

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
REGULAR TRIBAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
SATURDAY – APRIL 5, 2008 – 9:00 A.M.**

- A. Date: April 5, 2008
- B. Call to Order: President Swartz called the meeting to order at 9:00 a.m.
- C. Invocation: Lord’s Prayer and also prayers for the men and women who are serving our Country in the war and for Jerry Swartz who is in Marquette General Hospital.
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left at 11:10 a.m.)
Susan J. LaFerner, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer
Larry J. Denomie III, CEO
Doreen G. Blaker
Jerry Lee Curtis
Michael F. LaFerner, Sr.
Elizabeth “Chiz” Matthews (arrived at 9:07 a.m.)
Elizabeth D. Mayo (arrived at 9:04 a.m.)
Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

Elizabeth Mayo arrived at 9:04 a.m.

- F. Approval of Agenda: April 5, 2008

Additions: FYI- 4. Susan LaFerner – Committee/Board Vacancies Report
New Business- 3. Warren C. Swartz, Jr. – Home Territory Issues

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.

G. For Your Information:

1. A “Thank you” from the National Indian Council On Aging for a \$500.00 Donation.
2. A “Thank you” from the Laird Township Board of Directors for a donation for playground equipment.
3. Election Board Information for Primaries
4. Committee Report from Vice-President LaFernier – Susan read a list of Committees/Boards with vacancies. An ad will be placed in the newspaper on Wednesday. A new application form will be available at the front desk.

Chiz Matthews arrived at 9:07 a.m.

H. Approval of Meeting Minutes:

1. February 22, 2008

MOTION MADE BY TONI J. MINTON TO APPROVE THE FEBRUARY 22, 2008 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. ALL IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

2. February 25, 2008

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE FEBRUARY 25, 2008 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ONE ABSTAINING (Jerry Lee Curtis), ABSENT - 0, MOTION CARRIED.

I. President’s Report/March 2008 - available for your review

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE PRESIDENT’S REPORT. SUPPORTED BY WILLIAM E. EMERY. ALL IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

A lengthy discussion followed President Swartz’s announcement that the Tribe lost in the Sales and Use Tax Case.

Attorney John Baker gave a statement regarding the Summary Judgment. According to the Supreme Court Case Law the State is free to impose minimal burdens on Indians that are reasonably tailored to the collection of valid taxes.

Fred Dakota stated that if the Tribe is to have any agreements with the State it should be a comprehensive agreement with everything, including the hunting and fishing. Fred said, "Rather than fighting with them, let's just do it all."

Jennifer Misegan interjected that she would not involve the hunting and fishing at all, in any agreements with the State.

Elizabeth Mayo stated, "As far as your telephone bill, all the Chairman has to do is send a letter and say I'm not paying it. We live on the reservation and do not have to pay it."

John Baker responded, "That is not what the Court said." He went on to say that the Tribe is exercising its sovereignty by filing the lawsuit. The Court concluded that there has to be a balancing of interests between the Tribe and the State. Each and every Tribal member has to apply for an exemption for the tax on each and every purchase, whether it be a tube of toothpaste or a television set and anything in-between. He added that it's complicated but could be worked out in an over-all agreement.

Toni Minton added, "A tax agreement."

John Baker went on to say that the Tribal Community could write letters to their retailers and say they are not going to pay sales taxes, but the question of course would be whether or not the retailer will then provide the Tribal Members with the services. The retailer is required to pay the tax to the State whether the Tribal Member pays them or not. That is State Law. In Michigan, other Tribes have been issued cards [for tax exemptions] pursuant to their tax agreements with the State.

Jennifer Misegan stated that the Tribe's fight is with the State of Michigan, not with the individual retailers such as the Baraga Telephone Company, Ferrell Gas Company or Larry's Market.

Fred Dakota and Elizabeth Mayo both stated that what they got out of the Summary Judgment was the Judge was basically saying that he was not going to tell two Sovereigns how to work things out.

Jennifer replied, "That isn't at all in here, anywhere. I have it right here."

Mr. Baker stated that in Michigan, other Tribes have been issued cards pursuant to their tax agreements with the State. The cards have various information electronically embedded in them.

J. CEO's Report/February-March 2008 - available for your review

MOTION MADE BY TONI J. MINTON TO APPROVE THE CEO'S REPORT. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

Debra Williamson addressed the Council with regards to the ANA Language Grant. Debra stated that an objection was being filed by her office about the activity involved in the Grant and she wanted to know what authority Larry Denomie had in including the Bay Mills College Language Immersion

Program into the Grant which she felt eliminated her, the elders committee, Earl Otchigwanigan and the Community's Plan for revitalization and preservation of the language. Larry responded that the Grant Writer, Jean Jokinen, was in charge of writing the grant for the Community and the Council approved it. The Language Immersion program was included because it is one of the many ways our Tribal Members have chosen to learn the language. Larry added, "This body is trying to recognize the needs of everybody in the Community and how they want to learn the language."

K. Secretary's Report/March 2008 - available for your review

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE SECRETARY'S REPORT. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. ALL IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

Debbie Parrish had questions regarding the Youth Facility Coordinator Position overseeing the OCC Fitness Center Coordinator. It will be part of the discussion in Closed Session and he will meet with Debbie on the Kellogg account and other questions on policy changes.

L. Treasurer's Report/March 2008 - available for your review

MOTION MADE BY TONI J. MINTON TO APPROVE THE TREASURER'S REPORT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

M. Department Head Reports- February 2008

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE FEBRUARY 2008 DEPARTMENT HEAD REPORTS. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING – 0, ABSENT - 0, MOTION CARRIED.

Mike LaFernier stated his opposition – Several Department Heads did not turn in a report.

Break: 10:25 – 10:37 a.m.

President Swartz announced that due to extenuating circumstances he will be leaving the meeting early and is making changes to the Agenda. New Business #3 will be moved to #1 and the 2nd Reading - Right To Work Ordinance 2008-01 will be moved up ahead of the Closed Session and Becky Tussing and Cherie Dakota will be removed from the Agenda under New Business #1. The Council had no objections.

N. Old Business:

1. Fred Dakota – Titling

Fred said he would like to do something with the Titling to get it started.

Jennifer Misegan said the larger problem would be Tribal Members paying taxes when by Federal Law they're exempt. Jennifer feels the Tribe should be ensuring that our Members are able to obtain those tax exemptions that are due to them. A plan needs to be developed to get the tax exemptions for the members and do what is best for as many members as possible. She added, "The intent of Titling is to relieve the Tribal Member from paying the tax."

A Task Force will be advertised for interested persons to work on the Titling issue.

O. New Business:

1. Warren C. Swartz, Jr., President - Home Territory Issues

President Swartz informed the Council that he and Fred attended the Spring Spearing meeting on April 1st at LVD and Tribal members from Mole Lake have expressed their intent to start spearing walleye in Marquette County Lakes in an attempt to exercise their treaty rights.

Also at the Voigt Task Force meeting held in Mille Lacs, Minnesota, President Swartz requested that the Mole Lake Tribe respect KBIC's Home Territory issues and that they come to KBIC and ask permission before they attempt to exercise their treaty rights in KBIC's Home Territory per KBIC's Chapter 10 Hunting, Fishing and Trapping laws. A Mole Lake representative assured President Swartz that Arlan Ackley, the Chairman of Mole Lake Reservation would come to KBIC and update the Tribe on their intentions.

President Swartz left at 11:10 a.m.

Vice-President Susan LaFernier chaired the meeting

2. Debbie Parrish, OCC – Letter of Support for the USDA Rural Utilities Services Distance Learning Technology Grant for \$300,000.00 to provide interactive video conferencing at three sites.

Debbie gave the Council an update on the Accreditation with the College. The PIF was submitted on April 1st.

Per the Service Agreement with KBIC, the College has advertised for a new Board of Regents Member and alternate. The applicants must possess an Associates Degree.

MOTION MADE BY DOREEN G. BLAKER TO PROVIDE A LETTER OF SUPPORT FOR THE DISTANCE LEARNING GRANT AND TO APPROVE MATCHING FUNDS OF \$45,000.00. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

2nd Reading – Right To Work Ordinance 2008-01 – Title 19 Employment Chapter 19.A

Vice-President LaFernier read the legislative process:

The Council will receive verbal and written comments from Tribal members in accordance with the legislative process public hearing procedure adopted by the Tribal Council.

Present at Hearing:

Susan LaFernier	William Emery	Peggy Minton	Debbie Parrish
Toni Minton	Michael LaFernier, Sr.	Lauri Denomie	Deb Williamson
Jennifer Misegan	Elizabeth “Chiz” Matthews	Violet Friisvall	Donald Funke
Larry Denomie III	Fred Dakota	George Decota	John Jacker
Doreen Blaker	Elizabeth Mayo	Earl Otchigwanigan	
Jerry Lee Curtis	John Baker	Mrs. Otchigwanigan	

Comments:

Fred Dakota – “Can someone say why we have this?”

Larry Denomie – “Unions are moving into the Tribal Communities and this ordinance would give employees an opportunity to choose whether or not they want to become a member of a Union.”

John Baker – “This Ordinance would allow an employee to opt out of a Union. There is a Federal Law that states the Tribes have to follow the National Labor Relations Board. The San Manuel Tribe challenged the authority of this organization on reservation land and lost the case.”

Jennifer Misegan – “It is protection for the members.”

Deb Williamson – “Is this opening the door for people to organize a Union?”

John Baker – “The doors have already been opened.”

After no further comments, Vice-President LaFernier officially closed the 2nd Reading of Proposed Ordinance 2008-01. The 3rd Reading date will be scheduled.

P. Closed Session:

1. Debra Williamson – a) Language Program Update
b) Earl Otchigwanigan Contract
2. Larry Denomie, CEO
3. John Baker, Attorney

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 11:25 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING – 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Break: 11:26 – 11:38 a.m.

Break: 12:47 – 12:55 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 2:23 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Exclusive Station Marketing Agreement-

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MEDIA SERVICES GROUP CONTRACT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING – 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Q. Adjournment:

MOTION MADE BY TONI J. MINTON TO ADJOURN AT 2:25 P.M. SUPPORTED BY JENNIFER MISEGAN. TEN IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING – 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary