

**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 Bransky

Executive Officials and Staff Present: Chairperson 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.

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 Wernigwase 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 Boozing 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 charges installation at Odawa Casino Resort, will put 2-in. Interviewing Planning Director next Tuesday, working on Quill work video for U-Tube. 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.

1 **Legislative Officer Reports:**

2
3 Legislative Leader Report

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

9
10 **Motion** made by Secretary Kiogima and supported by Councilor Shananaquet to
11 accept Legislative Leader Fred Harrington, Jr.'s verbal report for November 9,
12 2017.

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

14 Motion carried.

15
16 **Motion** made by Councilor Shananaquet and supported by Councilor Proctor to
17 post to the Legislative Calendar the Mortgage Lending Statute as sponsored by
18 Councilor David Harrington to the Legislative Calendar in the Odawa Register.

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

20 Motion carried.

21
22 Secretary Report

23 Documents Delivered to the Executive

- 24
25 i. *Tribal Resolution # 110917-01 To Authorize Funding in the Amount of*
26 *\$35,000 for Trust Application Process for Tax Escrows, Surveys and Surveyor*
27 *consultation with the federal government, and title insurance, to come from*
28 *Reserved General Fund Balance-Supplemental Funding. Delivered to the*
29 *Executive for signature on 11/13/17-Executive signed 11/13/17*
30
31 ii. *Tribal Resolution # 110917-02 Repeal of Tribal Resolution #040907-02*
32 *Legislative Branch Operations Governmental Employee Personnel Policies*
33 *Handbook. Delivered to the Executive for signature on 11/13/17, Executive*
34 *signed 11/13/17*
35
36 iii. *Tribal Resolution # 110917-03 In Support of "We are ALL In" at the U.S. Climate*
37 *Action Center and at the UN climate talks (COP23). Delivered to the Executive*
38 *for signature on 11/09/17, Executive signed 11/13/17*
39
40 iv. *Tribal Resolution #111517-01 Supplemental Funding in the amount of \$25,000 to*
41 *the Judiciary for Attorney's Fees. Delivered to the Executive for signature on*
42 *11/16/17, Executive signed 11/17/17*
43
44 v. *Tribal Resolution # 111617-01 To Authorize Funding in the Amount of \$50,000*
45 *for Purchase of Parcel #110 to come from Reserved General Fund Balance-*
46 *Supplemental Funding. Delivered to the Executive for signature on 11/16/17,*
47 *Executive signed 11/17/17*

48
49 - Vetoes: (a vote of Tribal Council to override a veto shall occur within

1 90-days of the veto): none

2
3 - Phone Polls passed by Tribal Council:

4
5 i. 11-15-2017 Motion to Adopt Supplemental Funding in the Amount of \$25,000 the
6 Judiciary for Attorney's Fees.

7 Phone Poll Vote: 8 Yes 0 No 0 Abstained 1 Absent (Councilor Bernard)

8 Phone Poll passed.

9
10 ii. 11-15-2017 Motion to Adopt Funding in the amount of \$50,000 for Purchase of
11 Parcel #110 to come from Reserved General Fund Balance-Supplemental
12 Funding.

13 5 Yes 3 No (Councilor McNamara, Councilor Shananaquet, Secretary Kiogima) 0
14 Abstained 1 Absent (Treasurer Reyes)

15 Phone Poll passed.

16
17 Discussion: Thanked Jannan Cornstalk for her Public Comment.

18
19 **Motion** made by Treasurer Reyes and supported by Councilor Proctor to accept
20 Secretary Kiogima's verbal and written reports as presented on the agenda for
21 November 30, 2017.

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

23 Motion carried.

24
25 Treasurer Report

26 Appropriations and Finance Committee

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

28
29 Committee Action items:

30
31 i. Motion made by Councilor McNamara and supported by Councilor Wemigwase
32 to recommend to Tribal Council to adopt the Executive's Office Tribal Resolution
33 in the amount of \$80,000 for the Michelle Chingwa Education Act (MCEA) and
34 Merit Scholarships.

35 Vote: 3 - Yes, 0 - No, 0 – Abstained

36
37 ii. Motion made by Councilor Wemigwase and supported by Councilor McNamara
38 to recommend to Tribal Council to adopt the Judicial Branch tribal resolution for
39 supplemental funding request for a contract and retainer fee payment for the law
40 firm Kanji & Katzen.

41 Vote: 3 - Yes, 0 - No, 0 - Abstained, 0 - Absent

42 Motion carried.

43
44 iii. Motion made by Councilor Wemigwase and supported by Treasurer Reyes to
45 recommend to Tribal Council to adopt Tribal Resolution to the FY 2018 Tribal
46 wide budget in the amount of \$210,560 to come from Indirect Cost Recovery
47 Collections.

48 Vote: 2 - Yes, 1 – No (Councilor McNamara), 0 - Abstained, 0 - Absent

49 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

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:

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.*

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.

1
2 **Tribal Council Member Reports:**

3
4 Councilor Wemigwase spoke regarding attendance at the last Gaming Enterprise
5 Board. Provided cultural teachings for Citizens.

6
7 **Motion** made by Councilor Shananaquet and supported by Councilor McNamara
8 to accept Councilor Wemigwase's verbal Tribal Council Member verbal report for
9 November 30, 2017.

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

12
13 Councilor Proctor spoke regarding the Good Governance training, and her
14 meeting with Law Enforcement Chief Cobe regarding gun regulations.

15
16 **Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to
17 accept Councilor Proctor's Tribal Council Member verbal report for November 30,
18 2017.

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

21
22 **12:04 p.m.** Lunch

23 **1:45 p.m.** Return

24
25 **Corporate Charters and/or Board Updates**

26 Odawa Economic Development Management, Inc. – no report

27 Traditional Tribal Burial Board, Inc. – no report

28 Ziihimijwang, Inc. – no report

29 Gaming Enterprise Board – no report

30
31 **Legislative Staff Reports:**

32
33 Office of Finance and Revenue Report

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

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

39
40 Tribal Historic Preservation Officer - no report

41
42 Legislative Services Attorney Report

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

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

46 Motion carried.

1 General Counsel Report

2 **Motion** made by Councilor Proctor and supported by Councilor Wemigwase to
3 accept General Counsel Bransky's verbal and written Report for November 30,
4 2017.

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

6 Motion carried.

7
8 **Motion** made by Councilor Wemigwase and supported by Councilor Proctor to
9 approve Certified Motion # 113017-03 Request for Trust Acquisition of 612
10 Second Street, Harbor Springs, in Emmet County, Michigan.

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

13 Motion carried.

14
15 Legislative Office Manager Report

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

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

20 Motion carried.

21
22 **Motion** made by Treasurer Reyes and supported by Secretary Kiogima to
23 acknowledge receipt from the Executive and to **disapprove** the LTBB Wetland
24 Protection and Management Regulations REG-WOS 2016-008-112117-001.

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

26 Motion carried.

27
28 **Motion** made by Treasurer Reyes and supported by Councilor Wemigwase to
29 approve Certified Motion # 113017-01 Request for Funds as a sub-grantee from
30 the Inter-Tribal Council of Michigan Centers for Disease Control Prevention
31 Comprehensive Cancer Prevention and Control Program Little Traverse Bay
32 Bands of Odawa Indians Three Fires Comprehensive Cancer Control Program
33 (CCC).

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

35 Motion carried.

36
37 **Motion** made by Secretary Kiogima and supported by Councilor Wemigwase to
38 approve Certified Motion # 113017-02 Bureau of Indian Affairs Indian
39 Reservation Roads Inventory 9-Mile Point Removal.

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

41 Motion carried.

42
43 **Motion** made by Secretary Kiogima and supported by Councilor Shananaquet to
44 approve Tribal Council attendance at the Unity Midyear Conference January 2-5,
45 2018 in Tempe Arizona.

46 Vote: 6 - Yes, 2 – No (Councilor Wemigwase, Councilor McNamara), 0 -
47 Abstained, 1 – Absent (Councilor Bernard)

1 Motion carried.

2
3 **3:03 p.m.** Public Comment opened:

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

8 **3:07 p.m.** Public Comment closed.

9
10 **3:10 p.m.** Break

11 **3:29 p.m.** Return

12
13 **Motion** made by Councilor Shananaquet and supported by Councilor
14 Wemigwase to appoint Gerald V. Chingwa to the Natural Resource Commission
15 to fill the remainder of a 4-year term ending September 30, 2019.

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

18
19 **Motion** made by Councilor Shananaquet and supported by Councilor
20 Wemigwase to appoint William Ortiz to the Natural Resource Commission for a
21 4-year term ending September 30, 2021.

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

24
25 **Motion** made by Councilor McNamara and supported by Treasurer Reyes to
26 appoint John Keshick III to the Natural Resource Commission for a 4-year term
27 ending September 30, 2021.

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

30
31 **Motion** made by Secretary Kiogima and supported by Treasurer Reyes to assign
32 Kevin Willis to the Traditional Tribal Burial Board, Inc., for a 4-year term ending
33 September 21, 2021.

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

36
37 **Motion** made by Treasurer Reyes and supported by Councilor McNamara to
38 appoint Rochelle Ettawageshik to the Child Welfare Commission for a 3-year
39 term: December 18, 2017-December 18, 2020.

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

42
43 **Motion** made by Treasurer Reyes and supported by Councilor Shananaquet to
44 approve and authorize the signing of the Wells Fargo Banking Document of the
45 Odawa Casino Resort (OCR) in regards to the Certificate of Indian Entity for
46 designation of the administration of the OCR financial accounts, Limited Waiver
47 of Sovereign Immunity, and Certificate of Incumbency. The designations of

1 General Manager Eric McLester, Director of Finance Coby Lacy and Gaming
2 Enterprise Board Chairperson Denise Petoskey for the administration of the
3 Odawa Casino Resort.

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

6 Motion carried.

7
8 **Motion** made by Councilor Shananaquet and supported by Councilor
9 Wemigwase to post Policy and Procedures for Appointment for a Vacant Seat on
10 Tribal Council as sponsored by Secretary Kiogima.

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

12 Motion carried.

13
14 **Motion** made by Councilor Shananaquet and supported by Treasurer Reyes
15 acknowledge receipt of the 2018 Natural Resources Rules-1836 Ceded Territory-
16 Regulations REG-WOS-2013-004-112917-002B and 2018 Natural Resources
17 Rules-Reservation- Regulations REG-WOS-2013-002-113017-002A as
18 presented by the Executive.

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

20 Motion carried.

21
22 **Motion** made by Councilor Shananaquet and supported by Councilor McNamara
23 to appoint Jocelyn Fabry as an Appellate Justice to fill the remainder of a 6-year
24 term ending June 20, 2018.

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

29 Motion Fails.

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

32
33 **Motion** made by Councilor Shananaquet and supported by Councilor Proctor to
34 adopt Tribal Resolution: Removal of Enbridge Line 5 from under the Straits of
35 Mackinac.

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

40 Motion carried.

41
42 **Motion** made by Councilor Proctor and supported by Councilor David Harrington
43 to adopt Tribal Resolution: Amendment to the FY 2018 Tribal-Wide Budget to
44 increase the Cost Recovery Expenses line-item in the amount of \$210,560.00.

45 Roll Call Vote: Councilor Proctor-yes, Councilor David Harrington-yes, Secretary
46 Kiogima-no, Councilor Shananaquet-no, Treasurer Reyes-yes, Councilor

1 McNamara-no, Councilor Wemigwase-no, Councilor Bernard-absent, Legislative
2 Leader Fred Harrington, Jr.-yes
3 Motion fails.

4
5 **Motion** made by Secretary Kiogima and supported by Councilor Proctor to adopt
6 Tribal Resolution: Supplemental Funding in the amount of \$80,000.00 for
7 Michelle Chingwa Education Assistance and Merit.

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

12 Motion carried.

13
14 **Adjournment:**

15 **4:26 p.m.** Motion made by Councilor David Harrington and supported by
16 Secretary Kiogima to adjourn.

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

18 Motion carried.

19
20
21 Next Tribal Council Meeting Regular:

22
23 These Minutes have been read and are approved as corrected/written.

24
25
26
27 _____
28 Tamara Kiogima, Tribal Council Secretary

Date