

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – DECEMBER 13, 2012 – 9:00 A.M.

- A. Date: December 13, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:02 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Treasurer (arrived at 9:41 a.m.)
Robert R.D. Curtis, Jr. (arrived at 9:16 a.m.)
Fred Dakota
Eddy Edwards
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe
Elizabeth “Chiz” Matthews
- Absent: Jerry Lee Curtis, Assistant Secretary
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: December 13, 2012
- Additions: FYI- 3. Eddy Edwards – HUD Letter and Retirement Announcement of Kevin Fitzgibbons
- New Business- 5. President Swartz – Amanda Strong Donation Request
6. Eddy Edwards – Aanikoosing, Inc. Insurance Request
7. Jean Jokinen – Land Request for Community Garden
8. Vice President Mayo – Jacobetti Veterans Home Sock Donation

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

G. For Your Information:

1. National Congress of American Indians Request for Participation Renewal
2. Draft (Donation) “Agreement for Funding Request” for Tribal Members
3. HUD Letter and Retirement Announcement of Kevin Fitzgibbons, Administrator – December 28, 2012

H. Approval of Meeting Minutes:

1. November 12, 2011

R.D. Curtis arrived at 9:16 a.m.

MOTION MADE BY FRED DAKOTA TO APPROVE THE NOVEMBER 12, 2011 MEETING MINUTES. SUPPORTED BY ELIZABETH D. MAYO. FIVE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, FOUR ABSTAINING (Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe), TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

2. November 17, 2011 - page 6 delete (“wrong amount”)

MOTION MADE BY FRED DAKOTA TO APPROVE THE NOVEMBER 17, 2011 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY ELIZABETH D. MAYO. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.

I. Recognize Scheduled Delegation/Individuals:

1. Charles Brumleve, Mining Specialist/Jessica Koski, NRD Mining Technical Assistant – U.S. Geological Survey Water Monitoring on the Yellow Dog Plains Presentation. \$92,200 year reduced to \$55,540

MOTION MADE BY FRED DAKOTA TO ADOPT A RESOLUTION THAT THE FINANCING OF THIS PROGRAM BE REQUESTED FROM THE B.I.A. FOR THE ENTIRE AMOUNT THAT WAS PROPOSED. SUPPORTED BY ELIZABETH D. MAYO.

The motion was withdrawn until next week to review the resolution language.

Toni Minton arrived at 9:41 a.m.

J. Old Business:

1. Elizabeth Mayo, Vice President – Appellate Judge Information

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT DAVID MECHLIN AS THE APPELLATE JUDGE FOR A THREE-YEAR TERM. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

K. New Business:

1. Debra Parrish, KBOCC President –

- a) KBOCC Board Slate

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE BRUCE LAPOINTE TO THE SLATE FOR THE BOARD OF REGENTS FOR OCC. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

- b) Administering the GED Program after the close of Even Start/Space Use (see handout on GED continuation proposal)

The GED Program should continue. Larry Denomie, CEO will also meet with Amy St. Arnold and will bring options. KBOCC is also considering to buy the old Baraga County Memorial Hospital.

MOTION MADE BY ELIZABETH D. MAYO TO TEMPORARILY GIVE TWO OFFICES AND A CLASSROOM FROM THE EARLY CHILDHOOD EDUCATION BUILDING TO KBOCC FOR THEIR SPACE NEEDS. SUPPORTED BY CAROLE L. LAPOINTE. FIVE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe), FIVE OPPOSED (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), TIE VOTE.

Break: 10:17 – 10:34 a.m.

PRESIDENT SWARTZ VOTES IN FAVOR, MOTION CARRIED.

[Old Business]

2. Susan LaFernier, Secretary – 3rd Reading Hazardous Substances Control Proposed Ordinance 2012-07 Title Twenty

Katherine Kruse, NRD Environmental Response Program Specialist present

Richard Du Bey/Greg Hixson by Teleconference

Vice President Mayo read the Legislative Process.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE PROPOSED TRIBAL CODE TITLE TWENTY HAZARDOUS SUBSTANCES CONTROL ORDINANCE 2012-07, AN ORDINANCE OF THE KEWEENAW BAY INDIAN COMMUNITY ADOPTED UNDER THE AUTHORITY OF THE CONSTITUTION AND BY-LAWS OF THE KEWEENAW BAY INDIAN COMMUNITY FOR THE PURPOSES OF SECURING THE PRESERVATION OF LIFE, HEALTH, PROPERTY, AND NATURAL RESOURCES OF THE TRIBE AND ITS PEOPLE BY PROVIDING FOR THE CLEANUP OF HAZARDOUS SUBSTANCES SITES AND TO PREVENT THE CREATION OF FUTURE HAZARDS DUE TO IMPROPER DISPOSAL OF HAZARDOUS SUBSTANCES ON OR INTO THE AIR, LAND, SURFACE WATER AND GROUND WATERS, LOCATED WITHIN THE RESERVATION ENVIRONMENT. SUPPORTED BY ELIZABETH D. MAYO.

Amendments -

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE FOLLOWING PROPOSED AMENDMENTS TO PROPOSED ORDINANCE 2012-07, THE ORDINANCE FORMATTING HAS BEEN CHANGED TO BE CONSISTENT WITH THE TRIBAL CODE. THE SECTION NUMBERS REMAIN THE SAME, BUT THE SUBSECTION NUMBERING HAS BEEN MODIFIED, AND INTERNAL REFERENCES TO ORDINANCE SECTIONS AND SUBSECTIONS HAVE BEEN UPDATED. THE AMENDMENT IS IN REGARDS TO 20.203 DEFINITIONS NUMBER L HOME TERRITORY AND ALSO 20.212 CLEANUP STANDARDS, THIS INCLUDES APPENDIX A, B, AND C AND DELETE APPENDIX D. APPENDIX A IS GROUNDWATER CLEANUP LEVELS, APPENDIX B IS SOIL CLEANUP LEVELS, AND APPENDIX C IS SEDIMENT CLEANUP LEVELS. ALSO THERE ARE CHANGES ON PAGES 29 AND 30 REFERENCES TO APPENDICES A THROUGH D AND D IS DELETED SO THE REFERENCES NOW INVOLVE APPENDICES A THROUGH C. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE PROPOSED TRIBAL CODE TITLE TWENTY HAZARDOUS SUBSTANCES CONTROL ORDINANCE 2012-07, AN ORDINANCE OF THE KEWEENAW BAY INDIAN COMMUNITY ADOPTED UNDER THE AUTHORITY OF THE CONSTITUTION AND BY-LAWS OF THE KEWEENAW BAY INDIAN COMMUNITY FOR THE PURPOSES OF SECURING THE PRESERVATION OF

LIFE, HEALTH, PROPERTY, AND NATURAL RESOURCES OF THE TRIBE AND ITS PEOPLE BY PROVIDING FOR THE CLEANUP OF HAZARDOUS SUBSTANCES SITES AND TO PREVENT THE CREATION OF FUTURE HAZARDS DUE TO IMPROPER DISPOSAL OF HAZARDOUS SUBSTANCES ON OR INTO THE AIR, LAND, SURFACE WATER AND GROUND WATERS, LOCATED WITHIN THE RESERVATION ENVIRONMENT, INCLUDING THE AMENDMENTS AND WAIVE THE APPROVAL OF THE MEETING MINUTES TO MAKE EFFECTIVE IMMEDIATELY. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

[New Business]

2. Carole LaPointe –
 - a) Child Endangerment Code - The Council consensus was to direct the Legal Department to draft an Ordinance.
 - b) Committee Monthly Reports Request - The Council requested the CEO to inform Directors of each Department to include in the monthly reports a section on their respective Committees.
3. Larry Denomie III, CEO –
 - a) LaCourt Bottled Gas Services Agreement

MOTION MADE BY EDDY EDWARDS TO APPROVE THE LACOURT BOTTLED GAS SERVICES AGREEMENT AT \$1.40 PER GALLON CAP AMOUNT FOR ONE YEAR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

- b) LIHEAP Income Guidelines

MOTION MADE BY EDDY EDWARDS TO RAISE THE INCOME GUIDELINES TO THE MAXIMUM ALLOWABLE UNDER THE FEDERAL REGULATIONS AND ALSO TO DIRECT STAFF TO INFORM US OF ANY NEEDED ADDITIONAL BUDGETED AMOUNT OF FUNDS TO COVER ANY ADDITIONAL PEOPLE AND DIRECT STAFF TO RESEARCH ADDITIONAL FUNDING FOR THOSE PROGRAMS. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE AN AMENDMENT TO THE SENIOR/DISABLED HEATING ASSISTANCE PROGRAM TO PROVIDE THE SAME ELECTRICITY AMOUNT THAT WILL BE PAID BY THE LIHEAP DAP PROGRAM FOR

THEIR HEATING. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

c) Weekly Update

4. Dale Dakota, Police Commissioner – (3) Patrol Car/Truck Bids. He preferred Riverside Auto.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE \$79,275.00 FOR THREE 2013 DODGE CHARGERS, \$45,962.00 FOR TWO 2013 1500 DODGE QUAD TRUCKS, AND \$33,450.00 FOR ONE 2013 2500 THREE-QUARTER TON DODGE RAM AND HAVE THEM DELIVERED TO THE RESERVATION AND AUTHORIZE THE PRESIDENT TO SIGN. SUPPORTED BY FRED DAKOTA.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO TABLE THE PATROL CAR AND TRUCK BIDS UNTIL NEXT WEEK TO ALLOW THE PRESIDENT TO CONTACT RIVERSIDE AUTO ABOUT ADVERTISING ON OUR RADIO. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

5. President Swartz - Amanda Strong Donation Request for Christmas gifts for her sister, Angela Strong’s children because Angela’s money was stolen from her home. The Council will provide their own donations of gifts for her children.
6. Eddy Edwards – Aanikoosing, Inc. Insurance Request (liability) - The Council consensus was to add Aanikoosing to the Tribe’s Liability Insurance Policy.
7. Jean Jokinen – Land Request for Community Garden “Bimaadizi’jig Ogitigaaniwaa” (The People’s Garden) - Lori Sherman, Charlotte Loonsfoot, Evelyn Ravindren present. The Council consensus was to allow the Community Garden (1 acre) located near the New Day Treatment Center.
8. Vice President Mayo – Jacobetti Veterans Home Sock Collection

MOTION MADE BY EDDY EDWARDS TO APPROVE A DONATION OF \$250.00 FOR THE PURCHASE OF SOCKS TO DONATE TO THE JACOBETTI VETERANS. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Donation to St. Vincent DePaul –

MOTION MADE BY TONI J. MINTON TO APPROVE A DONATION OF \$1,000.00 TO THE LOCAL ST. VINCENT DEPAUL STORE IN L'ANSE. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

L. Closed Session:

1. Larry Denomie III, CEO –
 - a) Interim Promotion Appointment for Cleaning Supervisor
 - b) THPO Director Reclassification Request
2. Cherie Dakota, OVW Team Lead – Personnel Issue

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 11:57 A.M. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 12:17 P.M. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Interim Cleaning Supervisor –

MOTION MADE BY ELIZABETH D. MAYO TO PROMOTE ELEANOR NIESKES AS INTERIM CLEANING SUPERVISOR AT \$13.40 PER HOUR WHILE RC LOONSFOT IS ON MEDICAL LEAVE AND IN THE EVENT RC LOONSFOT IS UNABLE TO RETURN TO WORK PROMOTE ELEANOR NIESKES TO PERMANENT CLEANING SUPERVISOR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Director of Cultural Resources Job Description –

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE JOB DESCRIPTION OF DIRECTOR OF CULTURAL RESOURCES WITH THE SALARY AT GRADE TEN AND A MINIMUM STARTING WAGE OF \$18.37. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Sarah Beaver Job Reclassification – OVW

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A RECLASSIFICATION FOR SARAH BEAVER AS THE OVW UNIT MANAGER/ADMINISTRATIVE ASSISTANT. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 12:20 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist