

Little Traverse Bay Bands of Odawa Indians
Tribal Council Chambers
7500 Odawa Circle, Harbor Springs, MI 49740
Tribal Council Regular Meeting
November 30 2017

Call to Order: 9:06 a.m.

Opening ceremony: Fred Harrington, Jr.

Closed Session: none

Council Present: Legislative Leader Fred Harrington, Jr., Secretary Tamara Kiogima, Treasurer Marcella Reyes, Councilor Emily Proctor, Councilor Dexter McNamara, Councilor Julie Shananaquet, Councilor Shanna Wemigwase

Absent: Councilor David Harrington, Councilor Frank Bernard

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

Executive Officials and Staff Present: Chairperson Regina Gasco-Bentley, Vice-Chair Stella Kay, Chief Financial Officer Carrie Carlson, Human Resources Director Denise Petoskey, Natural Resources Department Data Licensing Assistant Jessika Shaler, Enrollment Administrative Assistant/Genealogist Marin Taylor, Enrollment Receptionist Nataawnee Mickalacki, SPRING Grant Outreach Worker Sunnese Granados, Accounting Payroll Technician Noel Bush

Judicial Officials and Staff: none

Public: Jannan Cornstalk, Andrew Stich, Wayne Wilson, Rochelle Ettawageshik

Invited Guest: none

Motion made by Councilor Shananaquet and supported by Treasurer Reyes to adopt the agenda for November 30, 2017 as amended.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bernard, Councilor David Harrington)

Motion carried.

9:23 a.m. Councilor David Harrington arrived.

9:29 a.m. Public Comment opened for Elder's Comment:

- Jannan Cornstalk spoke regarding recent developments on Line 5 with regard to treaty rights.

9:45 a.m. Public Comment closed

Motion made Councilor Shananaquet and supported by Councilor Wemigwase to dedicate this meeting in honor of the following Citizens who have walked on: Walter Snowden, Elsie Carson, Duane Kiogima, and Dwight Stuebing.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

Motion carried.

9:30 a.m. Introduction of new Tribal Government Employees: Jessika Shaler – Data Licensing Assistant in Natural Resources Department, Marin Taylor – Administrative Assistant/Genealogist in Enrollment, Nataawnee Mickalacki – Enrollment Receptionist, Sunnese Granados – SPRING Grant Outreach Worker in Health, Noel Bush – Payroll Technician in Accounting.

Executive Report:

Discussion: Indian Town property surveys and tasked Housing Director with coming up with a plan for development, plus Monroe Street for development plan. Big turnout for Thanksgiving feast, and thanked those who volunteered, Brunch for Elders monthly on Wednesdays now. Having new video made of Tribal government services. Education will be doing Boozhing again in January. Received letter from Army Corp of Engineers regarding Enbridge Pipeline regarding putting a line under the Straits of Mackinaw. Interim Planning Director tasked with bringing costs for the Monroe Street tear down. Natural Resources Department will start marking trees for the Forest Management Plan around Odawa Circle. Have a letter for Attorney General Schutte regarding Indian Child Welfare, General Counsel Bransky reviewing. Chippewa Ottawa Resource Authority is on December 7 at 10:00 a.m. in Petoskey. Received cost of electric car chargers installation at Odawa Casino Resort, will put two in. Interviewing Planning Director next Tuesday, working on Quill work video for YouTube. Met with Mackinaw Village Council regarding Casino questions. Will bring back an update regarding fiber optic cable. There will be an open House for the Pharmacy December 4. Tribal VA Loans and other such lending availability and issues.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to acknowledge receipt of the verbal and written Executive Report as presented by Chairperson Gasco-Bentley for November 30, 2017.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

Motion carried.

10:32 a.m. Break

10:49 a.m. Return

Motion made by Councilor Shananaquet and supported by Councilor Proctor to approve the November 9, 2017 Minutes as corrected.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

Motion carried.

Legislative Officer Reports:

Legislative Leader Report

Discussion: Talked with Executive regarding overtime issues. Started looking at the Ethics Point Policy and Procedures-will bring forward with recommended changes. Reviewing the Phone Poll Policy, will bring back for review. Talked about a college official acknowledging her self in Anishinaabemowin. Discussion regarding the draft Mortgage Lending Statute.

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept Legislative Leader Fred Harrington, Jr.'s verbal report for November 9, 2017.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Proctor to post to the Legislative Calendar the Mortgage Lending Statute as sponsored by Councilor David Harrington to the Legislative Calendar in the Odawa Register.

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

Motion carried.

Secretary Report

Documents Delivered to the Executive

- i. *Tribal Resolution # 110917-01 To Authorize Funding in the Amount of \$35,000 for Trust Application Process for Tax Escrows, Surveys and Surveyor consultation with the federal government, and title insurance, to come from Reserved General Fund Balance-Supplemental Funding. Delivered to the Executive for signature on 11/13/17-Executive signed 11/13/17*
- ii. *Tribal Resolution # 110917-02 Repeal of Tribal Resolution #040907-02 Legislative Branch Operations Governmental Employee Personnel Policies Handbook. Delivered to the Executive for signature on 11/13/17, Executive signed 11/13/17*
- iii. *Tribal Resolution # 110917-03 In Support of "We are ALL In" at the U.S. Climate Action Center and at the UN climate talks (COP23). Delivered to the Executive for signature on 11/09/17, Executive signed 11/13/17*
- iv. *Tribal Resolution #111517-01 Supplemental Funding in the amount of \$25,000 to the Judiciary for Attorney's Fees. Delivered to the Executive for signature on 11/16/17, Executive signed 11/17/17*
- v. *Tribal Resolution # 111617-01 To Authorize Funding in the Amount of \$50,000 for Purchase of Parcel #110 to come from Reserved General Fund Balance-Supplemental Funding. Delivered to the Executive for signature on 11/16/17, Executive signed 11/17/17*

- 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:

- i. 11-15-2017 Motion to Adopt Supplemental Funding in the Amount of \$25,000 the Judiciary for Attorney's Fees.
Phone Poll Vote: 8 Yes 0 No 0 Abstained 1 Absent (Councilor Bernard)
Phone Poll passed.
- ii. 11-15-2017 Motion to Adopt Funding in the amount of \$50,000 for Purchase of Parcel #110 to come from Reserved General Fund Balance-Supplemental Funding.
5 Yes 3 No (Councilor McNamara, Councilor Shananaquet, Secretary Kiogima) 0 Abstained 1 Absent (Treasurer Reyes)
Phone Poll passed.

Thanked Jannan Cornstalk for her Public Comment.

Motion made by Treasurer Reyes and supported by Councilor Proctor to accept Secretary Kiogima's verbal and written reports as presented on the agenda for November 30, 2017.

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

Treasurer Report

Appropriations and Finance Committee

-Last Meeting: November 14, 2017 recommendations for Tribal Council:

Committee Action items:

- i. Motion made by Councilor McNamara and supported by Councilor Wemigwase to recommend to Tribal Council to adopt the Executive's Office Tribal Resolution in the amount of \$80,000 for the Michelle Chingwa Education Act (MCEA) and Merit Scholarships.
Vote: 3 - Yes, 0 - No, 0 - Abstained
- ii. Motion made by Councilor Wemigwase and supported by Councilor McNamara to recommend to Tribal Council to adopt the Judicial Branch tribal resolution for supplemental funding request for a contract and retainer fee payment for the law firm Kanji & Katzen.
Vote: 3 - Yes, 0 - No, 0 - Abstained, 0 - Absent
Motion carried.
- iii. Motion made by Councilor Wemigwase and supported by Treasurer Reyes to recommend to Tribal Council to adopt Tribal Resolution to the FY 2018 Tribal wide budget in the amount of \$210,560 to come from Indirect Cost Recovery Collections.
Vote: 2 - Yes, 1 - No (Councilor McNamara), 0 - Abstained, 0 - Absent
Motion carried.

iv. *Motion made by Councilor Wemigwase and supported by Treasurer Reyes to recommend Tribal Council to adopt Tribal Resolution authorize funding in the amount of \$50,000 for purchase of Land Parcel #110 to come from Reserved General Fund Balance Supplemental Fund.*

*Vote: 2 - Yes, 1- No (Councilor McNamara), 0 - Abstained, 0 - Absent
Motion carried.*

-Next Meeting: December 5, 2017 at 1:00 p.m. in the Council Chambers

Discussion with the Executive regarding the Executive request to add Executive Staff by Tribal Council adopting Tribal Resolution Amendment to the FY 2018 Tribal-Wide Budget to increase the Cost Recovery Expenses line-item in the amount of \$210,560.00.

Phone Polls passed by Appropriations and Finance Committee:

- *11-17-17 Motion to recommend Tribal Council to Approve Certified Motion # 113017-01 Three Fires Comprehensive Cancer Control Program (CCC)
Vote: 3 Yes 0 No 0 Abstained 0 Absent
Phone Poll passed.*

Motion made by Councilor Shananaquet and supported by Secretary Kiogima to accept Treasurer Reyes' verbal and written Appropriations and Finance Committee report as presented on the agenda for November 30, 2017.
(Vote on hold in consideration of discussion, and Public Comment)

11:49 a.m. Public Comment opened:

- Jannan Cornstalk spoke about her concern regarding the pipeline issue and whether we have mineral rights to such lands we own. Would like to make sure we have those rights when we make that purchase. Spoke regarding casino wages being less than other employers in the area.

11:53 a.m. Phone Poll closed.

Motion continues with vote to accept Treasurer Reyes' report:

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

Land and Reservation Committee

-Last Meeting: November 3, 2017

-Next Meeting: December 8, 2017 at 9:00 a.m. in the Council Chamber

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept the Land and Reservation Committee Report as presented by Treasurer Reyes Committee Chairperson for November 30, 2017.

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

Tribal Council Member Reports:

Councilor Wemigwase spoke regarding attendance at the last Gaming Enterprise Board. Attended cultural teachings regarding the history of Cross Village and the Ogichida society.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to accept Councilor Wemigwase's verbal Tribal Council Member verbal report for November 30, 2017.

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

Motion carried.

Councilor Proctor spoke regarding the Good Governance training, and her meeting with Law Enforcement Chief Cobe regarding gun regulations.

Motion made by Secretary Kiogima and supported by Councilor Wemigwase to accept Councilor Proctor's Tribal Council Member verbal report for November 30, 2017.

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

Motion carried.

12:04 p.m. Lunch

1:45 p.m. Return

Corporate Charters and/or Board Updates

Odawa Economic Development Management, Inc. - no report

Traditional Tribal Burial Board, Inc. - no report

Ziibimijwang, Inc. - no report

Gaming Enterprise Board - no report

Legislative Staff Reports:

Office of Finance and Revenue Report

Motion made by Secretary Kiogima and supported by Councilor Shananaquet to accept Sr Financial Analyst Rachel Cope's verbal and written report for November 30, 2017.

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

Motion carried.

Tribal Historic Preservation Officer - no report

Legislative Services Attorney Report

Motion made by Treasurer Reyes and supported by Councilor Proctor to acknowledge receipt of Legislative Services Attorney Budnick's written report for

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

Motion carried.

General Counsel Report

Motion made by Councilor Proctor and supported by Councilor Wemigwase to accept General Counsel Bransky's verbal and written Report for November 30, 2017.

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

Motion carried.

Motion made by Councilor Wemigwase and supported by Councilor Proctor to approve Certified Motion # 113017-03 Request for Trust Acquisition of 612 Second Street, Harbor Springs, in Emmet County, Michigan.

Vote: 7 - Yes, 1 - No (Councilor Shananaquet), 0 - Abstained, 1 - Absent (Councilor Bernard)

Motion carried.

Legislative Office Manager Report

Motion made by Councilor Proctor and supported by Secretary Kiogima to accept Michele Portman-LaCount's Legislative Office Manager verbal report for November 30, 2017.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Secretary Kiogima to acknowledge receipt from the Executive and to **disapprove** the LTBB Wetland Protection and Management Regulations REG-WOS 2016-008-112117-001.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Wemigwase to approve Certified Motion # 113017-01 Request for Funds as a sub-grantee from the Inter-Tribal Council of Michigan Centers for Disease Control Prevention Comprehensive Cancer Prevention and Control Program Little Traverse Bay Bands of Odawa Indians Three Fires Comprehensive Cancer Control Program (CCC).

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

Motion carried.

Motion made by Secretary Kiogima and supported by Councilor Wemigwase to approve Certified Motion # 113017-02 Bureau of Indian Affairs Indian Reservation Roads Inventory 9-Mile Point Removal.

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

Motion carried.

Motion made by Councilor David Harrington and supported by Councilor Shananaquet to approve Tribal Council attendance at the Unity Midyear Conference January 2-5, 2018 in Tempe Arizona.

Vote: 6 - Yes, 2 - No (Councilor Wemigwase, Councilor McNamara), 0 - Abstained, 1 - Absent (Councilor Bernard)
Motion carried.

3:03 p.m. Public Comment opened:

- Andrew Stich requested at least one weekend Tribal Council meetings monthly. New property purchases verses developing current land, caring for Citizens with mental health problems and other needs. In favor of appointment for Appellate Justice nominee.

3:07 p.m. Public Comment closed.

3:10 p.m. Break

3:29 p.m. Return

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to appoint Gerald V. Chingwa to the Natural Resource Commission to fill the remainder of a 4-year term ending September 30, 2019.

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

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to appoint William Ortiz to the Natural Resource Commission for a 4-year term ending September 30, 2021.

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

Motion carried.

Motion made by Councilor McNamara and supported by Treasurer Reyes to appoint John Keshick III to the Natural Resource Commission for a 4-year term ending September 30, 2021.

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

Motion carried.

Motion made by Secretary Kiogima and supported by Treasurer Reyes to assign Kevin Willis to the Traditional Tribal Burial Board, Inc., for a 4-year term ending September 21, 2021.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor McNamara to appoint Rochelle Ettawageshik to the Child Welfare Commission for a 3-year term: December 18, 2017-December 18, 2020.

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

Motion carried.

Motion made by Treasurer Reyes and supported by Councilor Shananaquet to approve and authorize the signing of the Wells Fargo Banking Document of the Odawa Casino Resort (OCR) in regards to the Certificate of Indian Entity for

designation of the administration of the OCR financial accounts, Limited Waiver of Sovereign Immunity, and Certificate of Incumbency. The designations of General Manager Eric McLester, Director of Finance Coby Lacy and Gaming Enterprise Board Chairperson Denise Petoskey for the administration of the Odawa Casino Resort.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Councilor David Harrington), 1 – Absent (Councilor Bernard)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor Wemigwase to post Policy and Procedures for Appointment for a Vacant Seat on Tribal Council as sponsored by Secretary Kiogima.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

Motion carried.

Motion made by Councilor Shananaquet and supported by Treasurer Reyes acknowledge receipt of the 2018 Natural Resources Rules-1836 Ceded Territory-Regulations REG-WOS-2013-004-112917-002B and 2018 Natural Resources Rules-Reservation- Regulations REG-WOS-2013-002-113017-002A as presented by the Executive.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Bernard)

Motion carried.

Motion made by Councilor Shananaquet and supported by Councilor McNamara to appoint Jocelyn Fabry as an Appellate Justice to fill the remainder of a 6-year term ending June 20, 2018.

Roll Call Vote: Councilor Proctor-yes, Councilor David Harrington-no, Secretary Kiogima-yes, Councilor Shananaquet-yes, Treasurer Reyes-yes, Councilor McNamara-yes, Councilor Wemigwase-no, Councilor Bernard-absent, Legislative Leader Fred Harrington, Jr.-no

Motion fails.

(Required an affirmative vote of six (6) of nine (9) members of Tribal Council in an open session by Roll Call Vote)

Motion made by Councilor Shananaquet and supported by Councilor Proctor to adopt Tribal Resolution: Removal of Enbridge Line 5 from under the Straits of Mackinac.

Roll Call Vote: Councilor Proctor-yes, Councilor David Harrington-yes, Secretary Kiogima-yes, Councilor Shananaquet-yes, Treasurer Reyes-yes, Councilor McNamara-yes, Councilor Wemigwase-yes, Councilor Bernard-absent, Legislative Leader Fred Harrington, Jr.-yes

Motion carried.

Motion made by Councilor Proctor and supported by Councilor David Harrington to adopt Tribal Resolution: Amendment to the FY 2018 Tribal-Wide Budget to increase the Cost Recovery Expenses line-item in the amount of \$210,560.00.

Roll Call Vote: Councilor Proctor-yes, Councilor David Harrington-yes, Secretary Kiogima-no, Councilor Shananaquet-no, Treasurer Reyes-yes, Councilor McNamara-no, Councilor Wemigwase-no, Councilor Bernard-absent, Legislative Leader Fred Harrington, Jr.-yes
Motion fails.

Motion made by Councilor Proctor and supported by Secretary Kiogima to adopt Tribal Resolution: Supplemental Funding in the amount of \$80,000.00 for Michelle Chingwa Education Assistance and Merit.

Roll Call Vote: Councilor Proctor-yes, Councilor David Harrington-yes, Secretary Kiogima-yes, Councilor Shananaquet-yes, Treasurer Reyes-yes, Councilor McNamara-yes, Councilor Wemigwase-yes, Councilor Bernard-absent, Legislative Leader Fred Harrington, Jr.-yes
Motion carried.

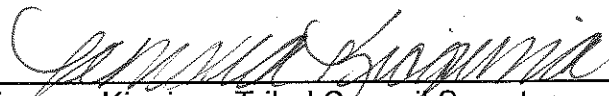
Adjournment:

4:26 p.m. Motion made by Councilor David Harrington and supported by Secretary Kiogima to adjourn.

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

Next Tribal Council Meeting Regular:

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



Tamara Kiogima, Tribal Council Secretary

12-14-17

Date