

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting Minutes
July 23, 2020

Call to Order: **9:01 a.m.**
Closed Session: none

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

Absent: none

Legislative Office Staff Present: Legislative Services Attorney Donna L. Budnick, Legislative Office Manager Michele Portman-LaCount, Sr Financial Analyst Rachel Cope, General Counsel James Bransky

Executive Officials and Staff Present: Tribal Chairperson Regina Gasco-Bentley, Chief of Law Enforcement Jeff Cobe, Executive Director Unit II Daugherty Johnson, Executive Director Unit I Phil Harmon, Chief Financial Officer Carrie Carlson

Judicial Officials and Staff: Senior Court Clerk Cynthia Brouckaert

Public: John Kawegoma, Mary Laford, Denise Steffel, Carla Osawamick, Kevin Willis, Doug Emery, Rachael Koepf, Melissa Shomin, Joe VanAlstine, Mary Roberts, Valorie Glazier, Gwen Teuthorn, Marvin Mulholland, Matt Davis, Mel Kiogima

Invited Guest: Harmony Fierke-Gmazel, Extension Educator, Land Use and Civic Engagement, Bernadece Boda U.S Census Partnership Specialist for Charlevoix, Emmet and Antrim Counties.

Motion made by Councilor Tamara Kiogima and supported by Councilor Marty Van De Car to Adopt the Agenda of July 23, 2020 as presented.

Vote: 9-yes, 0-no, 0-abstain, 0-absent
Motion carried.

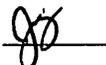
Motion made by Secretary Julie Shananaquet and supported by Treasurer Marcella Reyes to dedicate this meeting in honor of the following Tribal Citizens who have walked on: Jo Ann Holm, Marie Alice Michaels, Dawn Lynn Smith.

Vote: 9-yes, 0-no, 0-abstain, 0-absent
Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to approve the Minutes of July 9, 2020 as presented.

Vote: 9-yes, 0-no, 0-abstain, 0-absent
Motion carried.

Motion made by Councilor Fred Harrington, Jr. and supported by Councilor Leroy Shomin to adopt Tribal Resolution Appropriation of Funds for Operator's License Application Fees under Michigan Lawful Internet Gaming Act and Lawful Sports Betting Act.



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, Treasurer Marcella Reyes-yes, Secretary Julie Shananaquet-yes, Legislative Leader Emily Proctor-yes
Motion carried.

Executive Oversight Report - Discussion Items: Request from Petoskey School for Meeting to discuss Mascot, Hemp production and oversight issues, Storm damage, update on power outages. State COVID Unemployment benefits discontinued.

Motion made by Councilor Melissa Pamp and supported by Councilor Leroy Shomin to acknowledge the written and verbal Executive Oversight Report as presented by Tribal Chairperson Regina Gasco-Bentley, Unit 1 Director Phil Harmon, and Unit 2 Director Daugherty Johnston on July 23, 2020.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Census update – Bernadece Boda U.S. Census

Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Harrington Jr. to acknowledge Census update as presented by Bernadece Boda Partnership Specialist for Charlevoix, Emmet and Antrim Counties.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Next Townhall August 1, 2020 10:00 a.m. to 12:00 p.m. Will have Census Update.

Legislative Officer Reports:

Legislative Leader Report

Motion made by Councilor Leroy Shomin and supported by Councilor Tamara Kiogima to accept Legislative Leader Proctor's written and verbal report for July 23, 2020.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Secretary Report

Documents Delivered to the Executive:

- *Tribal Resolution 070920-01 Authorizing Loan from PNC Bank, National Association, and related Documents, Authorizing Tribal Appropriations for Payments of the Loan, Adopting Law Governing the Arbitration of Disputes related to the Loan, Adopting Law Regarding Security Interests and Addressing Related Matters and authorize Tribal Chair and Treasurer to sign the loan documents-Executive signed 07/10/20.*
- *Tribal Resolution 070920-02 Authorizing Limited Waivers of Sovereign Immunity and the Right to Exclude and Addressing Other Matters Required to Obtain and Maintain an Internet Gaming Operator's License from the Michigan Gaming Control Board. Executive signed 07/10/20.*
- *Vetoes: none*

- *Phone Polls passed by Tribal Council: none*
- *FYI: Disclosure: Telephone conversation with the following parties re: COVID Relief payments: Chairwoman Regina Gasco-Bentley, Honorable Allie Maldonado, Legislative Leader Proctor, Legislative Services Attorney Donna Budnick*

Motion made by Councilor Melissa Pamp and supported by Councilor Leroy Shomin to accept Secretary Julie Shananaquet's verbal and written report as provided on the agenda for July 23, 2020.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Treasurer Report

Appropriations and Finance Committee

-Last Regular Meeting: July 14, 2020 (*Motions made at Appropriations and Finance Committee Meeting*):

- *Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to recommend to Tribal Council to approve the Legislative Auditor Selection Policy.*
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 # 072320-01 Request for Funding from Michigan State Police Michigan Coronavirus Emergency Supplemental Funding (CESF) 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 adopt TRIBAL RESOLUTION to Authorize the Maamwi Council to Carryover Unused Funds Raised Through Fund-raising Events or Donations.*
Vote: 3-yes, 0 -no, 0 -abstain, 0-absent Motion carried.
- *Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to schedule a special AFC meeting, Wednesday, July 22, 2020 at 6:00pm with the following agenda items: Odawa Economic Affairs Holding Corporation's second quarterly report; third quarter budget; profit and loss reports and reporting; Annual operating plan; Financial performance measures; Audits; and Financial records and statements.*
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 Appropriations of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") in the amount of \$3,519,051.41 pending revision.*
- *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 Tribal Council to approve application for the COVID-19 Emergency Disaster Relief Payment Program, form, pending a legal opinion.*
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 the COVID-19 Emergency Disaster Relief Payment Program Policy pending legal opinion.*
Vote: 3-yes, 0-no, 0-abstain, 0-absent Motion carried.

- Last Special Meeting July 22, 2020 agenda included: Odawa Economic Affairs Holding Corporation's 2nd Quarterly Report, 3rd Quarter Budget, Profit and Loss Reports and Reporting Annual Operating Plan, Financial Performance Measures, Records and Statements, Audits
- Phone Polls passed by Appropriations and Finance Committee:
- 07/20/20 Reason for Phone Poll: to recommend to Tribal Council to approve CERTIFIED MOTION # 072320-02 Reallocation of United States Department of the Interior Bureau of Indian Affairs One-Time Welfare Assistance CARES Act Funds to One-Time Aid to Tribal Government CARES Act Funds. Vote-3-yes Motion carried.
- 07/20/20 Reason for Phone Poll: Motion to recommend to Tribal Council to approve CERTIFIED MOTION # 072320-03 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan Health Resources and Services Administration Maternal Health Supplement FY 2020-2023. Vote 3-yes Motion carried.
- Next Regular Meeting: August 11, 2020 at 9:00 a.m. via ZOOM

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Melissa Pamp to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda by Treasurer Marcella Reyes, Committee Chair and Secretary Julie Shananaquet for July 23, 2020.

Vote: 9-yes, 0-no, 0-abstain, 0-absent
Motion carried.

Land and Reservation Committee

- Last Meeting: July 17, 2020-Discussion of new Health Park plan, Land Acquisition-Collaborative Design/Land Use-Planning by Consensus discussion with Harmony Fierke-Gmazel, Extension Educator, Land Use and Civic Engagement. No action item motions were made at the meeting.
- Next Meeting: August 14, 2020 at 9:00 a.m. via Zoom

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to accept the Land and Reservation Committee verbal and written report as provided on the agenda by Treasurer Marcella Reyes, Committee Chair for July 23, 2020.

Vote: 9-yes, 0-no, 0-abstain, 0-absent
Motion carried.

Tribal Council Member Reports:

Councilor Fred Kiogima – discussion/clarification on the total utilization and expenditures of hazardous duty pay, that the Tribe as a whole has incurred thus far during the ongoing pandemic.

Motion made by Secretary Julie Shananaquet and supported by Councilor Melissa Pamp to accept Councilor Fred Kiogima's verbal report.

Vote: 9-yes, 0-no, 0-abstain, 0-absent
Motion carried.

9:35 a.m. Break

10:45 a.m. Resume

Councilor Marty Van De Car – Update on Medicaid Waiver/Reimbursements in conjunction with Mary Roberts-Elders Dept. Director.

Motion made by Secretary Julie Shananaquet and supported by Councilor Fred Kiogima to accept Councilor Marty Van De Car's verbal report.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Legislative Staff Reports:

Office of Finance and Revenue Report: Sr Financial Analyst Rachel Cope

Corporate Charters and/or Board Updates:

Odawa Economic Development Management, Inc.

Traditional Tribal Burial Board, Inc.

Ziibimijwang, Inc.

Odawa Economic Affairs Holding Corp

Odawa Construction

Gaming Authority

Motion made by Councilor Fred Kiogima and supported by Councilor Marty Van De Car to accept Sr Financial Analyst Rachel Cope's verbal and written report as presented on July 23, 2020.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Tribal Historic Preservation Officer-no report

Legislative Services Attorney

Motion made by Councilor Tamara Kiogima and supported by Councilor Marty Van De Car to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and written report as presented on July 23, 2020.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

11:45 a.m. Public Comment Opens

- John Kawagama - Gaming Revenue per capita revenue distribution, Elder Department program issues, COVID Relief payments.
- Tamela Okuly Shananaquet - Elder services need, such as home health care. Will now be able to work with Tribal departments to assist with Elder care.

12:02 p.m. Public Comment Closes

General Counsel

Motion made by Councilor Marty Van De Car and supported by Councilor Tamara Kiogima to accept General Counsel Jim Bransky's verbal report as presented on July 23, 2020.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

12:13 p.m. Break

12:26 p.m. Resume

Legislative Office Manager

Motion made by Councilor Fred Harrington Jr. and supported by Secretary Julie Shananaquet to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented on July 23, 2020.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Tribal Council Action Items:

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Melissa Pamp to approve the Legislative Auditor Selection Policy as recommended by the Appropriations and Finance Committee.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Treasurer Marcella Reyes to appoint Melissa Shomin to the Odawa Economic Affairs Holding Company for a 3-yr term expiring in July 2023.

Vote: 8-yes, 0-no, 1-abstain (Councilor Leroy Shomin), 0-absent

Motion carried.

Motion made by Councilor Marty Van De Car and supported by Treasurer Marcella Reyes to acknowledge receipt of Brent Bennington for Odawa Economic Affairs Holding Corporation and set up an interview.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Councilor Melissa Pamp to acknowledge receipt of Mark Shall for Odawa Economic Affairs Holding Corporation and set up an interview.

Vote: 7-yes, 1-no (Councilor Fred Harrington Jr.), 1-abstain (Treasurer Marcella Reyes), 0-absent

Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Fred Kiogima to appoint Kevin Hessellink to the position of Tribal Prosecutor to fill the remainder of a 3-year term ending June 2021.

Vote: 7-yes, 2-no, (Councilor Fred Harrington Jr., Councilor Leroy Shomin) 0-abstain, 0-absent

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Marty Van De Car to approve CERTIFIED MOTION # 072320-01 Request for Funding from Michigan State Police Michigan Coronavirus Emergency Supplemental Funding (CESF) FY 2020

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Councilor Melissa Pamp to approve CERTIFIED MOTION # 072320-02 Reallocation of United States Department of

the Interior Bureau of Indian Affairs One-Time Welfare Assistance CARES Act Funds to One-Time Aid to Tribal Government CARES Act Funds.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Motion made by Councilor Marty Van De Car and supported by Councilor Leroy Shomin to approve CERTIFIED MOTION # 072320-03 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan Health Resources and Services Administration Maternal Health Supplement FY 2020-2023.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Marty Van De Car to approve the COVID-19 Emergency Disaster Relief Payment Program Policy.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Melissa Pamp to acknowledge receipt of Odawa Economic Affairs Holding Company, Inc., amended 3rd Quarter Budget Report.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Marty Van De Car to cancel the Tribal Council August 4, 2020 work session and August 6, 2020 Regular Meeting.

Vote: 9-yes, 0-no, 0-abstain, 0-absent

Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Tamara Kiogima to adopt Tribal Resolution to Authorize the Maamwi Council to Carryover Unused Funds Raised Through Fundraising Events or Donations.

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, Treasurer Marcella Reyes-yes, Secretary Julie Shananaquet-yes, Legislative Leader Emily Proctor-yes

Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Councilor Marty Van De Car to adopt Tribal Resolution Appropriations of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") in the amount of \$3,519,051.41.

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, Treasurer Marcella Reyes-yes, Secretary Julie Shananaquet-yes, Legislative Leader Emily Proctor-yes

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to adopt Tribal Resolution Appropriation of Funds for Operator's License Application Fees under Michigan Lawful Internet Gaming Act and Lawful Sports Betting Act.

