

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – FEBRUARY 16, 2012 – 9:00 A.M.**

- A. Date: February 16, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:03 a.m.
- C. Invocation: Lord’s Prayer and prayers for Colleen DeRoche
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President (arrived at 9:05 a.m.)
Susan J. LaFernier, Secretary
Jerry Lee Curtis, Assistant Secretary
Toni J. Minton, Treasurer (arrived at 9:30 a.m.)
Robert R.D. Curtis, Jr.
Fred Dakota
Eddy Edwards
Jean Jokinen
Michael F. LaFernier, Sr. (arrived at 9:08 a.m.)
Carole L. LaPointe (arrived at 9:23 a.m.)
Elizabeth “Chiz” Matthews
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: February 16, 2012

MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Michael F. LaFernier, Sr., Carole L. LaPointe), MOTION CARRIED.

G. For Your Information:

1. A letter from the U.S. Department of Justice and the National Congress of American Indians for KBIC Youth Participation in the 2011 National Intertribal Youth Summit (and copy of PowerPoint presentation) Savannah Dakota and Sierra Ayres attended.

Mike LaFerner, Sr. arrived at 9:08 a.m.

2. GLIFWC 2012 Harvest Guidelines for Michigan 1842 Ceded Territory Walleye Lakes
3. Negaunee Township Board Designation of Ad-Hoc Committee to work with KBIC regarding the construction of the Marquette Airport Casino
4. Baraga Casino Financial Report December 2011 (Dale Shalifoe)
5. VOIGT Intertribal Task Force Meeting Minutes January 5, 2012 Red Cliff, Wisconsin

H. Approval of Meeting Minutes:

1. May 19, 2011

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE MAY 19, 2011 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFerner, Sr.), TWO ABSENT (Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.

2. May 23, 2011

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MAY 23, 2011 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jerry Lee Curtis, Eddy Edwards, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen), TWO ABSENT (Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.

Carole LaPointe arrived at 9:23 a.m.

3. May 26, 2011

MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE MAY 26, 2011 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), ONE ABSENT (Toni J. Minton), MOTION CARRIED.

I. Closed Session:

1. Tom Verboczki/Paul Halverson – Personnel Issue
2. Carole LaPointe, Health Administrator –
 - a) 506 Recovery – Forest County Potawatomi Community Services Agreement
 - b) Pediatrician Professional Services Agreement
3. President Swartz – Keith Rolof Senior Tax Preparation Services Agreement
4. Susan LaFerner, Secretary – Personnel Issue

5. John Baker, Attorney
6. Enterprise Employee Appeal of Termination Hearing Case #002-12

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 9:24 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Toni Minton arrived at 9:30 a.m.

Break: 10:17 – 10:31 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 11:53 A.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. 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.

Forest County Potawatomi Community Service Agreement – To conduct audits of payments made for services rendered and Medicare-like rates

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SERVICE AGREEMENT WITH FOREST COUNTY POTAWATOMI COMMUNITY AND KBIC FOR CLAIMS FROM 2007 THROUGH 2010. SUPPORTED BY EDDY EDWARDS. 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.

Keith Rolof KBIC Senior Tax Preparation Services Agreement – provide Federal and State individual income tax return preparation services

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SERVICES AGREEMENT WITH KEITH ROLOF FOR THE SENIOR TAX PREPARATION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. 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.

Professional Services Agreement – KBIC Department of Health and Human Services and Baraga County Memorial Hospital for Pediatric Physician Services

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH BCMH FOR PEDIATRICIAN SERVICES. 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.

Personnel Issue –

MOTION MADE BY JEAN JOKINEN TO HEAR THE GOVERNMENT EMPLOYEE TERMINATION OF APPEAL. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FOUR IN FAVOR (Jerry Lee Curtis, Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), SEVEN OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe), ABSTAINING - 0, ABSENT - 0, MOTION DEFEATED.

Enterprise Employee Appeal of Termination Hearing Case #002-12 –

MOTION MADE BY ELIZABETH D. MAYO TO UPHOLD THE DECISION OF MANAGEMENT IN CASE #002-12 ENTERPRISE EMPLOYEE APPEAL OF TERMINATION. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Carole L. LaPointe), THREE OPPOSED (Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Jean Jokinen stated her opposition: She feels we need to quit firing tribal members and find other ways to deal with problems.

Mike LaFernier, Sr. stated his opposition: He would like the termination removed from the employee’s record.

Lunch: 12:01 – 1:00 p.m.

J. Recognize Scheduled Delegation/Individuals:

1. Joe VanAlstine/Jim Anholzer – U.S. Oil Presentation (Gregg Nominelli present)

Elizabeth Mayo and Eddy Edwards returned from lunch at 1:15 p.m.

The Council will meet with our CEO and determine if we will enter into a partnership with U.S. Oil.

K. Old Business:

1. Susan LaFernier, Secretary – Senior Pension Plan Amendments

MOTION MADE BY EDDY EDWARDS TO AMEND AND RESTATE THE TRIBAL ELDERS AND DISABILITY PENSION TRUST MINUS SECTION II-E. SUPPORTED BY JEAN JOKINEN. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), TWO OPPOSED (Toni J. Minton, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

[Recognize Scheduled Delegation/Individuals]

2. Jean Jokinen/Hiring Committee/Personnel/TERO - Hiring Process Issue

Present: Mathew Shalifoe, Sr., Jacquelyn Swartz, Shawn Lussier, Roger Duschene, Wanda Seppanen, Pauline Spruce, Amy St. Arnold, and Larry Denomie III.

Jean Jokinen discussed the Hiring process and asked why Tribal members are not getting interviews.

The Council consensus is the Director, Personnel, and TERO will review a job description first and then it will be reviewed by the Hiring Committee before it is posted.

Break: 2:36 – 2:48 p.m.

L. New Business:

1. President Swartz –

- a) 4th of July (Wednesday) Holiday Schedule

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE JULY 5TH AS A HOLIDAY AND EMPLOYEES THAT HAVE TO WORK WILL RECEIVE TIME AND A HALF. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. 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.

- b) 2012 Island Resort Championship at Sweetgrass/YMCA Benefit (June 27, 2012)

MOTION MADE BY FRED DAKOTA TO APPROVE A DONATION OF \$1,600.00 TO THE YMCA OF DELTA COUNTY 2012 ISLAND RESORT CHAMPIONSHIP BENEFIT AT SWEETGRASS. SUPPORTED BY JEAN JOKINEN. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), TWO OPPOSED (Toni J. Minton, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

[Recognize Scheduled Delegation/Individuals]

3. Jerry Jondreau/Jim Rivard, MTU Forestry Professor/Marty Jurgenson, Professor/Will Wiggins – Natural Resources/MTU Senior Project Proposal – (David Osmak, BIA Forester, present) – A Power Point Presentation on Capstone, a MTU Project on Tribal land, involving MTU Students

The Council consensus is for MTU to work with OCC and the Board of Regents as well as the Cultural Committee, Natural Resources Department, and Jason Ayres in Land Management.

2. Bruce LaPointe, Project Manager (not present) – OVW Home Security and Fire Alarm System Bids (3)

MOTION MADE BY EDDY EDWARDS TO APPROVE THE BID FROM SOUTH SHORE, INC. IN THE AMOUNT OF \$13,692.70 FOR THE OVW FIRE ALARM SYSTEM. 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.

3. Carole LaPointe, Health Administrator – Color Copier Bids (3) and (2) GSA Bids

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PURCHASE OF THE XEROX COPIER IN THE AMOUNT OF \$5,396.00 FOR THE HEALTH DEPARTMENT. 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.

4. RD Curtis/Eddy Edwards/John Baker, Attorney/Paul Halverson – Liquor Licenses

RD stated his concerns regarding the Cue Master Bar. Eddy asked Mr. Baker what liquor laws apply to the Cue Master and are the laws regulated. Mr. Baker discussed the liquor laws on the reservation and stated the Tribe does not have a liquor license inspector. The Police answer complaints. Mr. Baker will request a duplicate copy of complaints be sent to his office.

MOTION MADE BY EDDY EDWARDS TO NAME CLAYTON EKDAHL AS THE TRIBE’S LIQUOR INSPECTOR AND TO ADD THIS TO HIS DUTIES. SUPPORTED BY ROBERT R.D. CURTIS, JR.

MOTION MADE BY SUSAN J. LAFERNIER TO TABLE FOR MORE INFORMATION FROM BRUCE LAPOINTE, CLAYTON EKDAHL, AND MR. BAKER AND TO REVIEW THE LIST OF LIQUOR LICENSES ISSUED BY THE TRIBE. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), FOUR OPPOSED (Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

5. Treneice Marshall, Assessment/Accreditation Coordinator (not present) – Resolution KB-1878-2012 OCC College Prep Office of Indian Education Demonstration Grants for Indian Children Program

Jean Jokinen stated the Tribe is applying for this grant. The Council consensus is not to support a resolution for OCC to apply for the same grant in competition with the Tribe.

President Swartz addressed the Council on Sales to Federally Recognized Indian Tribes who have not entered into a tax agreement with the State of Michigan. Tribal members and Tribes will be taxed on purchases without a tax agreement.

M. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 4:12 P.M. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Susan J. LaFerner, Jerry Lee Curtis, 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 (Elizabeth D. Mayo), MOTION CARRIED.

(Elizabeth Mayo is out of the room)

Respectfully submitted,

Peggy Minton
Administrative Specialist