

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JANUARY 26, 2012 – 9:00 A.M.**

- A. Date: January 26, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:12 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Jerry Lee Curtis, Assistant Secretary (arrived at 1:02 p.m.)
Toni J. Minton, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota
Eddy Edwards
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe
Elizabeth “Chiz” Matthews
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 26, 2012
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| Additions: | New Business- | 6. Susan LaFernier, Secretary – Senior Pension Plan Amendments
7. Debbie Parrish, OCC President – Resolution KB-1875-2012 Upward Bound Program
8. President Swartz/Bradley Dakota – David Haataja Extraordinary Employee Monthly Recognition Nomination in Indian Gaming Magazine |
| | Closed Session- | 7. Carole LaPointe, Health Director – b) Pharmacist Fill-In/On-Call Job Description |

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

G. For Your Information:

1. Letter from Kirk T. Steudle, Director Michigan Department of Transportation regarding which Five Tribes have signed Michigan Intergovernmental Transportation Accord

[New Business]

1. Debbie Parrish, OCC President – Resolution KB-1875-2012 which supports KBOCC in establishing an Ojibwa Upward Bound Program for youth ages 13-19 June 2012 – May 2017

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1875-2012 UPWARD BOUND PROGRAM. SUPPORTED BY CAROLE L. LAPOINTE. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

H. Old Business:

1. Larry Denomie III, CEO –
 - a) 6.5 Job Reclassification Proposed Policy Amendments. The Department Heads and new Council members will review.

MOTION MADE BY EDDY EDWARDS TO TABLE THE JOB RECLASSIFICATION PROPOSED POLICY AMENDMENTS FOR ONE WEEK. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

- b) 19.1 Appropriate Grievances Process/Procedure Proposed Policy Amendments (new)
The Hiring Committee reviewed and the CEO will present two options.

MOTION MADE BY JEAN JOKINEN TO TABLE THE GRIEVANCE PROCESS PROPOSED POLICY AMENDMENTS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

I. New Business:

2. Larry Denomie III, CEO – Weekly Update

Break: 10:30 – 10:50 a.m.

3. Jason Ayres, Realty Officer –

- a) Resolution KB-1873-2012 Cancels a Recreational Lease to Lynelle S. Sutherland and grants a Recreational Lease to Catherine M. Sandquist and Shane A. Sandquist

MOTION MADE BY EDDY EDWARDS TO APPROVE RESOLUTION KB-1873-2012 CATHERINE M. SANQUIST RECREATIONAL LEASE ACQUISITION. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

- b) Resolution KB-1874-2012 Virginia A. Jermac Residential Lease Modification (Fee Simple Land Lease New Format) “One Stop Lease” HUD 184 Lease

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTION KB-1874-2012 VIRGINIA A. JERMAL RESIDENTIAL LEASE MODIFICATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Fred Dakota), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

4. President Swartz - Committee Vacancy Selections Election Board (3) & Constitutional Committee (1 alternate)

Constitutional Committee Alternate – (1)

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT DON CARLSON AS AN ALTERNATE TO THE CONSTITUTIONAL COMMITTEE. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Election Board – (3)

A ballot vote was taken and there was a three-way tie between Beth Dix, Kim Klopstein, and Nancy Pawlowski.

MOTION MADE BY FRED DAKOTA TO APPOINT JEANNE KAUPPILA, KIM KLOPSTEIN, AND PEGGY MINTON TO THE ELECTION BOARD. SUPPORTED BY ELIZABETH D. MAYO. FOUR IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr.), SIX OPPOSED (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION DEFEATED.

A second ballot vote was then taken between Beth Dix (3), Kim Klopstein (3), and Nancy Pawlowski (4).

MOTION MADE BY SUSAN J. LAFERNIER TO APPOINT JEANNE KAUPPILA, PEGGY MINTON, AND NANCY PAWLOWSKI TO THE ELECTION BOARD. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

5. Susan LaFernier, Secretary – Schedule Enterprise Employee Appeal of Termination Hearing Case #002-12 – The Hearing is scheduled for February 9, 2012 at 11:00 a.m.

First Thursday of the Month Council Meetings –

MOTION MADE BY ELIZABETH D. MAYO THAT THE COUNCIL WILL NOT MEET ON THE THURSDAY BEFORE A REGULAR MONTHLY SATURDAY MEETING. SUPPORTED BY EDDY EDWARDS. FIVE IN FAVOR (Elizabeth D. Mayo, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Carole L. LaPointe), FIVE OPPOSED (Susan J. LaFernier, Toni J. Minton, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), TIE VOTE. MOTION DEFEATED.

MOTION MADE BY ELIZABETH D. MAYO TO ONLY HOLD A THURSDAY COUNCIL MEETING PRIOR TO THE REGULAR MONTHLY SATURDAY MEETING IF NECESSARY AS DETERMINED BY THE CHAIRMAN. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

6. Gary Loonsfoot, Jr., Language Coordinator/Chris Chosa, THPO Director – Resolution KB-1871-2012 ANA Grant Application: Native American Language Preservation and Maintenance August 2012 – July 2015 with a 20% cash match.

The grant will include the addition of a webmaster/video operator position to perform videos, a webpage, and children’s books. The Council requested a project abstract. [Return to later today]

7. Susan LaFerner, Secretary – KBIC Elders and Restated Tribal and Disability Pension Trust Document

MOTION MADE BY ELIZABETH D. MAYO TO TABLE THE SENIOR PENSION PLAN AMENDMENTS UNTIL FEBRUARY 9, 2012. SUPPORTED BY CAROLE L. LAPOINTE. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

8. President Swartz/Bradley Dakota – David Haataja Extraordinary Employee Monthly Recognition Nomination in Indian Gaming Magazine for Years of Service

Brad stated David Haataja has worked in the casino since 1984 and has more seniority in Indian Gaming than anyone else in the country and in the world. He began as a dealer and is presently the General Manager. He also worked at Fred Dakota’s Casino.

MOTION MADE BY ELIZABETH D. MAYO TO RECOGNIZE DAVID HAATAJA FOR YEARS OF SERVICE TO OUR COMMUNITY AND HAVE THE CHAIRMAN NOMINATE HIM FOR EXTRAORDINARY EMPLOYEE TO THE INDIAN GAMING MAGAZINE. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Eddy Edwards), MOTION CARRIED.

(Eddy Edwards is out of the room)

J. Closed Session:

1. Ed Janisse, Radio Station Manager – D.C. Creative Services Inc. “Vanilla Gorilla Productions” Services Agreement
2. John Baker, Attorney
3. Ken Marshall, GIS Specialist/Christoph Geiger, Deputy Tribal Attorney - Baraga Telephone Fiber Optics Amendment to Construction Contract
4. Gregg Nominelli, Economic Developer –
 - a) Dean Peterson Graphics Services Agreement
 - b) Gas Station Feasibility and Best Use Analysis Proposals
5. Bruce LaPointe, Project Manager – Taisto Truck Rental Agreement

6. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant Manager – Michael Joseph License Agreement
7. Carole LaPointe, Health Administrator –
 - a) Interim RPMS Site Manager
 - b) Pharmacist Fill-In/On-Call Job Description

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 11:51 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Lunch: 11:52 a.m. – 1:02 p.m.

Jerry Lee Curtis arrived at 1:02 p.m.

Break: 1:45 – 1:59 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 3:01 P.M. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Gary Loonsfoot, Jr., Language Coordinator/Chris Chosa, THPO Director – Resolution KB-1871-2012 ANA Language Grant Application/Project Abstract

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-1871-2012 ANA LANGUAGE GRANT AND TO CHANGE THE WORDING TO CASH OR IN-KIND MATCH FOR A MAXIMUM OF \$75,000.00 PER YEAR. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

D.C. Creative Services Inc. “Vanilla Gorilla Productions” Services Agreement – Radio Stations use of production services

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE D.C. CREATIVE SERVICES INC. VANILLA GORILLA PRODUCTIONS SERVICES AGREEMENT. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Baraga Telephone Fiber Optics Amendment to Construction Contract and Indefeasible Right To Use Agreement for a fiber route from the DHHS Clinic to KB Natural Resources Department –

MOTION MADE BY EDDY EDWARDS TO APPROVE THE AMENDMENT TO THE CONSTRUCTION CONTRACT AND INDEFEASIBLE RIGHT TO USE AGREEMENT BETWEEN KBIC AND THE BARAGA TELEPHONE COMPANY FOR THE FIBER OPTICS IN THE AMOUNT OF \$75,000.00. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

HUD Rural Innovation Fund (RIF) Grant Regarding the forming of a Corporation –

MOTION MADE BY CAROLE L. LAPOINTE TO ACCEPT THE \$800,000.00 HUD RURAL INNOVATION FUND GRANT REGARDING THE CORPORATION. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Michael Joseph License Agreement – Right to use and access online training materials for the employees of the Baraga Ojibwa Casino for \$1,995.00 February 2012 – January 2013

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MICHAEL JOSEPH LICENSE AGREEMENT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Application Michigan Indian Tribe Liquor Permit from the Michigan Liquor Control Commission – (Marquette Casino) (Baraga’s Permit is posted)

MOTION MADE BY FRED DAKOTA TO APPROVE AN APPLICATION FOR A LIQUOR PERMIT WITH THE STIPULATION THAT IT RELATES BACK TO THE AGREEMENT SIGNED WITH THE GAMING COMPACT WITH THE STATE ON AUGUST 20, 1993. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Pharmacist Fill-In/On-Call Position Announcement –

MOTION MADE BY EDDY EDWARDS TO APPROVE THE FILL-IN/ON-CALL PHARMACIST POSITION AT \$68.00 AN HOUR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

CAC Position – Interim RPMS Site Manager

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE ADDITIONAL WAGE FOR THE CAC POSITION FOR 15 DAYS AT \$2.00 AN HOUR AND ALLOW THE HEALTH ADMINISTRATOR TO POST FOR AN INTERIM SITE MANAGER. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Eddy Edwards, Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Equipment Lease Shawn Taisto Quad Truck Rental -

MOTION MADE BY EDDY EDWARDS TO APPROVE PAYMENT ON THE TAISTO TRUCK EQUIPMENT LEASE FOR \$5,000.00 AND PREPARE A BLACK LIST OF ANY ENTITY OR PERSON THAT OWES \$500.00 OR MORE AND TO ADD AN ATTACHMENT TO BE PUBLISHED AND AVAILABLE ON THE PROCUREMENT POLICY. SUPPORTED BY JEAN JOKINEN. FOUR IN FAVOR (Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen), SIX OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE ABSTAINING (Carole L. LaPointe), ABSENT - 0, MOTION DEFEATED.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE PAYMENT OF \$5,750.00 FOR THE TAISTO TRUCK RENTAL BILL. SUPPORTED BY TONI J. MINTON. FIVE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Carole L. LaPointe, Elizabeth “Chiz” Matthews), SIX OPPOSED (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION DEFEATED.

K. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 3:26 P.M. SUPPORTED BY JEAN JOKINEN. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist