

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
August 20, 2020
VIA Zoom**

Call to Order: **9:05 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 Leroy Shomin, Councilor Marty Van De Car, Treasurer Marcella Reyes, Secretary Julie Shananaquet, Legislative Leader Emily Proctor

Legislative Office Staff Present: Office Manager Michele Portman-LaCount, Legislative Services Attorney Donna Budnick, General Counsel Jim Bransky, Senior Financial Analyst Rachel Cope, Tribal Historic Preservation Officer Melissa Wiatrolik, Legislative Administrative Assistant Linda Gokee

Corporate Charters Present: Odawa Economic Affairs Holding Corporation Chair Greg Karlis, Treasurer Cheryl Kishigo, Secretary Melissa Shomin, Ex-Officio Rob Ellerman, and Administrative Assistant Shanna Kishigo; Ziibimijwang, Inc. Thurman Bear, Joe VanAlstine

Executive Officials and Staff Present: Executive Director Unit II Daugherty "Duffy" Johnson, Chief Financial Officer Carrie Carlson, Human Resources Generalist Rose Pyant, WOCTEP Student Advisor Michael Mondoskin, Elders Outreach Coordinator Holly LaCombe, Tribal Prosecutor Kevin Hesselink, Education Director Jordan Shananaquet, Language Director Carla Osawamick, Employment and Training Specialist Rachael Koepp, Planning Director Amanda Swiss, Gaming Regulatory Director Vince Cook, Natural Resources Office Coordinator Debra Smithkey-Browne, Human Services Program Specialist Melanie Gasco, Human Resources Director Denise Petoskey, Anishinaabemowin Teacher Netawn Kiogima, Safety Specialist Sue Gasco, Executive Director Unit I Phil Harmon, Elder's Director Mary Roberts, Behavioral Health Traditional Advisor Matt Davis

Judicial Officials and Staff: none

Public: Tammy Okuly Shananaquet, Renee Dillard, Daniel Harrington, Brent Bennington, Lily Anderson, Judy Field, Jannan Cornstalk, Cheryl Kilborn, Heather Syrette, Kara Smith, Marvin Mulholland, Maanii Tall Cloud, Doug Boda, Marie Schuyler, Bill Meshkey

Invited Guest: Gaming Regulatory Director Vince Cook; Odawa Casino Resort General Manager Ron Olsen, Director of Finance Roger Borton; Michigan State University-Extension Dr. James DeDecker

Motion made by Councilor Marty Van De Car and supported by Treasurer Marcella Reyes to adopt the agenda for August 20, 2020 as amended.

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

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to dedicate this meeting in honor of the following Tribal Citizens who have walked on: Donald D. Denemy, Erlene M. Futrel, Susan K. Goddard, John Paul Portman, William P. Shananaquet Jr., Dawn L. Smith, and Mark L. Smith.

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

Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Councilor Melissa Pamp to approve the Regular Meeting minutes of July 23, 2020 as presented.

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

Motion carried.

Introduction of new Tribal Government Employees:

Education Department: WOCTEP Student Advisor Michael Mondoskin;

Elders Outreach Coordinator Holly LaCombe;

Tribal Prosecutor Kevin Hesselink.

Odawa Economic Affairs Holding Corporation-Monthly Report

- Reviewed monthly report

Motion to acknowledge Odawa Economic Affairs Holding Corporation's updates as presented by Ex-Officio Rob Ellerman and Administrative Assistant Shanna Kishigo on August 20, 2020.

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

Motion carried.

Gaming Authority/Odawa Casino Resort's Confidential 2020 2nd Quarter Report

- Reviewed 2nd Quarterly Report including financials

Motion to acknowledge receipt of Odawa Casino Resort's 2020 Q2 Update and the Confidential letter for the Enterprise dated August 12, 2020 as presented by General Manager Ron Olsen and Director of Finance Roger Borton for August 20, 2020.

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

Motion carried.

10:33 a.m. Break

10:44 a.m. Resume

Odawa Economic Affairs Holding Company, Inc. Interview-Brent Bennington

Executive Oversight Report:

Discussion: Executive Director Unit II Daugherty "Duffy" Johnson

- Tribal Chair Regina Gasco Bentley is at the Chippewa Ottawa Resource Authority meeting today.
- IT is researching the GHZ.
- Second Street home is completed and is ready to be rented. Applicants are being reviewed.
- The free home the Tribe received has power, going through final inspection
- Processed over 1,500 CARES checks so far.

Discussion: Executive Director Unit I Phil Harmon

- Phase III COVID-19 Re-Opening Plan for the LTBB Government draft is just about finalized and will tentatively start September 1st with up to 75% staff to return.
- There were six (6) Elk draws.
- Doors are up on-line and working.
- Air conditioning unit on north wing problems being addressed. Selecting vendor. Hope to be running before end of August.

Motion made by Councilor Melissa Pamp and supported by Councilor Leroy Shomin to acknowledge the verbal and written Executive Oversight Report as presented by Executive Director Unit II Daugherty "Duffy" Johnson and Executive Director Unit I Phil Harmon for August 20, 2020.

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

Motion carried.

Tribal Council Officer Reports:

Legislative Leader Report

Motion made by Councilor Melissa Pamp and supported by Treasurer Marcella Reyes to accept Legislative Leader Emily Proctor's verbal and written report for August 20, 2020.

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

Motion carried.

Secretary Report

Documents Delivered to the Executive

-Tribal Resolution # 072320-01 Appropriation of Funds for Operator's License Application Fees under Michigan Lawful Internet Gaming Act and Lawful Sports Betting Act-Executive signed 07/23/20.

-Tribal Resolution # 072320-02 Appropriations of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") in the amount of \$3,519,051.41-Executive signed 07/23/20

-Tribal Resolution # 072320-03 To Authorize the Maamwi Council to Carryover Unused Funds Raised through Fundraising Events or Donations-Executive signed 07/23/20

-Tribal Resolution # 072420-01 Designation of Primary Management Official for Internet Gaming Operations-Executive signed 07/24/20

-Tribal Resolution # 081220-01 Supplemental Funding in the amount of \$40,000.00 for purchase and Install of a 25-ton Condenser Replacement to come from the General Fund-Fund Balance-Executive signed 08/17/2020

Vetoes (a vote of Tribal Council to override a veto shall occur within 90-days of the veto): none

Phone Polls passed by Tribal Council:

0724/20 Reason for Phone Poll: to adopt Tribal Resolution: Designation of Primary Management Official for Internet Gaming Operations.

Vote: 6-yes, 3-absent (Secretary Julie Shananaquet, Councilor Fred Kiogima, Councilor Melissa Pamp) Motion carried

08/03/20 Reason for Phone Poll: Motion to authorize and direct general counsel James Bransky to file an intervention petition on behalf of LTBB in Case U-20763 before the Michigan Public

Service Commission In the matter of the Application for the Authority to Replace and Relocate Segment of Line 5 Crossing the Straits of Mackinac into a Tunnel Beneath the Straits of Mackinac.

Phone Poll Vote: 9-Yes Motion carried

08/07/20 Reason for Phone Poll: Motion to approve COVID-19 Emergency Disaster Relief Payment Program Policy.

Phone Poll Vote: 9-yes Motion carried

Comments:

Councilor Fred Kiogima: My vote is YES, a much-needed clarification, all of our citizens need the funds.

08/12/20 Reason for Phone Poll: Motion to adopt Tribal Resolution Supplemental Funding in the amount of \$40,000.00 for purchase and Install of a 25-ton Condenser Replacement to come from the General Fund-Fund Balance.

Phone Poll Vote: 7- Yes, 2- Absent (Councilor Melissa Pamp, Secretary Julie Shananaquet) Motion carried

Motion made by Councilor Fred Kiogima and supported by Treasurer Marcella Reyes to accept Secretary Shananaquet's verbal and written report as provided on the agenda for August 20, 2020.

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

Motion carried.

Treasurer Report

Appropriations and Finance Committee

-Last Meeting: August 11, 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 CERTIFIED MOTION # 082020-01 Authorization and Support of Applications for and Acceptance of COVID-19 Related Funds Received under Tribal Resolution 032420-01 COVID-19 Suspension of Deadlines during June 2020.

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 # 082020-02 Request for Funding from the Indian Health Service, BEMAR Funds for FY 2020.

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 adopt Tribal Resolution Budget Modification for FY 2020 in the amount of \$40,000.00 to fund Capital Expenditures Market Rate Rental Upgrades.

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 adopt Tribal Resolution Supplemental Funding in the amount of \$40,000.00 for purchase and Install of a 25-ton Condenser Replacement to come from the General Fund-Fund Balance.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to approve the following dates and deadlines in accordance with the Tribal Government Budget Formulation and Modification Process Statute, and rescinds any previously approved Budget Calendar dates and Deadlines for the 2021 Annual Budget.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent

Motion carried.

- September 8, 2020 Approval of the General Fund Budget Allocation to Governmental Branches
- September 29, 2020 Branch / Department 2021 Annual Budget submissions to Office of Finance and Revenue Office, including General Fund Budgets, Cost Recovery Budgets and Grant/Federal Contract Fund Budgets
- October 1, 2020 Determination of any deletions or additions to Governmental Branch proposed budgets, and Governmental Branches Budget hearing
October 8, 2020 Tribal Council receipt of proposed 2021 Annual Budget, and posting of proposed 2021 Annual Budget made available for Tribal Citizens
- October 13, 2020 2021 Annual Budget Public Hearing (1:00pm)
- October 22, 2020 Tribal Council approval of 2021 Annual Budget
- October 23, 2020 Final 2021 Annual Budget posted to Tribal Website

-Next Meeting: Tuesday, September 8, 2020 at 9:00 a.m. via ZOOM

Phone Polls passed by Appropriations and Finance Committee: none

Motion made by Councilor Melissa Pamp and supported by Councilor Tamara Kiogima to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for August 20, 2020.

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

Motion carried.

Land and Reservation Committee

-Last Meeting: August 14, 2020.

(Motions made at Land and Reservation Committee Meeting)

Motion made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to recommend to Tribal Council to amend the Administration site plan to include the NRD Solar Array map dated 07/31/2020.

Vote: 2-yes, 0-no, 0-abstain, 1-absent (Treasurer Marcella Reyes)

Motion carried.

Motion made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to recommend to Tribal Council to post the LTBB Land Acquisition Due Diligence Policy to the Legislative Calendar in the Odawa Register.

Vote: 2-yes, 0-no, 0-abstain, 1-absent (Treasurer Marcella Reyes)

Motion carried.

-Next Meeting: Friday, September 11, 2020 at 9:00 a.m. via ZOOM

Public Comment

11:46 a.m. Opened

- Jannan Cornstalk commented regarding cultural appropriations for payment. Would like Tribal Council to write a letter the North Central Michigan College regarding the same.
- Heather Syrette agreed with Jannan Cornstalk. She too reached out to individual for her reason for charging.
- Matt Davis suggested attending sacred fire and/or talking circle to move forward.
- Melissa Shomin thanked everyone who has participated online today, Tribal Council and Tribal Citizens.

12:18 p.m. Closed

Motion made by Councilor Leroy Shomin and supported by Councilor Melissa Pamp to accept the Land and Reservation Committee verbal and written report as provided on the agenda by Legislative Leader Emily Proctor, Committee Member for August 20, 2020.

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

Motion carried.

Tribal Council Member Reports: none

Legislative Office Reports:

Office of Finance and Revenue

Corporate Charters and/or Board Updates:

- Ziibimijwang, Inc.
 - PowerPoint presentation on Hemp TRIM (Tribal Research Initiative for Michigan) Project as presented by Dr James DeDecker, Michigan State University-Extension and Ziibimijwang, Inc. Thurman Bear.
- Traditional Tribal Burial Board – no reports.
- Odawa Economic Development Management, Inc. – no reports.

Senior Financial Analyst:

- Investment market oddities
- Executive orders Trump signed on social security
- Nine proposals received for audits sent to Appropriations and Finance Committee
- FY 2021 Budget process is starting all over. Possibility of reevaluating the budget every 90-days. The budget will need to be monitored very closely

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to accept Sr Financial Analyst Rachel Cope's verbal and written report for August 20, 2020.

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

Motion carried.

1:02 p.m. Lunch

1:31 p.m. Resume

Tribal Historic Preservation Officer

Motion made by Councilor Marty Van De Car and supported by Councilor Fred Kiogima to accept Tribal Historic Preservation Officer Melissa Wiatrolik's written report for August 20, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)
Motion carried.

Legislative Services Attorney

- Federal Torts Claims Act, Victories Square.
- Community Convention or Tourism Marketing Act.
- Donna will be out of the office next week and will be checking her emails for any urgent matters.

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 for August 20, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)
Motion carried.

General Counsel

Motion made by Councilor Fred Kiogima and supported by Councilor Marty Van De Car to accept General Counsel Jim Bransky's written report for August 20, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)
Motion carried.

Legislative Office Manager

Motion made by Treasurer Marcella Reyes and supported by Councilor Tamara Kiogima to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report as presented on August 20, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)
Motion carried.

Motion made by Councilor Leroy Shomin and supported by Councilor Tamara Kiogima to amend the agenda to include an appointment to Odawa Economic Affairs Holding Corporation.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)
Motion carried.

Tribal Council Action Items:

Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Kiogima to approve Citizenship List A – Eligible for Citizenship dated August 5, 2020 for a total of seven (7).

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)
Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to approve Citizenship List B – Declination (Ineligible) dated August 5, 2020 for a total of two (2).

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)
Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Marty Van De Car to approve CERTIFIED MOTION # 082020-01 Authorization and Support of Applications for and Acceptance of COVID-19 Related Funds Received under Tribal Resolution 032420-01 COVID-19 Suspension of Deadlines during June 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Melissa Pamp and supported by Councilor Fred Harrington Jr. to approve CERTIFIED MOTION # 082020-02 Request for Funding from the Indian Health Service, BEMAR Funds for FY 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Councilor Melissa Pamp to approve the following dates and deadlines in accordance with the Tribal Government Budget Formulation and Modification Process Statute, and rescinds any previously approved Budget Calendar dates and Deadline for the 2021 Annual Budget:

- September 8, 2020 Approval of the General Fund Budget Allocation to Governmental Branches.
- September 29, 2020 Branch/Department 2021 Annual Budget submissions to Treasury Office, including General Fund Budgets, Cost Recovery Budgets and Grant / Federal Contract Fund Budgets.
- October 1, 2020 Determination of any deletions or additions to Governmental Branch proposed budgets, and Governmental Branches Budget Hearing.
- October 8, 2020 Tribal Council receipt of proposed 2021 Annual Budget, and posting of proposed 2021 Annual Budget made available for Tribal Citizens.
- October 13, 2020 2021 Annual Budget Public Hearing (1:00 p.m.)
- October 22, 2020 Tribal Council approval of 2021 Annual Budget
- October 23, 2020 Final 2021 Annual Budget posted to Tribal Website

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Fred Kiogima and supported by Treasurer Marcella Reyes to approve and amend the Administration site plan to include the Natural Resource Department Solar Array map dated 07/31/2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Fred Kiogima and supported by Treasurer Marcella Reyes to post the LTBB Land Acquisition Due Diligence Policy to the Legislative Calendar in the Odawa Register.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to acknowledge receipt and approve the Amendment to the Little Traverse Bay Bands of Odawa Indians Tribal Minimum Internal Control Standards REG-WOS 2011-005 081920-021 as received from the Executive on August 18, 2020.

Vote: 7 - Yes, 0 - No, 1 - Abstained (Councilor Marty Van De Car), 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Tamara Kiogima and supported by Councilor Leroy Shomin to acknowledge receipt of the Gaming Regulatory Sports Betting Regulations REG-WOS 2011-005 081820-001 submitted by the Executive on 08/18/2020.

Vote: 7 - Yes, 0 - No, 1 - Abstained (Councilor Marty Van De Car), 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Councilor Fred Kiogima to appoint Mark Shall to the Odawa Economic Affairs Holding Company, Inc. for a 3-year term ending August 20, 2023.

Vote: 3 - Yes, 4 - No (Councilor Fred Harrington Jr., Councilor Marty Van De Car, Councilor Tamara Kiogima, Councilor Melissa Pamp) 1 - Abstained (Treasurer Marcella Reyes), 1 - Absent (Secretary Julie Shananaquet)

Motion fails.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Leroy Shomin to appoint Brent Bennington to the Odawa Economic Affairs Holding Company, Inc. for a 3-year term ending August 20, 2023.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

Other Items of Business:

a. Closed Session for Land Parcel #120

2:45 p.m. Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Kiogima to enter into Closed Session for land.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

3:09 p.m. Motion made by Councilor Fred Harrington Jr. and supported by Councilor Tamara Kiogima to return to Open Session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

3:10 p.m. Break

3:19 p.m. Resume

Public Comment

3:19 p.m. Opens

- No public comments

3:20 p.m. Closes

Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Harrington Jr. to adopt Tribal Resolution Budget Modification for FY 2020 to Reallocate

from the Tribal Chair's General Fund Budget to the Capital Expenditure Fund for Costs Related Solely for the Market-Rate Rental Homes and the Wilderness Cabins Repairs in the Amount of \$40,000.00.

Roll Call: Councilor Fred Harrington Jr.-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-absent, Legislative Leader Emily Proctor-yes

Motion carried.

Adjournment:

3:23 p.m. Motion made by Councilor Tamara Kiogima and supported by Councilor Fred Harrington Jr. to adjourn.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Secretary Julie Shananaquet)

Motion carried.

Next Scheduled Meeting:
September 3, 2020 at 9:00 a.m.

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

 Julie Shananaquet, Tribal Council Secretary	<u>09.04.2020</u> Date
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