

  
\_\_\_\_\_  
Julie Shananaquet, Tribal Council Secretary

  
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Date