The Little Traverse Bay Bands of Odawa Indians
VIA ZOOM
**Tribal Council Regular Meeting Agenda**
**October 21, 2021**
**9:00 a.m.**

**All meetings, work sessions and Citizens' meetings are recorded**
*Agenda subject to change and may include closed session*
Public Comment 11:45 a.m. & 3:00 p.m. (approximate)
Lunch Recess may be held approximately 12:00 p.m. - 1:30 p.m.

Join Zoom Meeting
https://us02web.zoom.us/j/83042252689?pwd=S1JWdngzdnJjT09oeGcyUDg5YU50QT09

Meeting ID: 830 4225 2689
Passcode: 749802
One tap mobile
+19294362866,,83042252689#,,,,*749802# US (New York)
+13017158592,,83042252689#,,,,*749802# US (Washington DC)

Dial by your location
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
Meeting ID: 830 4225 2689
Passcode: 749802
Find your local number: https://us02web.zoom.us/u/kdwdYhDcWk

GENERAL SESSION

1. Call to Order
2. Opening Ceremony
3. Roll Call

4. **Motion** to Adopt the Agenda of October 21, 2021 as (presented/amended)

**5.** **Motion** to dedicate this meeting in honor of the following Tribal Citizen(s) who have walked on: Francis Boda, Carmen Chippewa, Gregory Keway, Louis Kiogima, David Norton, Mark Shawanibin, Theresa LeClair, Jerry Stromske, Philip Notari

6. Review and Approve Minutes of September 16, 2021 and October 7, 2021.

**Motion** to approve the minutes of September 16, 2021 as (presented/corrected)

**Motion** to approve the minutes of October 7, 2021 as (presented/corrected)

7. **9:30 a.m.** Introduction of new Tribal Government Employees

8. Legal Department Office of Citizens Legal Assistance Report

**Motion** to acknowledge receipt of Office of Citizens Legal Assistance Report as presented by Cherie Dominic for October 21, 2021.

9. Executive Oversight Report

**Motion** to acknowledge the verbal and written Executive Oversight Report as presented by Tribal Chairperson Regina Gasco-Bentley for October 21, 2021.

10. Tribal Council Officer Reports
    a. Legislative Leader Report

**Motion** to accept Legislative Leader Emily Proctor's verbal report for October 21, 2021.

b. Secretary Report
    i. Documents Delivered to the Executive:

- TRIBAL RESOLUTION #100721-01 To Approve the Negotiation of an HS Section 105 Lease(s) for the Health Park Facility Building(s). Signed by Executive

- TRIBAL RESOLUTION # 100721-02 To recognize "Indigenous Peoples Day" as a Tribal Holiday. Signed by the Executive

ii. Vetoes*:* NONE

iii. Phone Polls passed by Tribal Council: NONE

**Motion** to accept Secretary Marcella Reyes verbal and written report as provided on the agenda for October 21, 2021.

c. Treasurer Report

i. **Appropriations and Finance Committee**
-Last Meeting: October 12, 2021

*(Motions made at Appropriations and Finance Committee Meeting):*

*Motion made by Secretary Marcella Reyes and supported by Councilor William Ortiz to recommend to Tribal Council to approve CERTIFIED MOTION # 102121-01 Request for Funding from Office of Native American Programs Native American Housing Assistance and Self-Determination Act (NAHASDA) Indian Housing Block Grant Program FY 2022.*
*Vote: 3 -yes, 0-no, 0-abstain, 0-absent*
*Motion carried.*

*Motion made by Secretary Marcella Reyes and supported by Treasurer Leroy Shomin to recommend to Tribal Council to CERTIFIED MOTION # 102121-02 Indian Housing Block Grant Program – Competitive Grants Program FY 2021. Request for Funding from Office of Native American Programs Native American Housing Assistance and Self-Determination Act (NAHASDA).*

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

***Note:*** *Certified Motion 102121-03 Approval of FY 2022 – FY 2025 Tribal Transportation Improvement Plan, not submitted to Appropriations and Finance Committee.*

*Motion made by Councilor William Ortiz and supported by Secretary Marcella Reyes to recommend to Tribal Council to approve CERTIFIED MOTION # 102121-04 Request for Funding from the Indian Health Service FY 2022 – FY 2026 Special Diabetes Program for Indians.*
*Vote: 3 -yes, 0-no, 0-abstain, 0-absent*
*Motion carried.*

*Motion made by Secretary Marcella Reyes and supported by Councilor William Ortiz to recommend to Tribal Council to approve CERTIFIED MOTION # 102121-05 Request for Funding from Economic Development Administration Economic Assistance Programs FY 2020.*
*Vote: 3 -yes, 0-no, 0-abstain, 0-absent*
*Motion carried.*

*Motion made by Secretary Marcella Reyes and supported by Councilor William Ortiz to recommend to Tribal Council to approve CERTIFIED MOTION # 102121-06 Request for Funding from the Indian Health Service BEMAR Funds FY 2021.*
*Vote: 3 -yes, 0-no, 0-abstain, 0-absent*
*Motion carried.*

*Motion made by Councilor William Ortiz and supported by Secretary Marcella Reyes to recommend to Tribal Council to approve CERTIFIED MOTION # 102121-07 Authorization and Support of Applications for and Acceptance of COVID-19 Related Funds Received under Tribal Resolution 032420-01 COVID-19 Suspension of Deadlines 3nd Quarter 2021.*
*Vote: 3 -yes, 0-no, 0-abstain, 0-absent*
*Motion carried.*

*Motion made by Councilor William Ortiz and supported by Secretary Marcella Reyes to refer the following Tribal Resolutions to Tribal Council for consideration without the Appropriation and Finance Committee recommendation to approve or disapprove:*
*American Rescue Plan Funds TRIBAL RESOLUTION: Authorization of the COVID-19 Vaccine Incentive Program that allows a five hundred dollars ($500.00) payment to Little Traverse Bay Bands of Odawa Indians Citizens and Employee to come from American Rescue Plan Act ("ARP") funds, for a total of $2,450,000.*
*Tribal Resolution: Use of American Rescue Plan Act ("ARPA") funds in the Amount of $6,800,000.00.*
*Tribal Resolution: Use of American Rescue Plan Act ("ARPA") funds in the Amount of $16,880,589.80, 2021 Budget modification that uses $6.8MM of the ARPA funding to replace $6.8MM of revenue from Odawa Casino Resort, $16,870,589.80 General Resolution that allows for…*
*$3,080,589.80 to the Department of Commerce for micro-grants to help tribal enterprises and tribally owned businesses with COVID Relief mitigation. This will program will be similar to what was done with the CARES funding.*
*$2,000,000.00 for Utility Water / Sewer Upgrades*
*$5,000,000.00 set-aside for a new health facility*

*$4,000,000.00 set-aside for Indian town elder housing*
*$1,000,000.00 set-aside for modular housing at Heying Road property*
*$1,800,000.00 for Tribal Government COVID mitigation*
*$2,500,000 appropriation for an additional COVID Relief payment (similar program to the $1500 appropriation earlier this summer). Funding to come from $500,000 of remaining CARES funding and $2,000,000 to come from ARPA funding.*
*$1,000,000 to come from General Fund, Fund Balance for a cost match for a $5,000,000 IHBG grant for the build out of the Murray Road Property (Grants are currently working on).*
*2021 Per-Cap Resolution $1,250,000 for $270 per 4,481 citizens to come from General Fund, Fund Balance.*
*Tribal Citizen's proposed Plan that contains*
*$1,500 payment June/July 2021 to Citizens*
*$1,500 payment October/November 2021 to Citizens*
*$1,500 payment May/June 2022 to Citizens*
*$5,000,000 Build or Buy Housing*
*$2,000,000 Wastewater Upgrades*
*$1,000,000 ($400 monthly daycare stipend for 1 year to Heads of households who have kids born since 12/31/2009)*
*$601,000 ($500 additional k-12 scholarship for 3 years)*
*$1,000,000 ($200 one-time internet stipend per Citizen)*
*$2,500,000 (OCR Compensation fund)*
*$1,483,389 ($70 weekly premium pay for hourly employees excluding overtime)*
*Allocate to the Odawa Economic Affairs Holding Corporation (d/b/a Odawa Property Managers), for the Purpose of Building Affordable and High-quality Living Units in the Amount of $5,000,000.00 to come from American Rescue Plan Act ("ARP") Funds.*
*TRIBAL RESOLUTION: Per Captia Distribution Supplemental funding in the Amount of $1,250,000.00 from 2021 Odawa Casino Revenue in excess of 2021 Budgeted Amounts.*
*Vote: 3-yes, 0-no, 0-abstained, 0-absent*
*Motion carried.*

*Motion made by Secretary Marcella Reyes and supported by Treasurer Leroy Shomin to recommend to Tribal Council to adopt TRIBAL RESOLUTION: To Authorize and Approve any funds received from the Housing Department's Market Rate Rental Program Carryover over each Fiscal Year.*
*Vote: 3-yes, 0-no, 0-abstained, 0-absent*
*Motion carried.*

*Motion made by Councilor William Ortiz and supported by Secretary Marcella Reyes to recommend to Tribal Council to adopt TRIBAL RESOLUTION: Carryover of unspent funds in the amount of $229,450.00 for the work on the Cross Village Campground.*
*Vote: 3-yes, 0-no, 0-abstained, 0-absent*
*Motion carried.*

-Next Meeting: Tuesday November 9, 2021 at 9:00 a.m. in Council Chambers

-Phone Polls passed by Appropriations and Finance Committee:

***09/17/2021*** *Reason for Phone Poll: Motion to approve sponsoring a Public Hearing to be held on Thursday, September 23, 2021 at 4:30pm – 7:00pm, regarding the American Rescue Plan funding uses; and to approve the posting of a notice for the Public Hearing. Phone Poll Vote: 3 Yes, 0 No, 0 Abstain, 0 Absent, Motion carried.*

***10/21/21*** *Reason for Phone Poll: Motion to recommend to Tribal Council to approve CERTIFIED MOTION # 102121-08 Request for Funding from the Oleson Foundation Eagle Aviary and Rehabilitation Funds.*
*Phone Poll Vote: 3 Yes, 0 No, 0 Abstained,0 Absent Motion carried.*

**Motion** to accept the Appropriations and Finance Committee verbal and written report as provided on the agenda by Treasurer Leroy Shomin, Committee Chair for October 21, 2021.

ii. **Land and Reservation Committee**
-Last Meeting: October 15, 2021

*(Motions made at Land and Reservation Committee Meeting):*

*Motion made by Secretary Marcella Reyes and supported by Councilor Fred Kiogima CERTIFIED MOTION # 102121-03 Approval of FY 2022 – FY 2025 Tribal Transportation Improvement Plan.*
*Vote: 3 Yes, 0 No, 0 Abstain, 0 Absent, Motion carried.*

-Next Meeting: November 12, 2021 at 9:00 a.m. in Council Chambers

-Phone Polls passed by Land and Reservation Committee:

*10/08/21 Reason for Phone Poll: Posted 10/7/2021 Motion to approve an October 15, 2021 Land and Reservation Committee Meeting at 9:00 a.m.*
*Phone Poll Vote: 3 Yes, 0 No, 0 Abstain, 0 Absent Motion carried.*

**Motion** to accept the Land and Reservation Committee verbal and written report as provided on the agenda by Secretary Marcella Reyes, Committee Chairperson for October 21, 2021.

11. Tribal Council Member Reports:

i. Councilor Melissa Pamp - Proposed Legislation
ii.

12. Legislative Office Reports:

i. Office of Finance and Revenue

i. Senior Financial Analyst

- Corporate Charters and/or Board Updates:

  - Tribal Burial Board, Inc.
  - Odawa Economic Development Management, Inc.
  - Ziibimijwang, Inc.
  - Odawa Economic Affairs Holding Corporation, Inc.
  - Gaming Authority

**Motion** to acknowledge receipt of the Gaming Authority Odawa Casino Resort 3rd Quarter update and September 2021 update dated October 19, 2021.

**Motion** to accept Sr Financial Analyst Rachel Cope's verbal and written report for October 21, 2021.

a. Tribal Historic Preservation Officer

**Motion** to accept Tribal Historic Preservation Officer Melissa Wiatrolik's verbal and written report for October 21, 2021.

b. Legislative Services Attorney

**Motion** to acknowledge receipt of Legislative Services Attorney Donna Budnick's verbal and written report for October 21, 2021.

c. General Counsel

**Motion** to accept General Counsel Jim Bransky's verbal report for October 21, 2021.

d. Legislative Office Manager

**Motion** to accept Legislative Office Manager Michele Portman-LaCount's verbal and written report for October 21, 2021.

13. Tribal Council Action Items:

a. Motions

i. **Motion** to appoint Rose Pyant to the Elders Commission for the remainder of a 4-year term ending October 13, 2025.

***(The Tribal Prosecutor shall be appointed by an affirmative vote of six (6) of the nine (9) members of the Tribal Council.)***

ii. **Motion** to appoint Jana Simmons as Tribal Prosecutor for a 3-year term ending October 21, 2024.

iii. **Motion** to approve Certified Motion #102121-01 Request for Funding from Office of Native American Programs Native American Housing Assistance and Self-Determination Act (NAHASDA) Indian Housing Block Grant Program FY 2022.

iv. **Motion** to approve Certified Motion #102121-02 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 2021.

v. **Motion** to approve Certified Motion #102121-03 Approval of FY 2022 – FY 2025 Tribal Transportation Improvement Plan.

vi. **Motion** to approve Certified Motion #102121-04 Request for Funding from the Indian Health Service FY 2022 – FY 2026 Special Diabetes Program for Indians.

vii. **Motion** to approve Certified Motion #102121-05 Request for Funding from Economic Development Administration Economic Assistance Programs FY 2020.

viii. **Motion** to approve Certified Motion #102121-06 Request for Funding from the Indian Health Service BEMAR Funds FY 2021.

ix. **Motion** to approve Certified Motion #102121-07 Authorization and Support of Applications for and Acceptance of COVID-19 Related Funds Received under Tribal Resolution 032420-01 COVID-19 Suspension of Deadlines3nd Quarter 2021.

x. **Motion** to approve the Little Traverse Bay Bands of Odawa Indians Odawa Economic Development Management, Inc. Corporate Charter.

xi. **Motion** to approve Enrollment List-A Eligible for Citizenship dated October 19, 2021 for a total of 8.

xii. **Motion** to approve Enrollment List-B Declination Ineligible dated October 19, 2021 for a total of 3.

xiii. **Motion** to approve Certified Motion #102121-08 To Restrict a Portion of the American Rescue Plan Act ("ARP") Funds for Affordable Housing Development in the amount of Five Million Dollars ($5,000,000).

xiv. **Motion** to approve the Little Traverse Bay Bands of Odawa Indians COVID-19 Financial Impact Relief Payment Program Policy II.

xv.

b. Roll Call Votes

i. **Motion** to adopt TRIBAL RESOLUTION Authorization of *the COVID-19 Financial Impact Relief Payment Program Policy II* that allows a one thousand five hundred dollars ($1500.00) payment to Little Traverse Bay Bands of Odawa Indians Citizens to come from Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") and American Rescue Plan Act ("ARP") funds.

ii. **Motion** to adopt TRIBAL RESOLUTION Indian Housing Block Service Grants (IHBG) matching support supplemental funding in the Amount of $1,000,000.00 from General Fund – Fund Balance.

iii. **Motion** to adopt Tribal Resolution Per Captia Distribution Supplemental funding in the Amount of $1,250,000.00 from 2021 Odawa Casino Revenue in excess of 2021 Budgeted Amounts**.**

iv. **Motion** to adopt TRIBAL RESOLUTION: Carryover of unspent funds in the amount of $229,450.00 for the work on the Cross Village Campground.

v. **Motion** to adopt TRIBAL RESOLUTION: Establishment of a Market Rate Rental program through the Housing Department**.**

vi.

14. Other Items of Business:

a.

15. Adjournment

Next Scheduled Meeting November 4, 2021
**at 9:00 a.m.**