

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JULY 22, 2010 – 9:00 A.M.**

- A. Date: July 22, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:20 a.m.
- C. Invocation: Lord’s Prayer and prayers for those in the hospital
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFernier, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Jerry Lee Curtis (arrived at 10:17 a.m., left 1:13 – 3:40 p.m.)
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 1:23 p.m.)
Gary F. Loonsfoot, Sr. (left at 2:40 p.m.)
Elizabeth D. Mayo (left at 3:20 p.m.)
Toni J. Minton (left 10:16 – 10:34 a.m.)
Isabelle Helene Welsh (left 1:13 – 2:11 p.m., left at 3:10 p.m.)
- Absent: Eddy Edwards, Treasurer
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: July 22, 2010
- Addition: Old Business- 3. President Swartz – Donation Request from Protect the Earth

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

G. For Your Information:

1. Keweenaw Bay Ojibwa Community College (OCC) Quarterly Report ending June 2010
2. Keweenaw Bay Ojibwa Community College (OCC) NCA/HLC Action Plan 2009-2013
3. SNB KBIC Guaranteed Loan Program Account Summary July 15, 2010
4. Marquette Monthly July 2010 “KBIC Helps Indigenous Plant Restoration with Greenhouse” Article
5. Smithsonian Native American Repatriation Review Committee seeking Nominations
6. Department of Army – Decision to offer an initial proffered permit to recover submerged logs in Pequaming Bay

H. Approval of Meeting Minutes:

1. March 18, 2010

MOTION MADE BY FRED DAKOTA TO APPROVE THE MARCH 18, 2010 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr.), MOTION CARRIED.

2. March 19, 2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE MARCH 19, 2010 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr.), MOTION CARRIED.

3. March 25, 2010

MOTION MADE BY TONI J. MINTON TO APPROVE THE MARCH 25, 2010 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr.), MOTION CARRIED.

4. April 1, 2010

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE APRIL 1, 2010 MEETING MINUTES. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr.), MOTION CARRIED.

I. Old Business:

1. Jim Stingle, Grant Writer/Francis LaPointe, CFO/Gregg Nominelli, Economic Developer – ICDBG Project Selection – Mr. LaPointe believes the GreenSand project to be pre-mature after reviewing the marketing analysis and the business plan and projections. He suggested a risk analysis be done.

Toni Minton left 10:16 – 10:34 a.m.

Jerry Lee Curtis arrived at 10:17 a.m.

The Council consensus is to pursue the waterline project on Brewery and Vuk Road as priority one, Zeba Community Building as priority two, and the Clinic's new parking lot as priority three.

Break: 10:50 – 11:05 a.m.

2. Fred Dakota/Jim Nardi – Tim Shanahan – Mr. Nardi reported that the Worker's Comp claim has been denied from the Accident Fund Company. They reported that Mr. Shanahan was on his own time and he deviated from work when the auto accident occurred. Elizabeth Mayo has a statement from Mr. Shanahan that he stopped at home to get something work related. The Council requested transcripts from the insurance company.
3. President Swartz – Donation Request of an additional \$2,500.00 from Jessica Koski for the Protect the Earth Gathering to pay an honorarium for JoAnn Shenandoah's presentation.

MOTION MADE BY ELIZABETH D. MAYO TO DENY THE REQUEST FOR THE PROTECT THE EARTH EVENT'S ENTERTAINMENT COST OF \$2,500.00 FROM JESSICA KOSKI. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), THREE OPPOSED (Elizabeth "Chiz" Matthews, Gary F. Loonsfoot, Sr., Toni J. Minton), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Michael F. LaFernier, Sr.), MOTION CARRIED.

J. New Business:

1. Larry Denomie III, CEO – Personnel Policy Amendment to clarify if employees are on flex time during funeral leave – 17.0 Deaths 17.1 Policy

MOTION MADE BY ELIZABETH D. MAYO TO LEAVE THE POLICY AS IS: THREE DAYS OFF FOR FUNERAL LEAVE. SUPPORTED BY FRED DAKOTA. FOUR IN FAVOR (William E. Emery, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo), FIVE OPPOSED (Susan J. LaFernier, Elizabeth "Chiz" Matthews, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Michael F. LaFernier, Sr.), MOTION DEFEATED.

MOTION MADE BY ISABELLE H. WELSH TO GRANT 40 HOURS FOR FUNERAL LEAVE. SUPPORTED BY TONI J. MINTON. THREE IN FAVOR (Elizabeth “Chiz” Matthews, Toni J. Minton, Isabelle H. Welsh), SIX OPPOSED (William E. Emery, Susan J. LaFerner, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Michael F. LaFerner, Sr.), MOTION DEFEATED.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE FUNERAL LEAVE POLICY CHANGES: A MAXIMUM OF 8 HOURS PER DAY OR A TOTAL OF 24 HOURS AND IF THE EMPLOYEE REQUESTING FUNERAL LEAVE IS WORKING AN APPROVED FLEXIBLE WORK ARRANGEMENT (POLICY 7.10) IT MAY BE NECESSARY FOR THE EMPLOYEE TO ADJUST THEIR SCHEDULE OR UTILIZE ANNUAL OR SICK LEAVE FOR UNPAID TIME, AS PRESENTED BY THE CEO. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), ONE OPPOSED (Isabelle H. Welsh), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Michael F. LaFerner, Sr.), MOTION CARRIED.

2. Carole LaPointe, Health Director – Resolution KB-1765-2010 Administration for Children and Families (ACF) Tribal Home Visiting Grant Program to conduct a Needs Assessment and Plan to improve the health and well-being of young tribal children.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-1765-2010 ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF) TRIBAL HOME VISITING GRANT PROGRAM TO CONDUCT A NEEDS ASSESSMENT AND PLAN TO IMPROVE THE HEALTH AND WELL-BEING OF YOUNG TRIBAL CHILDREN. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Michael F. LaFerner, Sr.), MOTION CARRIED.

3. John Baker, Attorney [Not present] – Business License Renewal Stacey R. Koski - Koski’s World of Wheels

MOTION MADE BY WILLIAM E. EMERY TO APPROVE KOSKI’S WORLD OF WHEELS BUSINESS LICENSE RENEWAL. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Michael F. LaFerner, Sr.), MOTION CARRIED.

K. Closed Session:

1. Government Employee Appeal of Termination Hearing Case #003-10
2. Government Employee Appeal of Termination Hearing Case #004-10

3. John Baker, Attorney
4. Larry Denomie III, CEO – Robert Mudd Contract
5. Bruce LaPointe, Project Manager - Property Update
6. Francis LaPointe, CFO – Audits [Rescheduled]

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 11:50 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Michael F. LaFernier, Sr.), MOTION CARRIED.

Lunch: 11:51 a.m. – 1:13 p.m.

Mike LaFernier, Sr. arrived at 1:23 p.m.

Isabelle Welsh returned from lunch at 2:11 p.m.

Gary Loonsfoot, Sr. left at 2:40 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 3:04 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Government Employee Appeal of Termination Hearing #003-10 and #004-10 -

MOTION MADE BY ELIZABETH D. MAYO TO UPHOLD THE CEO’S DECISION IN GOVERNMENT EMPLOYEE APPEAL OF TERMINATION HEARINGS #003-10 AND #004-10. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Elizabeth “Chiz” Matthews), ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 3:09 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Michael F. LaFernier, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 3:10 – 3:20 p.m.

Isabelle Welsh left at 3:10 p.m.

Elizabeth Mayo left at 3:20 p.m.

Jerry Lee Curtis returned from lunch at 3:40 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 3:55 P.M. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Michael F. LaFernier, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Marquette Property Purchase – 3 Amigo’s near Menards

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO PURCHASE THE MARQUETTE PROPERTY FOR \$1.5 MILLION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

The Council consensus is not to appeal the Lamson vs. Baker case.

Robert Mudd (Baraga Casino General Manager) Employment Agreement -

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE EMPLOYMENT AGREEMENT AND CONTRACT FOR ROBERT MUDD PENDING THE APPROVAL OF THE CHANGES. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Toni J. Minton), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, FOUR ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 4:01 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist