

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
March 12, 2020**

Call to Order: **9:03 a.m.**

Opening ceremony: Legislative Leader Emily Proctor

Closed Session: No

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

Absent: Councilor Fred Kiogima, Councilor Tamara Kiogima, Councilor Leroy Shomin, Secretary Julie Shananaquet

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Senior Financial Analyst Rachel Cope, Legislative Administrative Assistant Linda Gokee, General Counsel Jim Bransky

Corporate Charters Present: none

Executive Officials and Staff Present: Tribal Chair Regina Gasco Bentley, Unit I Executive Director Phil Harmon, Unit II Executive Director Daugherty "Duffy" Johnson

Judicial Officials and Staff: Domestic Violence Court Docket Coordinator Stuart Fenton

Public: none

Invited Guest: none

Motion made by Councilor Marty Van De Car and supported by Councilor Melissa Pamp adopt the agenda for March 12, 2020 as amended.

Comments: Councilor Fred Harrington Jr. suggests extending the Paid Time Off (PTO) Policy so staff does not attend work while being sick.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Councilor Leroy Shomin, Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Marty Van De Car to approve the Regular Meeting minutes of February 20, 2020 as presented.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Councilor Leroy Shomin, Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Marty Van De Car to approve the Special Meeting Minutes of March 3, 2020 as presented.

Vote: 5 - Yes, 0 - No, 0 - Abstained, 4 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Councilor Leroy Shomin, Secretary Julie Shananaquet)

Motion carried.

Executive Oversight Report:

Discussion: Tribal Chair Regina Gasco Bentley

- The Safety Group has been meeting two times per week. A meeting will be held tomorrow at 11:00 a.m. and at 4:30 p.m.
- All Executive and Department Travel has been cancelled.
- All activities have been cancelled this week and until further notice.
- Please do not panic over the Coronavirus. The steps the Executive is taking is precautionary measures. More will be known this Friday, March 13, 2020 and their office will update staff and community.
- A conference call is scheduled with the State of Michigan tomorrow.
- If the media contacts anyone within the Tribe regarding the coronavirus, please direct them to Unit I Executive Director Phil Harmon at x1421.
- Update from the Natural Resources Department Director Doug Craven and Executive on the Per- and polyfluoroalkyl substances (PFAS) contamination in Pellston, MI. The Executive will be sending an official letter to both the State of Michigan and Representative Lee Chatfield.
 - The Housing Department will be attaching well filters on the two tribally owned properties in Pellston.
- Attending many Chippewa Ottawa Resource Authority (CORA) 2020 Negotiations. Retired Justice Michael F. Cavanagh has been hired as a mediator for negotiations.
 - Thanked both Natural Resources Director Doug Craven and Great Lakes Fisheries Manager Kevin Donner for doing an excellent job in representing the Tribe at these negotiations.
- The "free house" has ongoing repairs and a target date for tenants is May 1, 2020.

9:23 a.m. Councilor Leroy Shomin arrives

Discussion: Unit I Executive Director Phil Harmon

- Facilities is working hard on cleaning the buildings.
 - Purchase Orders are in for disinfectants and Clorox Steam Cleaners

Discussion: Unit II Executive Director Daugherty "Duffy" Johnson

- Received COVID19 Protocols from Legislative Services Attorney Donna Budnick.
- All three branches of government will be working on a unified protocol.

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to acknowledge the verbal Executive Report as presented by Tribal Chair Regina Gasco Bentley, Unit I Executive Director Phil Harmon, and Unit II Executive Director Daugherty "Duffy" Johnson on March 12, 2020.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Legislative Officer Reports:

Legislative Leader Report

- Tribal Council Youth Ad-Hoc Committee meetings have been postponed. The next meeting will take place on Wednesday, April 22, 2020 at 3:30 p.m. in Council Chambers.

- Working with both Office Manager Michele Portman-LaCount and Legislative Services Attorney Donna Budnick on COVID-19 office protocols and department procedures.
- Met with the Executive and General Counsel on land sub-leases.
- Office Manager Michele Portman-LaCount has authorization for approving Administrative duties regarding staff and PTO.
- Communication with staff.
- Approved two Tribal Council phone polls, Certified Motions and protocol.

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to accept Legislative Leader Emily Proctor's verbal and written report for March 12, 2020. Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)
Motion carried.

9:54 a.m. Break
10:08 a.m. Return

Secretary Report

Documents Delivered to the Executive

The following Resolution & Statute were delivered to the Executive for signature:

- Tribal Resolution Supplemental funding for Ziibimijwang, Inc. in the amount of \$224,440 to come from the General Fund-Fund Balance restricted for Economic Development is due back to Tribal Council on or before 03/27/2020.
- Waganakising Odawak Statute Constitutionally Mandated Compensation for Election Board Members is due back to Tribal Council on or before 04/01/2020.

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

- Amendment to Waganakising Odawak Statute 2018-016 Gaming Authority Statute **VETOED** on 02/07/2020.
- Gaming Regulatory Statute **VETOED** on 02/11/2020.

Phone Polls passed by Tribal Council:

-02/25/2020 PHONE POLL #1: Motion to adopt Tribal Resolution Supplemental funding for Ziibimijwang, Inc. in the amount of \$224,440 to come from the General Fund-Fund Balance restricted for Economic Development.
Phone Poll Vote: 6 Yes, 0 No, 0 Abstain, 3 Absent (Treasurer Marcella Reyes, Councilor Fred Kiogima, Councilor Melissa Pamp)
Comments: none
Motion carried

-02/25/2020 PHONE POLL #2: Motion to pass Waganakising Odawak Statute Constitutionally Mandated Compensation for Election Board Members.
VOTE: 5 Yes, 0 No, 1 Abstain (Councilor Leroy Shomin), 3 Absent (Treasurer Marcella Reyes, Councilor Fred Kiogima, Councilor Melissa Pamp)
Comments: none
Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Leroy Shomin to accept the verbal and written Secretary Report as provided on the agenda by Legislative Leader Emily Proctor for March 12, 2020.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Treasurer Report

Appropriations and Finance Committee

-Last Meeting: February 14, 2020.

(Motions made at Appropriations and Finance Committee Meeting were presented at the February 20, 2020 Tribal Council Meeting)

-Next Meeting: Tuesday, March 17, 2020 at 9:00 a.m. in Council Chambers.

Phone Polls passed by Appropriations and Finance Committee: none

Motion made by Councilor Leroy Shomin and supported by Councilor Melissa Pamp to accept the Appropriations and Finance Committee verbal report as provided on the agenda by Treasurer Reyes, Committee Chair for March 12, 2020.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Land and Reservation Committee

-Last Meeting: February 14, 2020

-The March 6, 2020 meeting was cancelled due to inclement weather.

(Motions made at Land and Reservation Committee Meeting were presented at the February 20, 2020 Tribal Council Meeting.)

-Next Meeting: Monday, March 16, 2020 at 9:00 a.m. in Council Chambers.

Phone Polls passed by Land and Reservation Committee: none

Motion made by Councilor Melissa Pamp and supported by Councilor Marty Van De Car to accept the Land and Reservation Committee verbal report as provided on the agenda by Treasurer Reyes, Committee Chair for March 12, 2020.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Tribal Council Member Reports:

Councilor Marty Van De Car – Travel Report

Motion made by Treasurer Marcella Reyes and supported by Councilor Melissa Pamp to acknowledge receipt of Councilor Marty Van De Car's United Tribes of Michigan Meeting, February 19 -20, 2020 written and verbal travel report.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Treasurer Marcella Reyes - Travel Report

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Melissa Pamp to acknowledge receipt of Treasurer Marcella Reyes' United Tribes of Michigan Meeting, February 19-20, 2020 verbal travel report.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Legislative Office Reports:

Office of Finance and Revenue

i. Corporate Charters and/or Board Updates as provided by Senior Financial Analyst Rachel Cope.

ia. Traditional Tribal Burial Board, Inc.

- Hard working board. They have accomplished a lot in a short amount of time.
- Questioned when they will have new board members?

Note: This question was raised by Councilor Melissa Pamp to Unit II Executive Director Daugherty "Duffy" Johnson during the Executive Oversight Report at the February 20, 2020 Tribal Council Meeting.

ib. Odawa Economic Development Management, Inc.

- The board is doing well.
- Locking in at lower interest rates.

ic. Ziibimijwang, Inc.

id. Odawa Economic Affairs Holding Corporation

ie. Odawa Construction Corporation

- Issues with obtaining an EIN number

Legislative Leader Emily Proctor: Suggests the Odawa Construction Corporation have an alternative means of contact other than email.

Motion made by Councilor Fred Harrington Jr. and supported by Treasurer Marcella Reyes to accept Senior Financial Analyst Rachel Cope's verbal update on Corporate Charters and/or Boards for March 12, 2020.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

ii. Senior Financial Analyst

- Attended the Gaming Authority meeting. The Victories Sports and Entertainment Complex (formerly known as the Ozone) within Odawa Casino Resort Petoskey is ahead of schedule and under budget.
- Attended two Michigan Government Finance Officers Association (MGFOA) Spring Seminar.
- May postpone the Morgan Stanley visit in March.

- Will be working on the 2021 Budget binders for the Appropriations and Finance Committee.
- Rachel will be on vacation from March 24-31, 2020.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Marty Van De Car to accept Sr Financial Analyst Rachel Cope's verbal report for March 12, 2020.
 Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)
 Motion carried.

Tribal Historic Preservation Officer – No report

Legislative Services Attorney

Motion made by Councilor Leroy Shomin and supported by Councilor Melissa Pamp to acknowledge receipt of Legislative Services Attorney Donna Budnick's written report for March 12, 2020.
 Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)
 Motion carried.

General Counsel

- Odawa Casino Resort Sports Betting
- Gaming Compact
- Attending Chippewa Ottawa Resource Authority (CORA) 2020 Negotiations.
- Sewer Line and Pump Station agreement on Lears Road

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Marty Van De Car to accept General Counsel Jim Bransky's verbal report for March 12, 2020.
 Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)
 Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Treasurer Marcella Reyes to approve the agreement between the Little Traverse Bay Bands of Odawa Indians and Bear Creek Township, and Springvale-Bear Creek Sewage Disposal Authority for Sewer Services and Maintenance Access, and authorize the Chairperson to sign the agreement.
 Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)
 Motion carried.

Legislative Office Manager – No report

Tribal Council Action Items:

Motion made by Councilor Fred Harrington Jr. and supported by Treasurer Marcella Reyes to accept Sunnese Granados' Letter of Resignation from the Gaming Authority.
 Vote: 5 - Yes, 0 - No, 1 - Abstained (Councilor Marty Van De Car), 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)
 Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Melissa Pamp to approve Tribal Council Annual Report for Fiscal Year 2019 to be presented at the Little Traverse Bay Bands of Odawa Indians Annual Meeting.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Marty Van De Car and supported by Councilor Melissa Pamp to approve Ad-Hoc Insurance Committee Report to Tribal Chair and Tribal Council dated February 27, 2020, and approve the Committee's recommendations and "Next Steps".

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to acknowledge Citizenship List C – Voluntary Relinquishment dated March 9, 2020 for a total of one (1).

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to pass Waganakising Odawak Statute Marriage Statute.

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

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to pass Waganakising Odawak Statute Amendment to Waganakising Odawak Statute 2018-016 Gaming Authority Statute.

Roll Call Vote: Councilor Fred Harrington Jr.-Yes, Councilor Fred Kiogima-Absent, Councilor Tamara Kiogima-Absent, Councilor Melissa Pamp-Yes, Councilor Leroy Shomin-Yes, Councilor Marty Van De Car-Abstain, Treasurer Marcella Reyes-Yes, Secretary Julie Shananaquet-Absent, Legislative Leader Emily Proctor-No

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to pass Waganakising Odawak Statute Natural Burial Grounds.

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

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to pass Waganakising Odawak Statute Tribal Burial Board.

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

Motion carried.

Other Items of Business:

a. Gaming Authority – No reports

Motion to pass Tribal Council Committees Meeting Policy and Procedures for Electronic Participation when Conditions Do Not Allow for Physical Presence of Members.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

11:08 a.m. Public Comment Opens

- No comments made

11:09 a.m. Public Comment Closed

b. Legislative Services Attorney

- Worked on the Legislative Annual Report for the Community Meeting.
- Worked with both Domestic Violence Court Docket Coordinator Stuart Fenton and Councilor Marty Van De Car on the Domestic Violence, Victims' Rights, and Personal Protection Order Statutes.
- Will continue to work on the Ad-Hoc Insurance Committee.

Motion made by Councilor Fred Harrington Jr. and supported by Treasurer Marcella Reyes to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal report for March 12, 2020.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

11:22 a.m. Motion made by Councilor Fred Harrington Jr. and supported by Treasurer Marcella Reyes to adjourn.

Vote: 6 - Yes, 0 - No, 0 - Abstained, 3 - Absent (Councilor Fred Kiogima, Councilor Tamara Kiogima, Secretary Julie Shananaquet)

Motion carried.

Next Regular Scheduled Meeting:
Thursday, March 26, 2020 at 9:00 a.m.

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



Julie Shananaquet, Tribal Council Secretary

4/22/2020

Date

