

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MAY 15, 2008 – 9:00 A.M.

- A. Date: May 15, 2008
- B. Call to Order: President Swartz called the meeting to order at 9:07 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFernier, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary (left at 4:47 p.m.)
Larry J. Denomie III, CEO
Doreen G. Blaker
Jerry Lee Curtis
Michael F. LaFernier, Sr. (arrived at 9:17 a.m., left 12:35 – 2:38 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (left 12:35 – 3:05 p.m., left 3:43 – 4:03 p.m.)
Fred Dakota (left at 3:08 p.m.)
Absent: Jennifer Misegan, Treasurer
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 15, 2008
- Additions: New Business-
2. Warren C. Swartz, Jr., President –
 - a) Grievance Discussion
 - b) Michigan Gaming Control Board Visit
 - c) Grand Traverse Request
 - d) Chocolay Casino
 - e) HR-1328
 - f) Off-Reservation Home Territory Rights
 - g) Informal Meeting with BIA
 - h) Joe Constance Reports
 - i) SMART
 - j) Other/Tim Shanahan

3. Jerry Lee Curtis – Departmental Concerns

Closed Session- Warren C. Swartz, Jr., President – Lansing Proposal

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

G. For Your Information:

1. Diversified Management Services Seminar for Tribal Council – Council Members will decide if they want to attend and it will be placed on Saturday’s agenda

Mike LaFerner arrived at 9:17 a.m.

2. VOIGT Task Force Meeting Minutes from March 6, 2008 & April 3, 2008
3. Gaming Commission Meeting Minutes from April 2, 2008, April 7, 2008 & April 15, 2008

H. Approval of Meeting Minutes:

1. October 20, 2005

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE OCTOBER 20, 2005 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, Larry J. Denomie III, Doreen G. Blaker, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, FOUR ABSTAINING (William E. Emery, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

I. Old Business:

1. Todd Warner, NRD – Spring Cleanup

The Council was presented two options – Curbside pickup at Tribal Households or rent dumpsters. The consensus of the Council was the curbside pickup. The Natural Resource Department and Tribal Construction will develop a plan for the June meeting. The Village of L’Anse will be having their cleanup next week. We reimbursed Tribal Baraga Village residents for their cost.

J. New Business:

1. John Baker, Attorney – Baraga Fire Department Liquor License Applications (2) for the Mud Drags on May 31st and the U.P. Fire Department’s Tournament Days in Baraga on June 28th.

MOTION MADE BY FRED DAKOTA TO GRANT BOTH LIQUOR LICENSES TO THE BARAGA FIRE DEPARTMENT FOR THE MUD DRAGS AND THE U.P. FIRE DEPARTMENT'S TOURNAMENT DAYS FOR \$100.00 EACH. SUPPORTED BY LARRY J. DENOMIE III. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), TWO OPPOSED (Jerry Lee Curtis, Elizabeth "Chiz" Matthews), ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

2. Warren C. Swartz, Jr., President –

a) Grievance Discussion with Pre-Primary Parents involving their child in an incident where the child was excluded from the program. The issue will be discussed in Closed Session later in the day.

Break: 9:55 – 10:08 a.m.

b) Michigan Gaming Control Board Visit – The Board will visit the Casinos for a routine inspection of Class III gaming facilities on May 28th and 29th. President Swartz will send a response that he will *allow* them to visit our Casino.

c) Grand Traverse Band Request regarding Tax Exempt Bond IRS Challenge – The GTB Tribe would like a resolution of support in its effort to challenge the IRS in its position to limit the ability of Tribal Governments to use tax-exempt bond financing for “essential government functions” only and disallow the use of tax-exempt bond financing for endeavors that are “commercial” in nature.

MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1611-2008 TO REFLECT KBIC'S SUPPORT AND TO SEND A COPY TO THE BIA, GRAND TRAVERSE BAND AND OUR FEDERAL REPRESENTATIVES. SUPPORTED BY JERRY LEE CURTIS. NINE IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Susan J. LaFernier), ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

d) Chocolay Casino – Congressman Bart Stupak inquired if there is anyway he can help us move forward with the land into trust application. Susan stated that the intention has been to request Mr. Stupak's help when we reached that point in the process.

MOTION MADE BY WILLIAM E. EMERY TO UTILIZE CONGRESSMAN BART STUPAK TO HELP US MOVE FORWARD WITH GETTING THE LAND INTO TRUST IN MARQUETTE AND TO AUTHORIZE THE PRESIDENT TO SEND A LETTER. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Fred Dakota), OPPOSED - 0, TWO ABSTAINING (Doreen G. Blaker, Elizabeth D. Mayo), ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

e) HR-1328 – President Swartz presented a copy of a letter to the Council that he will be sending on the reauthorization Indian Health Care Improvement Act to Speaker Nancy Pelosi and Minority Leader John Boehner.

f) Off-Reservation Home Territory Rights – There will be a Board of Commissioners meeting held here on May 27th, 2008 to discuss our Hunting, Fishing & Trapping Rights in Michigan. President Swartz stated that the Wisconsin Tribes would have to ask permission to exercise their rights on our reservations in Michigan.

g) Informal Meeting with BIA regarding KBIC trying to establish Real Estate services. KBIC feels the money that the Michigan BIA has allocated to them should come to our Tribe. The BIA feels the trust resources would not be protected and states there is no money left. At the conference Sarah Smith attended, it was announced that there was money. The Tribe also feels that Jason Ayres’s work is not trust responsibility. The BIA will respond in 30 days to justify their need for the money.

h) The Joe Constance Supervisory Skills Certification Program Reports were given to President Swartz regarding the presentations of the employees. Copies will be provided for the Council. Joe Constance will be attending the Regular July Council Meeting to present the reports to Council.

MOTION MADE BY ELIZABETH D. MAYO TO MOVE THE JULY 5TH, 2008 COUNCIL MEETING TO JULY 12TH, 2008. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

i) SMART – Sex Offender Management and Accountability Registry – President Swartz will be attending the 2008 National Workshop and Symposium on Sex Offender Management and Accountability at the Baltimore City Center, on July 29th – August 1st, 2008, which is a requirement as a recipient for this funding. He also asked Dale Dakota, Chief of Police, to attend.

j) Tim Shanahan/Sarah Smith – Service Agreement with OCC and the KBIC - OCC will provide business development training services under the Anishnaabe Anokii Program which is grant funded.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SERVICE AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND THE OJIBWA COMMUNITY COLLEGE. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

3. Jerry Lee Curtis – Departmental Concerns – The Casino cleaning crew has been replacing ceiling tiles and other duties, which should be Maintenance duties. The CEO office will contact the Managers of these departments.

President Swartz read a letter he just received regarding the resignation of Christophe Geiger, Deputy Tribal Attorney, and effective 30 days from today’s date. Elizabeth Mayo requested an exit interview. It was scheduled for Saturday, June 7, 2008.

K. Closed Session:

1. Larry Denomie, CEO
2. Warren C. Swartz, Jr., President – Lansing Proposal
3. **11:00 a.m.** Grievance Hearing #003-08
4. John Baker, Attorney
5. Health Administrator Interviews (2) – a) **2:30 p.m.**
b) **3:15 p.m.**

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:05 A.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINED - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

Break: 11:06 – 11:15 a.m.

Lunch: 12:35 – 1:45 p.m.

Larry Denomie returned at 1:50 p.m.

Mike LaFerner returned at 2:38 p.m.

Elizabeth Mayo returned at 3:05 p.m.

Fred Dakota left at 3:08 p.m.

Elizabeth Mayo left 3:43 – 4:03 p.m.

Break: 3:40 – 4:03 p.m.

William Emery left at 4:47 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 5:05 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINED - 0, THREE ABSENT (William E. Emery, Jennifer Misegan, Fred Dakota), MOTION CARRIED.

Grievance Hearing #003-08-

MOTION MADE BY DOREEN G. BLAKER TO OVERTURN THE TERMINATION DECISION IN CASE #003-08 AND TO REINSTATE THE EMPLOYEE EFFECTIVE 05/15/08. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Michael F. LaFerner, Sr.), ONE ABSTAINED (Larry J. Denomie III), THREE ABSENT (William E. Emery, Jennifer Misegan, Fred Dakota), MOTION CARRIED.

Health Administrator Position-

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO OFFER THE HEALTH ADMINISTRATOR POSITION TO CAROLE LAPOINTE AT \$25.00 PER HOUR. SUPPORTED BY JERRY LEE CURTIS. FIVE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), TWO ABSTAINED (Larry J. Denomie III, Michael F. LaFerner, Sr.), THREE ABSENT (William E. Emery, Jennifer Misegan, Fred Dakota), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She feels Carole is not qualified and therefore the Council is setting her up to fail.

L. Adjournment:

MOTION MADE BY TONI J. MINTON TO ADJOURN AT 5:12 P.M. SUPPORTED BY LARRY J. DENOMIE III. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINED - 0, THREE ABSENT (William E. Emery, Jennifer Misegan, Fred Dakota), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary