

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
REGULAR TRIBAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
SATURDAY – JANUARY 8, 2011 – 9:00 A.M.**

- A. Date: January 8, 2011
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord’s Prayer and prayers for Isabelle H. Welsh as her grandma Isabelle Chosa has fallen ill
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFerner, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Eddy Edwards, Treasurer (arrived at 9:11 a.m.)
Jerry Lee Curtis
Fred Dakota
Michael F. LaFerner, Sr.
Gary F. Loonsfoot, Sr.
Elizabeth D. Mayo
Toni J. Minton
- Absent: Isabelle Helene Welsh

Eddy Edwards arrived at 9:11 a.m.

- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 8, 2011

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| Additions: | FYI- | 17. Susan LaFerner, Secretary – Government Employee Personnel Policy Book Section 18.3 Employee Appeal of Dismissal Amendment |
| | New Business- | 8. Fred Dakota – Funeral Donation Request |

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

G. For Your Information:

1. A “Thank you” from Marilyn Abbott
2. A “Thank you” from Diane Charron
3. A “Thank you” from Josh Klug and the Bethel Church – Thanksgiving Dinner Donation
4. A “Thank you” from Beverly and John Hellyer
5. A “Thank you” from Barbara Swartz
6. A “Thank you” from Shirley and Jerry Clisch
7. A “Thank you” from the Family of Travis Seppanen
8. A “Thank you” from the Yankton Sioux Tribe – Donation for Flood Victims
9. A “Thank you” from the Negaunee Township Fire/EMS Department for 2% Funds
10. A “Thank you” from the Ishpeming School District Title VII Program
11. A “Thank you” from the Charter Township of Chocolay Fire and Police Departments and Public Works Department
12. A “Thank you” from Senator Debbie Stabenow for the letter regarding Health Insurance Reform
13. Gaming Commission Meeting Minutes 12/1/10 & 12/15/10
14. Notification of Approved Enrollment Applications December 2010 (3)
15. Proposed Updates to KBIC TICS for Promotional Activities
16. Certificate of Appreciation from Joe Spruce on behalf of Special Olympics Michigan Law Enforcement Torch Run 2010
17. Government Employee Personnel Policy Book Section 18.3 Employee Appeal of Dismissal Amendment for review
18. President Swartz – Weight Loss Challenge Flyer WHIPP Task Force

H. President’s Report/December 2010 – verbal report

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE DECEMBER 2010 PRESIDENT’S REPORT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

I. Secretary’s Report/December 2010 – available for your review

MOTION MADE BY FRED DAKOTA TO APPROVE THE DECEMBER 2010 SECRETARY’S REPORT. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

J. Treasurer's Report/December 2010 – verbal report

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE DECEMBER 2010 TREASURER'S REPORT. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

K. CEO's Report/November 2010/December 2010/Assistant CEO's Report/December 2010 – available for your review [Also available on ojibwa.com]

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE NOVEMBER 2010/DECEMBER 2010 CEO'S REPORT. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

L. Department Head Reports – November 2010

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE NOVEMBER 2010 DEPARTMENT HEAD REPORTS. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Mike LaFernier, Sr. stated his opposition: Not all of the reports were turned in.

M. Old Business:

1. 3rd Reading Motor Vehicle Code 2010-04 (1st Reading held 4-29-10, 2nd Reading held 6-12-10 and 11-18-10)

MOTION MADE BY FRED DAKOTA TO ADOPT SUBSTITUTE #1 FOR THE PROPOSED SUBSTITUTE FOR PROPOSED ORDINANCE 2010-04. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY TONI J. MINTON TO AMEND SECTION 16.503 OF PROPOSED ORDINANCE 2010-04 TO STRIKE SECTION 16.503 (C) - THE DIVISION MAY CONDUCT PERIODIC AUTOMOBILE INSURANCE CHECKS ON ANY MOTOR VEHICLE REGISTERED UNDER THE JURISDICTION OF THE COMMUNITY. SUPPORTED BY GARY F. LOONSFOOT, SR.

President Swartz called the motion out of order.

MOTION MADE BY ELIZABETH D. MAYO TO ADOPT THE PROPOSED SUBSTITUTE TO THE PROPOSED ORDINANCE 2010-04. SUPPORTED BY EDDY EDWARDS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo), THREE OPPOSED (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO ADOPT PROPOSED ORDINANCE 2010-04. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton), ONE OPPOSED (Gary F. Loonsfoot, Sr.), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Gary Loonsfoot, Sr. states his opposition: He feels the Tribe should not impose more random checks on our people.

2. Eddy Edwards, Treasurer – Business Corporation/Resolution KB-1801-2011 Articles of Incorporation

The Council requested a recommendation from Tribal Attorney John Baker. Mr. Baker stated he was not given a chance to review the information and could not make a recommendation at this time.

MOTION MADE BY EDDY EDWARDS TO ADOPT RESOLUTION KB-1801-2011 ARTICLES OF INCORPORATION. SUPPORTED BY GARY F. LOONSFOOT, SR.

MOTION MADE BY TONI J. MINTON TO TABLE RESOLUTION KB-1801-2011 ARTICLES OF INCORPORATION UNTIL IT IS REVIEWED BY THE ATTORNEY. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Break: 10:20 – 10:30 a.m.

N. New Business:

1. Diana Chaudier, Election Board Chair – Certification of the December 11, 2010 General Election Results

MOTION MADE BY ELIZABETH D. MAYO TO TABLE THE RE-ORGANIZATION UNTIL THERE IS A FULL COUNCIL PRESENT. SUPPORTED BY SUSAN J. LAFERNIER.

President Swartz called the motion out of order.

Diana Chaudier, Election Board Chair, read the results of the December 11, 2010 General Election. The total percentage of voter turnout was 64%. Fred Dakota received 264 votes, Elizabeth D. Mayo received 259 votes, Toni J. Minton received 238 votes, and Michael F. LaFernier, Sr. received 214 votes. Violet M. Friisvall Ayres received 297 votes for Associate Judge.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE GENERAL ELECTION RESULTS OF DECEMBER 11, 2010. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

2. Swearing in of New Tribal Council Members – Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton

President Swartz congratulated Fred, Mike, Elizabeth, and Toni and administered the Oath of Office.

3. Swearing in of Tribal Associate Judge – Violet M. Friisvall-Ayres

President Swartz congratulated Violet and administered the Oath of Office.

MOTION MADE BY ELIZABETH D. MAYO TO TABLE THE RE-ORGANIZATION UNTIL THERE IS A FULL COUNCIL PRESENT. SUPPORTED BY SUSAN J. LAFERNIER. FIVE IN FAVOR (Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton), FIVE OPPOSED (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), TIE VOTE. PRESIDENT SWARTZ CHOSE NOT TO VOTE. MOTION DEFEATED.

4. Reorganization: [All Executive Officers done by ballot vote]

- a) President

William E. Emery nominated Warren C. Swartz, Jr.
Fred Dakota nominated Elizabeth D. Mayo

Results: Warren C. Swartz, Jr. = 9 votes
Elizabeth D. Mayo = 2 votes

Warren C. Swartz, Jr. is President

b) Vice President

Warren C. Swartz, Jr. nominated William E. Emery
Elizabeth D. Mayo nominated Susan J. LaFerner

Results: William E. Emery = 6 votes
Susan J. LaFerner = 5 votes

William E. Emery is Vice President

c) Secretary

Toni J. Minton nominated Susan J. LaFerner
No other nominations

Susan J. LaFerner is Secretary

d) Assistant Secretary

Eddy Edwards nominated Elizabeth "Chiz" Matthews, she declined
Elizabeth "Chiz" Matthews nominated Toni J. Minton
No other nominations

Toni J. Minton is Assistant Secretary

e) Treasurer

Gary F. Loonsfoot, Sr. nominated Eddy Edwards
Fred Dakota nominated Elizabeth D. Mayo

Results: Eddy Edwards = 6 votes
Elizabeth D. Mayo = 5 votes

Eddy Edwards is Treasurer

5. Depository of Funds – Superior National Bank, Wells Fargo, Republic Bank

MOTION MADE BY WILLIAM E. EMERY TO APPROVE SUPERIOR NATIONAL BANK, WELLS FARGO, AND REPUBLIC BANK AS THE DEPOSITORY OF FUNDS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

6. Check Signers

MOTION MADE BY SUSAN J. LAFERNIER TO HAVE THE CHECK SIGNERS REMAIN THE SAME AS LAST YEAR, ONE EXECUTIVE COUNCIL OFFICIAL AND ONE OTHER COUNCIL MEMBER TO SIGN THE CHECKS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Tribal Court/Child Support Office Check Signers –

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE TRIBAL COURT AND CHILD SUPPORT ENFORCEMENT PROGRAM CHECK SIGNERS TO REMAIN THE SAME. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

7. Eddy Edwards, Treasurer – Council Approval of Performance Reviews for CEO’s Office

MOTION MADE BY EDDY EDWARDS TO DIRECT THE PRESIDENT’S OFFICE TO OVERSEE THE PERFORMANCE REVIEW OF THE CEO’S OFFICE. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), FOUR OPPOSED (Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

8. Fred Dakota – Funeral Donation Request –

Fred is requesting funds to transport his cousin Randall Dakota’s remains from Detroit to KBIC for Burial. He was eligible to be enrolled.

MOTION MADE BY EDDY EDWARDS TO UTILIZE THE FUNERAL FUNDS FOR TRANSPORTING THE DECEASED TO THE RESERVATION FOR BURIAL. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

O. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 11:02 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist