

**Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740**

Tribal Council Regular Meeting
October 8, 2020
via ZOOM

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Call to Order: **9:02 a.m.**

Opening ceremony: Tribal Chair Regina Gasco Bentley

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: Odawa Economic Development Management, Inc. President Tanya Gibbs, Vice President Alan Proctor, Board Member Belinda Bardwell; Odawa Economic Affairs Holding, Inc. 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, Planning Director Amanda Swiss, Planning Administrative Assistant Shari Temple, Accounting Technician Mary Schneider, Gijigowi Language Director Carla Osawamick

Judicial Officials and Staff: none

Public: Marvin Mulholland, Melissa Shomin

Invited Guest: none

Motion made by Councilor Fred Kiogima and supported by Treasurer Marcella Reyes to adopt the agenda for October 8, 2020 as amended.

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

Motion carried.

Motion made by Treasurer Marcella Reyes and supported by Councilor Tamara Kiogima to approve the Regular Meeting minutes of September 17, 2020 as presented.

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

Motion carried.

Executive Oversight Report:

Discussion: Tribal Chair Regina Gasco Bentley

- Busy monitoring COVID-19. The Tribal government will remain in Phase II as the numbers continue to slowly and steadily rise.

- Chi miigwech Emily for notifying the Executive of the Sault Tribal Chair Aaron Payment's correspondence. A meeting has been scheduled.
- On going discussion with the feds, and state regarding COVID-19.
- The Executive Branch will close the three (3) days between Christmas and New Years, December 28-29-30, 2020.

Discussion: Unit I Executive Director Phil Harmon I

- The AC unit in the north wing will be taken care of by tomorrow.
- The sewer situation on the Tribes Spring St property is being taken care of.

Question from Councilor Marty Van De Car to Chief Financial Officer Carrie Carlson:
When do you anticipate receiving a portion of the \$8 billion CARES Act and how much?

Discussion: Unit II Executive Director Daugherty "Duffy" Johnson

- Fifteen Request for Quotation (RFQ) have been received for vendor website.

Motion made by Councilor Melissa Pamp and supported by Councilor Marty Van De Car to acknowledge the verbal Executive Oversight Report as presented by Tribal Chair Regina Gasco Bentley, Unit I Executive Director Phil Harmon, and Unit II Executive Director Daugherty "Duffy" Johnson on October 8, 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 October 8, 2020.

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

Motion carried.

9:30 a.m. Odawa Economic Development Management, Inc. Proposals

9:35 a.m. Motion made by Councilor Marty Van De Car and supported by Treasurer Marcella Reyes to enter into Closed Session for Confidential Business matters.

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

Motion carried.

10:37 a.m. Motion made by Councilor Tamara Kiogima and supported Councilor Fred Harrington Jr. to return to Open Session.

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

Motion carried.

Motion made by Councilor Fred Harrington Jr. and supported by Treasurer Marcella Reyes to accept Odawa Economic Development Management, Inc.'s PowerPoint presentation and verbal report on October 8, 2020.

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

Motion carried.

11:00 a.m. Odawa Economic Development Management, Inc. – 2020 3rd Quarter Report

1 **Motion** made by Secretary Julie Shananaquet and supported by Councilor Melissa
2 Pamp to acknowledge receipt of Odawa Economic Development Management, Inc.'s
3 verbal and written 3rd Quarter Report as presented by Tanya Gibbs and Alan Proctor on
4 October 8, 2020.

5 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
6 Motion carried.

7
8 **10:51 a.m.** Break

9 **11:00 a.m.** Resume

10
11 **11:30 a.m.** Odawa Economic Affairs Holding, Inc – Verbal Activity Report

- 12 • Better communication with Tribal Council
- 13 • Revenue source is profitable.
- 14 • 3rd party contract with Wasayabek. A strategic plan will be developed along with
15 policy and procedures. This will keep the charter in audit compliance.
- 16 • Plans are underway to have open communication with Tribal Citizens, Elders, and
17 Youth
- 18 • Development of a Website, a Members only website, and a Facebook page is
19 underway.
- 20 • Posting Request for Proposals (RFP)
- 21 • Outbid in Land Parcel #127
- 22 • Land Acquisitions
- 23 • A part-time Administrative Assistant will be posted soon on the Tribal Website,
24 Facebook, and possibly in the Petoskey News Review.
- 25 • Revenue allocation plan-preliminary

26
27 **Motion** made by Councilor Melissa Pamp and supported by Councilor Fred Harrington
28 Jr. to accept Odawa Economic Affairs Holding, Inc's verbal activity report as presented
29 by Shanna Kishigo, Executive Director on October 8, 2020.

30 Vote: 9 - Yes, 0 - No, 0 - Abstained, 0 - Absent
31 Motion carried.

32
33 Secretary Report

34 Documents signed by the Executive on 10/01/2020:

35
36 -Tribal Resolution # 090320-03 Possession of Firearms

37
38 Vetoes (*a vote of Tribal Council to override a veto shall occur within 90-days of the veto*): none

39
40 Phone Polls passed by Tribal Council:

41
42 *09/28/2020 Reason for Emergency Phone Poll: Motion to approve Certified Motion # 092820-01*
43 *Governmental Branch Allocation of General Funds for Fiscal Year 2021. Phone Poll Vote: 8 Yes,*
44 *0 No, 0 Abstained, 1 Absent (Secretary Julie Shananaquet)*

45 *Comments: none*

46 *Motion carried.*

47
48 *09/30/2020 Reason for Phone Poll: Motion to approve the amended Odawa*
49 *Economic Affairs Holding Corporation Charter, dated September 29, 2020.*

50 *Phone Poll Vote: 7 Yes, 2 No (Councilor Tamara Kiogima, Legislative Leader Emily Proctor), 0*
51 *Abstain, 0 Absent*

52 *Comments: none*

1 *Motion carried.*

2
3 **Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Harrington
4 Jr. to accept Secretary Julie Shananaquet's verbal and written report as provided on the
5 agenda for October 8, 2020.

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

7 Motion carried.

8
9 Treasurer Report

10
11 **Appropriations and Finance Committee**

12 -Last Regular Meeting: September 8, 2020

13 *(Motions made at Appropriations and Finance Committee Meeting were presented at the*
14 *September 17, 2020 Tribal Council Meeting.)*

15
16 -Special Meeting: September 24, 2020

17 *(Motions made at the Special Appropriations and Finance Committee Meeting)*

18
19 *Motion made by Councilor Leroy Shomin and supported by Secretary Julie Shananaquet to*
20 *recommend to Tribal Council to approve CERTIFIED MOTION Governmental Branch Allocation*
21 *of General Funds in the amount of \$9,263,000.00 for Fiscal Year 2021.*

22 *Vote 3-yes, 0-no, 0-abstain, 0-absent Motion carried*

23
24 -October 1, 2020 -All Branch Budget Hearings

25 *(Motions made at the Special Appropriations and Finance Committee Meeting)*

26
27 *Motion made by Secretary Julie Shananaquet and supported by Councilor Leroy Shomin to*
28 *accept the draft FY 2021 budget as presented on October 1, 2020 and recommend to Tribal*
29 *Council to post the draft budget for Tribal Citizens' input.*

30 *Vote 3-yes, 0-no, 0-abstain, 0-absent Motion carried*

31
32 Phone Polls passed by Appropriations and Finance Committee:

33
34 *-09/24/2020 Reason for Phone Poll: Motion to recommend to Tribal Council to approve Certified*
35 *Motion # 100820-01 Authorization and Support of Applications for and Acceptance of COVID-19*
36 *Related Funds Received under Tribal Resolution 032420-01 COVID-19 Suspension of Deadlines,*
37 *Bureau of Indian Affairs Consolidated Tribal Government Program Aid to Tribal Government*
38 *CARES Act Supplemental Funds: Second Allocation.*

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

40
41 -Next Regular Meeting: Tuesday, October 13, 2020 at 9:00 a.m. via ZOOM

42
43 -Next Special Meeting: Tuesday, October 13, 2020 at 1:00 p.m. via Zoom for the Annual
44 Budget Public Hearing

45
46 Discussion: Posting of the FY 2021 Budget to the web for availability to Tribal Citizens.

47
48 **Motion** made by Councilor Fred Kiogima and supported by Councilor Melissa Pamp to
49 accept the Appropriations and Finance Committee verbal and written report as provided
50 on the agenda by Treasurer Reyes, Committee Chair for October 8, 2020.

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

52 Motion carried.

53
54 **Land and Reservation Committee**

1 -Last Meeting: October 2, 2020.
2 (Motions made at Land and Reservation Committee Meeting)

3
4 **Motion** made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to
5 assign Land Parcel #128 and approve submission of parcel #128 to Executive staff to prepare a
6 Pre-Offer due diligence report, in accordance with the Land Acquisition Due Diligence Policy.
7 Vote: 3 Yes, 0 No, 0 Abstain, 0 Absent Motion carried.

8
9 **Motion** made by Councilor Fred Kiogima and supported by Legislative Leader Emily Proctor to
10 assign Land Parcel #129 and approve submission of parcel #129 to Executive staff to prepare a
11 Pre-Offer due diligence report, in accordance with the Land Acquisition Due Diligence Policy.
12 Vote: 3 Yes, 0 No, 0 Abstain, 0 Absent Motion carried.

13
14 Phone Polls passed by Land and Reservation Committee:

15
16 -09/28/2020 Reason for Emergency Phone Poll: Motion to convey confidential land parcel #127
17 information to Odawa Economic Affairs Holding Corporation for potential purchase of property.
18 Phone Poll Vote: 3 Yes, 0 No, 0 Abstained, 0 Absent Motion carried.

19
20 -Next Meeting: Friday, November 13, 2020 at 9:00 a.m. via ZOOM

21
22 **Motion** to accept the Land and Reservation Committee verbal report as provided on the
23 agenda by Treasurer Reyes, Committee Chair for October 8, 2020.

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

25 Comments: Legislative Leader Emily Proctor appreciates the in-depth conversations
26 held during the Land and Reservation Committee Meetings.

27 Motion carried.

28
29 **Tribal Council Member Reports:**

30 Councilor Fred Kiogima

- 31 • Correspondence with Sault Ste. Marie Tribal Chair Aaron Payment.

32
33 **Motion** made by Councilor Fred Harrington Jr. and supported by Secretary Julie
34 Shananaquet to accept Councilor Fred Kiogima's verbal report for October 8, 2020.

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

36 Motion carried.

37
38 Councilor Leroy Shomin

- 39 • Communication with Grand River Bands of Ottawa Indians Chairman Ron Yob and
40 coordinating with Safety Sue Gasco on mask distribution for a Grand Rapids site.
41 • Government Enterprise resource planning (ERP) systems
42 • Executive Tribal Resolution regarding CARES Act in the Amount of \$1,111,279.40

43
44 **Motion** made by Councilor Melissa Pamp and supported by Councilor Fred Kiogima to
45 accept Councilor Leroy Shomin's verbal report for October 8, 2020.

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

47 Motion carried.

48
49 **Public Comment**

50 **12:06 p.m.** Opened

- 51 • No public comments

52 **12:07 p.m.** Closed

1 Secretary Julie Shananaquet

- 2 • Vacancies on Commissions, Boards, and Committees (CBC)

3
4 **Motion** made by Treasurer Marcella Reyes and supported by Councilor Fred Kiogima to
5 accept Secretary Julie Shananaquet’s verbal report for October 8, 2020.

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

7 Motion carried.

8
9 **12:17 p.m.** Break

10 **12:30 p.m.** Resume

11
12 **Legislative Office Reports:**

13
14 Office of Finance and Revenue

15
16 i. Corporate Charters and/or Board Updates:

- 17
18 ➤ Traditional Tribal Burial Board – no report
19 ➤ Ziibimijwang, Inc. – no report
20 ➤ Gaming Authority – no report

21
22 ii. Senior Financial Analyst:

- 23 • Month of September was absorbed by FY21 budget
24 • BDO has been selected as the Tribes auditor
25 • Met with Odawa Economic Development Management, Inc. regarding the PACE
26 program.
27 • PowerPoint presentation on Budget Formulation Process
28 • Auditor RFP

29
30 Discussion: Tribal Resolution Appropriations of the Coronavirus Aid, Relief, and
31 Economic Security Act (“CARES Act”) in the amount of \$1,111,279.40

- 32 • The resolution submitted must have some detail on how (what) the money will be
33 spent on
34 • the resolution needs to mirror the previous two CARES Act installments based on
35 percentages.

36
37 **Motion** made by Secretary Julie Shananaquet and supported by Councilor Tamara
38 Kiogima to accept Sr Financial Analyst Rachel Cope’s verbal and written report for
39 October 8, 2020.

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

41 Motion carried.

42
43 Tribal Historic Preservation Officer

44
45 **Motion** made by Councilor Tamara Kiogima and supported by Councilor Marty Van De
46 Car to accept Tribal Historic Preservation Officer Melissa Wiatrolik’s written report dated
47 September 17, 2020.

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

49 Motion carried.

1 **Motion** made by Treasurer Marcella Reyes and supported by Councilor Leroy Shomin to
2 accept Tribal Historic Preservation Officer Melissa Wiatrolik's written report dated
3 October 8, 2020.

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

5 Motion carried.

6
7 Legislative Services Attorney

8 • Next Monday, October 12, 2020 at 10:00 a.m. there will be a group charter meeting.
9 Donna will be discussing two items: 1. Charter insurance coverage, 2. Q&A with
10 Land in trust, Tribal Law presentation with with charters and tenants of Victories
11 Square.

12 • The Rincon Band of Luiseño Indians will be discussing their Consultation Ordinance
13 on how it consults with outside governments at the October 20, 2020 Tribal Council
14 Works Session.

15
16 **Motion** made by Councilor Fred Kiogima and supported by Secretary Julie Shananaquet
17 to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and
18 written report for October 8, 2020.

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

20 Motion carried.

21
22 General Counsel

- 23 • 2020 Negotiations update
24 • Line 5 update
25 • FLOW (For the Love of Water) update
26 • Online gaming update
27 • Family preservation

28
29 **Motion** made by Councilor Melissa Pamp and supported by Councilor Fred Kiogima to
30 accept General Counsel Jim Bransky's verbal report for October 8, 2020.

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

32 Motion carried.

33
34 Legislative Office Manager

- 35 • Busy with FY21 budget process
36 • Odawa Casino Resort ribbon cutting ceremony tonight at 6:00 p.m. for Sports Betting
37 • KnowB4 cyber on-line training. Legislative staff will be participating. Encourage Tribal
38 Council to participate.
39 • Citizen email from [REDACTED] regarding \$700 COVID relief funds. Email sent to
40 the Executive Branch.
41 • Financial Disclosure Forms sent to all Tribal Council. Please return as this is a public
42 document.
43 • Working on public documents from Adobe Connect as the contract will end on
44 December 31, 2020 and moving them to the Citizens Only Portal on the web.

45
46 **Motion** to accept Legislative Office Manager Michele Portman-LaCount's verbal and
47 written report as presented on October 8, 2020.

48
49 **Tribal Council Action Items:**

1 **Motion** to approve Certified Motion # 100820-01 Authorization and Support of
2 Applications for and Acceptance of COVID-19 Related Funds Received under Tribal
3 Resolution 032420-01 COVID-19 Suspension of Deadlines, Bureau of Indian Affairs
4 Consolidated Tribal Government Program Aid to Tribal Government CARES Act
5 Supplemental Funds: Second Allocation.

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

7 Motion carried.

8

9 **Motion** to acknowledge receipt of the Rehmann 2019 Final Independent Auditor's report
10 dated September 30, 2020.

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

12 Motion carried.

13

14 **Motion** to have Senior Financial Analyst Rachel Cope post the draft Tribal Resolution
15 Appropriation of Funds for the 2021 Fiscal Year Operating Budgets, along with tribal-
16 wide budget to the Tribe's website for Tribal Citizens' comments.

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

18 Motion carried.

19

20 **Motion** to appoint Denise Steffel to the Odawa Economic Affairs Holding Corporation for
21 a 3-year term ending October 8, 2023 in accordance with the Corporate Charter
22 Assignment Policy and to reflect the assignment within the OEAHC Corporate Charter
23 documents.

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

25 Motion carried.

26

27 **Motion** made by Councilor Fred Harrington Jr. and supported by Councilor Melissa
28 Pamp to close the Legislative Office during the Christmas holiday on December 28-29-
29 30, 2020.

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

31 Motion carried.

32

33 **Other Items of Business:** none

34

35 **Adjournment**

36 **2:48 p.m. Motion** made by Councilor Tamara Kiogima and supported by Councilor
37 Melissa Pamp to adjourn.

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

39 Motion carried.

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Next Scheduled Meeting

44

Thursday, October 22, 2020 at 9:00 a.m.

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

49

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52 _____
Julie Shananaquet, Tribal Council Secretary

_____ Date