

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – APRIL 1, 2010 – 9:00 A.M.**

- A. Date: April 1, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:20 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFernier, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Eddy Edwards, Treasurer
Jerry Lee Curtis (arrived at 9:22 a.m., left 12:08 – 3:41 p.m.)
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 10:30 a.m.)
Gary F. Loonsfoot, Sr. (arrived at 1:47 p.m.)
Elizabeth D. Mayo
Toni J. Minton (arrived at 10:11 a.m., left at 12:08 p.m.)
Isabelle Helene Welsh
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

Jerry Lee Curtis arrived at 9:22 a.m.

- F. Approval of Agenda: April 1, 2010

Additions: FYI- 3. President Swartz - Seizure of Seneca Cigarettes Update
New Business- 7. President Swartz - Updates

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

(Jerry Lee Curtis out of the room)

G. For Your Information:

1. Food Sanitation Survey Report for Big Bucks Bingo Hall – I.H.S. Rhinelander District Office of Environmental Health
2. A letter from Larry Echo Hawk, Assistant Secretary Indian Affairs, U.S. Department of the Interior Office of the Secretary, regarding the Tribal Consultation Team being formed to draft the Interior’s Tribal Consultation Policy
3. Seizure of Seneca Cigarettes Update – Federal Judge won’t stop State from seizure of Seneca cigarettes or delivery trucks

H. Approval of Meeting Minutes:

1. November 5, 2009

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE NOVEMBER 5, 2009 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, THREE ABSTAINING (William E. Emery, Eddy Edwards, Jerry Lee Curtis), THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

2. November 6, 2009

MOTION MADE BY FRED DAKOTA TO APPROVE THE NOVEMBER 6, 2009 MEETING MINUTES. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (William E. Emery, Susan J. LaFernier, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, THREE ABSTAINING (Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis), THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

3. November 7, 2009

MOTION MADE BY FRED DAKOTA TO APPROVE THE NOVEMBER 7, 2009 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Eddy Edwards, Jerry Lee Curtis), THREE ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

4. November 12, 2009

Elizabeth Mayo stated she wants to see the OHA Monthly Financials handed over to the Tribal Council.

Eddy Edwards replied the OHA Board receives the monthly financial reports and that it is the responsibility of the OHA Board to hand them in.

William Emery (OHA Board Member) will inform the Housing Board to get them turned in to the Council monthly.

MOTION MADE BY FRED DAKOTA TO APPROVE THE NOVEMBER 12, 2009 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FOUR IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Fred Dakota, Elizabeth D. Mayo), ONE OPPOSED (Jerry Lee Curtis), TWO ABSTAINING (William E. Emery, Eddy Edwards,), FOUR ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), MOTION CARRIED.

(Isabelle Welsh is out of the room)

I. Old Business:

1. John Baker, Attorney – John E. Varline, Jr. New Business License JJ Pawn

MOTION MADE BY EDDY EDWARDS TO APPROVE THE BUSINESS LICENSE FOR JOHN E. VARLINE, JR. DOING BUSINESS AS JJ PAWN. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

J. New Business:

1. John Baker, Attorney/Jim Nardi – Adoption Agreement/Resolution KB-1742-2010 adopts the Massachusetts Mutual Life Insurance Co. Non-standardized Prototype Profit Sharing/401(K) Plan and the Defined Contribution Prototype Plan and Trust Basic Plan Document (2008) as a complete restatement effective January 2, 2010 to be known as the KBIC 401(K) Plan (“Restated Plan”) with related employers. They will check whether to add OCC as a related employer.

Toni Minton arrived at 10:11 a.m.

MOTION MADE BY EDDY EDWARDS TO APPROVE RESOLUTION KB-1742-2010 MASS MUTUAL 401K PLAN AND THE ADOPTION AGREEMENT AND TO WAIVE THE APPROVAL OF THE MINUTES. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), TWO ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 10:12 – 10:30 a.m.

Mike LaFerner, Sr. arrived at 10:30 a.m.

2. President Swartz/Susan LaFERNIER, Secretary – Committee Application Selections

Susan LaFERNIER had questions regarding the selection of committee members that were brought up last year. (See handout) Guidelines may also need to be set.

Committee Vacancy Selections were done by a ballot vote. Results:

There was a question (tie vote) whether to pick (1) parent or (4) parents. President Swartz broke the tie to pick (1) parent.

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| Education Committee - | Vicki Emery |
| Election Board – | Diana Chaudier and Loretta Hugo |
| Enrollment Board – | Glen Bressette, Sr., Gretchen Emery, Violet Friisvall, Robin Roe, William Swartz, Loretta Hugo, and Molly Loonsfoot |
| Hiring Committee – | Michelle St. George, Patricia Gerard, Wanda Seppanen, Mathew Shalifoe, Sr., Amy St. Arnold, and Charles Loonsfoot, Sr. |
| Indian Child Welfare Committee - | Doreen Blaker and Lori Muhlig |
| Natural Resources Committee – | Duane Misegan and Becky Genschow |
| Powwow Committee – | Mary Kostamo, Nannette Beck, Becky Genschow, and Glen Bressette, Sr. |

Jerry Lee Curtis and Toni Minton left at 12:08 p.m.

Lunch: 12:08 – 1:25 p.m.

3. Brad Dakota, Chief Judge – Tribal Court (2) Smart Phone Purchases for the Chief Judge and Associate Judge

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE PURCHASE OF THE SMART PHONES AND THE SERVICE FEES. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), MOTION CARRIED.

4. Eddy Edwards –

- a) Proposed Amendment to the Enterprise Employee Handbook 11.0

Gary Loonsfoot, Sr. arrived at 1:47 p.m.

MOTION MADE BY EDDY EDWARDS TO AMEND BOTH THE ENTERPRISE AND GOVERNMENT EMPLOYEE POLICY BOOKS TO ADD THE FOLLOWING PARAGRAPH TO THE SICK LEAVE SECTION OF THE POLICY: "IF A PATTERN OF UTILIZING SICK LEAVE BECOMES EXCESSIVE THE MANAGER/DIRECTOR SHALL HAVE THE DISCRETION OF REQUIRING AN EMPLOYEE TO SUBMIT A SIGNED DOCTOR'S STATEMENT INDICATING WHAT PREVENTED THE EMPLOYEE FROM WORKING." SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

- b) Donation Request from Cheryl Bogda for her mother, Lois Bogda – assistance while she is with her terminally ill son.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$1,000.00 TO LOIS BOGDA TO HELP RELIEVE HER FINANCIAL STRESS WHILE SHE STAYS WITH HER TERMINALLY ILL SON. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

- 5. Jim Nardi, Human Resources – Interview Selections for the Baraga Casino General Manager Position. The Committee selected (6) applicants.

MOTION MADE BY EDDY EDWARDS TO INTERVIEW THE SIX CANDIDATES FOR THE GENERAL MANAGER POSITION THAT WERE RECOMMENDED BY THE HUMAN RESOURCE DEPARTMENT AND PAY FOR THEIR TRAVEL EXPENSES INCLUDING A ONE-NIGHT STAY IF NEEDED. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

- 6. Todd Warner, NRD – a) Proposed Plan for Special Walleye Spearing Harvest 2010

MOTION MADE BY ELIZABETH "CHIZ" MATTHEWS TO GO INTO CLOSED SESSION AT 2:00 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (William E. Emery, Elizabeth "Chiz" Matthews, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), THREE OPPOSED (Susan J. LaFernier, Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 2:38 P.M. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

Proposed Plan for Special Walleye Spearing Harvest 2010 –

MOTION MADE BY GARY F. LOONSFOOT, SR. THAT THE COUNCIL FINDS SPECIAL CIRCUMSTANCES EXIST WHICH WARRANT AN EXCEPTION FROM THE REGULATIONS AND TO INITIATE THE PROPOSED PLAN FOR SPECIAL WALLEYE SPEARING HARVEST IN PORTAGE LAKE FOR 2010 AT A 6% HARVEST OF WALLEYE AND TO DESIGNATE A LANDING SITE. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

- b) KBIC-EPA Revised Tribal Environmental Agreement Review which includes 17 environmental program priorities for planning and assistance purposes

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO ACCEPT THE TRIBAL ENVIRONMENTAL AGREEMENT BETWEEN THE EPA REGION 5 AND KBIC. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

- 7. President Swartz – Updates regarding the Health Care Bill, a request to buy a vehicle from the Saginaw Chippewa Tribe Police Department in order for Jacob Misegan to be able to purchase it as it cannot be sold to an individual, (which was denied) and another request from Carole LaPointe, Health Director, to offer a merit increase pay to one of the nurse’s who furthered her education.

MOTION MADE BY EDDY EDWARDS TO TABLE THE REQUESTS FROM THE HEALTH DIRECTOR UNTIL THE CEO FINISHES HIS REVIEW WITHIN THE 60 DAY TIME PERIOD STARTING FROM MARCH 18. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

K. Closed Session:

- 1. Todd Warner, NRD – ANA Consultant Service Agreement Review

2. Deve Sever, Radio Station Manager – Service Agreement Amendment
3. John Baker, Tribal Attorney (not present)/Larry Denomie III, CEO

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 3:03 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Fred Dakota, Toni J. Minton), MOTION CARRIED.

(Fred Dakota out of the room)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 3:36 P.M. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

President Swartz asked Council Member Fred Dakota to inform the Council why he is on the agenda for the Senior Citizen’s meeting for Gaming Compact. He would like to know Fred’s intentions.

Fred stated that he can't seem to make any headway here, so he is asking the older people to make a resolution to pass by the Council that any gaming compacts that contain a tax agreement, cannot be signed and will not be ratified until its approved by the membership of the community.

Janet Marr 2 year Professional Services Agreement – to provide plant specialist services through the ANA Grant Project “Wildlife and Habitat Inventory of the L’Anse Reservation” for \$27,200.00

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE COMMUNITY AND JANET MARR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

Justin Marzke Service Agreement Amendment – Radio Station

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE FIRST AMENDMENT TO THE SERVICE AGREEMENT BETWEEN THE COMMUNITY AND JUSTIN MARZKE. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

Jerry Lee Curtis returned to the meeting at 3:41 p.m.

L. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 3:42 P.M. SUPPORTED BY FRED DAKOTA. 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, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist