

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
September 17, 2020
via ZOOM**

Call to Order: **9:00 a.m.**

Opening ceremony: Councilor Fred 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, Treasurer Marcella Reyes, Secretary Julie Shananaquet, Legislative Leader Emily Proctor

Absent: none

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

Corporate Charters Present: Tribal Burial Board, Inc. Chair Kevin Willis and Committee Member Ken Gill; Odawa Economic Development Management, Inc. President Tanya Gibbs and Vice President Alan Proctor; Ziibimijwang, Inc. Chair Joe VanAlstine, Committee Members Blayne Bott and Kevin Donner; Odawa Economic Affairs Holding Corporation Vice Chair Brent Bennington, Treasurer Cheryl Kishigo, Secretary Melissa Shomin, Ex-Officio Rob Ellerman, and Executive Director Shanna Kishigo

Executive Officials and Staff Present: Tribal Chair Regina Gasco Bentley, Vice Chairperson Stella Kay, Unit I Executive Director Phil Harmon, Unit II Executive Director Daugherty "Duffy" Johnson, Chief Financial Officer Carrie Carlson, Communications Coordinator Annette VanDeCar, Safety Coordinator Sue Gasco, Accounting Technician Mary Schneider, Gijigowi Language Director Carla Osawamick, Planning Director Amanda Swiss, Planning Administrative Assistant Shari Temple, Human Resources Director Denise Petoskey, Human Resources Generalist Rose Pyant, Human Resources Benefits Coordinator Stephanie Brew, Human Resources Administrative Assistant Dorla McPeak, Health Department Director Jody Werner, Education's Employment and Training Specialist Rachael Koepp, Human Services VOCA Victim Advocate Meghan Day

Judicial Officials and Staff: none

Public: none

Invited Guest: none

Motion made by Councilor Fred Kiogima and supported by Councilor Marty Van De Car to adopt the agenda for September 17, 2020 as presented.

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

Motion carried.



Motion made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to dedicate this meeting in honor of the following Tribal Citizens who have walked on: Louise Amato, Keith Clark, Robert Kiogima, and Marian Taylor.

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

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Councilor Marty Van De Car to approve the Regular Meeting minutes of September 3, 2020 as presented.

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

Motion carried.

Executive Oversight Report:

Discussion: Tribal Chair Regina Gasco Bentley

- The Executive Branch continues to monitor the COVID-19 cases in Emmet County. Due to an increase in positive cases in the Petoskey area including Petoskey Public Schools, Harbor Springs Public Schools, and Odawa Casino Resort, it may be necessary to return to Phase I for 2-4 weeks.
- The 2020 Chippewa Ottawa Resource Authority Negotiations are not going well.
- Working on Trunk-or-Treating for the kids on October 30, 2020 from 3:00-5:00 p.m. Staff would safely hand out candy to children in cars whom are not allowed to exit the vehicle they are in.
- Met with Safety Coordinator Sue Gasco. Her department has masks available for distribution to Tribal Citizens in Grand Rapids and the greater Detroit area. Tentative plans are under way for distribution of masks to Lansing and Mt. Pleasant.

Discussion: Unit II Executive Director Daugherty "Duffy" Johnson

- The Mobile Response Trailer will be delivered before the end of October 2020. This will house a nurse/Medical Assistant and vaccinations for any COVID-19 related illnesses.
- An RFQ for an LTBB website developer has been posted. Hope to have this processed by the end of November. The website will become mobile friendly.
- A lease for the Second Street has been signed and occupancy will take place very soon.

Discussion: Unit I Executive Director Phil Harmon

- The first Executive Townhall was held last Wednesday, September 9, 2020. Two to three departments will highlight what services are available to the Citizenship. The next townhall meeting is scheduled for either Wednesday, October 7 or October 14, 2020 from 10:00 a.m.-12:00 Noon.
- FY 2021 Budget meetings will continue this week and into next week.
- The Tribal Community Meeting will be held on Saturday, September 26, 2020 from 9:00 a.m. – 3:00 p.m. via ZOOM.
- Hunting and fishing licenses are available for deer and small game. The salmon are running.

Motion made by Councilor Leroy Shomin and supported by Councilor Melissa Pamp to acknowledge the verbal and written Executive Oversight Report as presented by Tribal Chair Regina Gasco Bentley, Unit II Executive Director Daugherty "Duffy" Johnson, and Unit I Executive Director Phil Harmon on September 17, 2020.

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

Motion carried.

Tribal Council Officer Reports:

Legislative Leader Report

Motion made by Councilor Fred Kiogima and supported by Councilor Melissa Pamp to accept Legislative Leader Emily Proctor's verbal and written report for September 17, 2020.

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

Motion carried.

Secretary Report

The following documents were delivered to the Executive on September 4, 2020:

-Tribal Resolution # 090320-01 Authorizing Limited Waivers of Sovereign Immunity and The Right to Exclude and Address Other Matters Required to Obtain and Maintain an Internet Gaming Operator's License from the Michigan Gaming Control Board under the Michigan Lawful Internet Gaming Act (was signed by the Executive on 09/11/2020).

-Tribal Resolution # 090320-02 Authorizing Limited Waivers of Sovereign Immunity and The Right to Exclude and Address Other Matters Required to Obtain and Maintain a Sports Betting Operator's License from the Michigan Gaming Control Board under the Michigan Lawful Sports Betting Act (was signed by the Executive on 09/11/2020)

-Tribal Resolution Possession of Firearms (due back to Tribal Council on or before 10/05/2020).

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: None

Motion made by Councilor Melissa Pamp and supported by Councilor Tamara Kiogima to accept Secretary Julie Shananaquet's verbal and written report as provided on the agenda for September 17, 2020.

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

Motion carried.

Treasurer Report

Appropriations and Finance Committee

-Last Meeting: September 8, 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 # 091720-01 Request for Funding from Office of Native American Programs, Native American Housing Assistance and Self-Determination Act (NAHASDA), Indian Housing Block Grant Program FY 2021.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent Motion carried.

-Motion made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to recommend to Tribal Council to approve CERTIFIED MOTION # 090720-02 Request for Funding from Office of Native American Programs, Native American Housing Assistance and Self-Determination Act (NAHASDA), Indian Housing Block Grant Program – Competitive Grants Program FY 2020.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent Motion carried.

-Motion made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to recommend to Tribal Council to approve CERTIFIED MOTION # 091720-03 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan, Healthy Start Program FY 2019-2023, Supplemental Funding – Midwifery Services Program.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent Motion carried.

-Motion made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to recommend to Tribal Council to approve CERTIFIED MOTION # 091720-04 Request for Funding as a sub-grantee form the Inter-Tribal Council of Michigan, Centers for Disease Control and Prevention, Organized Approaches to Increase Colon Cancer Screening FY 2020-2024.

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 # 091720-05 Governmental Branch Allocation of General Funds for Fiscal Year 2021.

Vote: 3 -yes, 0 -no, 0 -abstain, 0 -absent Motion carried.

-Motion made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to recommend to Tribal Council the top three-point earners in the RFP process, for interviews as potential auditors for Tribal Government audit, #1, 3, and 7.

Vote: 2 -yes, 0 -no, 0 -abstain, 1 -absent (Secretary Julie Shananaquet) Motion carried.

-Next Special Meetings: Thursday, September 24, 2020 at 6:00 p.m. (via Zoom) to review and discuss the Fiscal Year 2021 Budget, reduction of anticipated revenues, and other potential revenue sources.

Thursday, October 1, 2020 at 9:00 a.m. via ZOOM for ALL Government Branch Budget Hearings

-Next Regular Meeting: Tuesday, October 13, 2020 at 9:00 a.m. via ZOOM

Phone Polls passed by Appropriations and Finance Committee:

-09/16/2020 Reason for Phone Poll: Motion to schedule a special AFC meeting on Thursday, September 24th, 2020 @ 6pm to review and discuss the Fiscal Year 2021 Budget Reduction.

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

Comments: none

Motion carried.

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 by Treasurer Reyes, Committee Chair for September 17, 2020.

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

Motion carried.

All Corporate Charters/Board discussion on finance and budgets.

- Discussion regarding the Odawa Economic Affairs Holding Corporation being a source for corporations and boards to request supplemental funding instead of the General Fund.

10:24 a.m. Councilor Fred Kiogima exits meeting.

Office of Finance and Revenue Reports:

Senior Financial Analyst

Corporate Charters and/or Board Updates

Discussion: Odawa Economic Development Management, Inc.

- For the FY 2021 Budget, OEDMI is submitting \$200,000 from sewer tap Fees back to the Tribe.
- This board is working on a couple of different revenue opportunities and will be presenting these ideas to Tribal Council in a couple of weeks.
- The board is working on a revised budget.

Motion made by Councilor Tamara Kiogima and supported my Councilor Melissa Pamp to acknowledge receipt of Odawa Economic Development Management, Inc. verbal report as presented by Tanya Gibbs on September 17, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Discussion: Tribal Burial Board, Inc.

- A written 3rd Quarter Report will be submitted at the end of the month.
- Moving forward with plans of funeral home and crematorium

Discussion: Ziibimijwang, Inc.

- Working on giving Senior Financial Analyst Rachel Cope 'read access' only on financials.
- Petoskey's last Farmer's Market is next week. Will continue with Charlevoix and Boyne City.
- Kafui Ojai Adjei (aka: KK) and Rosebud Schneider continue to do amazing work.
- Minogen did not open this year. Staff was concerned about COVID-19.
- Ziibimijwang website is almost up and ready.
- \$84,000 in gross sales made at the Farmers Market alone.
- Sales made to Odawa Casino Resort's fine dining.
- Tentative plans for wreaths and maple sugar for Odawa Casino Resort's Player's Club.
- Grant received for a large greenhouse.
- All of Ziibimijwang board minutes have been posted.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Tamara Kiogima to acknowledge receipt of Tribal Burial Board, Inc.'s verbal report as presented by Ken Gill on September 17, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Melissa Pamp to acknowledge receipt of Ziibimijwang, Inc.'s verbal report as presented by Joe VanAlstine, Blayne Bott, and Kevin Donner on September 17, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Discussion: Odawa Economic Affairs Holding Corporation

- Lume had a good month in August
- Updated reports were sent to Tribal Council
- The board would like to hire a part-time Administrative Assistant which will lead to full-time in 2021.

- Shanna Kishigo was hired as the board's Executive Director
- All Department of Commerce documents have been submitted
- Policies need to be updated.
- The entire board attended training with Wasayabek.
- Met with Ziibimijwang, Inc.
- Wire transfers are working, no more paper checks.
- Lume relationship is good.
- The board will begin property conversation with Lume.

11:00 a.m. Motion made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to enter into Closed Session for Confidential Business and Legal matters.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)
Motion carried.

11:46 a.m. Motion made by Councilor Fred Harrington Jr. and supported by Secretary Julie Shananaquet to return to Open Session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)
Motion carried.

Public Comment

11:47 a.m. Opened

- No public comment

11:48 a.m. Closed

11:48 a.m. Break

12:01 p.m. Resume

Motion made by Councilor Tamara Kiogima and supported by Councilor Melissa Pamp to accept Senior Financial Analyst Rachel Cope's verbal report for September 17, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)
Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Councilor Tamara Kiogima to acknowledge receipt of Odawa Economic Affairs Holding Corporation's verbal and written monthly updated as presented by Rob Ellerman and Shanna Kishigo on September 17, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)
Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to acknowledge receipt of the Gaming Authority/Odawa Casino Resort's written July 2020 Status Report dated September 7, 2020.

Vote: 7 - Yes, 0 - No, 1 - Abstained (Councilor Marty Van De Car), 1 - Absent (Councilor Fred Kiogima)
Motion carried.

Land and Reservation Committee

-Last Meeting: September 11, 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 approve Certified Motion # 091720-06 Approval of FY 2021 – 2024 Tribal Transportation Improvement Plan.

Vote: 3-yes; 0-no; 0-abstain; 0-absent Motion carried.

-Motion made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to recommend to Tribal Council to approve the LTBB Land Acquisition Due Diligence Policy.

Vote: 3-yes; 0-no; 0-abstain; 0-absent Motion carried.

-Next Meeting: Friday, October 2, 2020 at 9:00 a.m. via ZOOM

Phone Polls passed by Land and Reservation Committee: none

Motion made by Councilor Tamara Kiogima and supported by Councilor Melissa Pamp to accept the Land and Reservation Committee verbal and written report as provided on the agenda by Treasurer Reyes, Committee Chair for September 17, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Tribal Council Member Reports: none

Legislative Office Reports:

Tribal Historic Preservation Officer – No report

Legislative Services Attorney

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 September 17, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

General Counsel

Motion made by Treasurer Marcella Reyes and supported by Councilor Melissa Pamp to accept General Counsel Jim Bransky's verbal report for September 17, 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

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 17, 2020.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Fred Kiogima, Secretary Julie Shananaquet)

Motion carried.

Tribal Council Action Items:

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to approve CERTIFIED MOTION # 091720-01 Request for Funding from Office of Native

American Programs, Native American Housing Assistance and Self-Determination Act (NAHASDA), Indian Housing Block Grant Program FY 2021.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Treasurer Marcella Reyes to approve CERTIFIED MOTION # 090720-02 Request for Funding from Office of Native American Programs, Native American Housing Assistance and Self-Determination Act (NAHASDA), Indian Housing Block Grant Program – Competitive Grants Program FY 2020.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Melissa Pamp to approve CERTIFIED MOTION # 091720-03 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan, Healthy Start Program FY 2019-2023, Supplemental Funding – Midwifery Services Program.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Councilor Marty Van De Car and supported by Treasurer Marcella Reyes to approve CERTIFIED MOTION # 091720-04 Request for Funding as a sub-grantee from the Inter-Tribal Council of Michigan, Centers for Disease Control and Prevention, Organized Approaches to Increase Colon Cancer Screening FY 2020-2024.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Councilor Leroy Shomin and supported by Councilor Tamara Kiogima to retain BDO USA, LLP for a three-year term as the LTBB Tribal Government's auditor (FY2020, 2021, and 2022), based on the scoring sheets submitted by the participating Tribal Councilors.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Tamara Kiogima to approve Certified Motion # 091720-05 Approval of FY 2021 – 2024 Tribal Transportation Improvement Plan.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to approve the LTBB Land Acquisition Due Diligence Policy.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Tamara Kiogima to appoint Tanya Gibbs to the Odawa Economic Development Management, Inc. for a 5-year term ending October 8, 2025 and to reflect the appointment within the OEDMI Corporate Charter documents.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Secretary Julie Shananaquet and supported by Councilor Marty Van De Car to authorize the Legislative Services Attorney to participate in discussions with various charters and entities regarding the potential of a 3rd lease with Lume.
Discussion: Treasurer Marcella Reyes stressed the need for the Tribes Tribal Preference in Lume's hiring.

Vote: 5 - Yes, 2 - No (Councilor Tamara Kiogima, Legislative Leader Emily Proctor), 1 - Abstained (Treasurer Marcella Reyes), 1 - Absent (Councilor Fred Kiogima)
Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Marty Van De Car to amend agenda to include the Amicus Brief regarding Standing Rock Sioux Tribe
Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Melissa Pamp to authorize General Counsel James Bransky to sign onto the amicus brief on behalf of the Little Traverse Bay Bands of Odawa Indians in *Standing Rock Sioux Tribe v United States Army Corp of Engineers*, DC Appellate Case 20-5201, being submitted by the Native American Rights Fund on behalf of NCAI, other organizations and Tribes.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)
Motion carried.

Motion made by Councilor Fred Harrington Jr. to adopt Tribal Resolution Constitutional Tribal Government Officials Voluntary Pay Cut for Fiscal Year 2021.

Motion fails due to lack of support

Other Items of Business: none

Public Comment

12:55 p.m. Opens

- Citizen Melissa Shomin appreciates Shanna Kishigo's work on the Odawa Economic Affairs Holding Corporation.

12:56 p.m. Closes

Adjournment:

12:57 p.m. **Motion** made by Councilor Tamara Kiogima and supported by Councilor Marty Van De Car to Adjourn.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 - Absent (Councilor Fred Kiogima)
Motion carried.

Next Regular Tribal Council Meeting:
Thursday, October 8, 2020 at 9:00 a.m.

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



Julie Shananaquet, Tribal Council Secretary

10/8/2020

Date

