

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – NOVEMBER 1, 2012 – 9:00 A.M.

- A. Date: November 1, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:12 a.m.
- C. Invocation: Lord’s Prayer and prayers for those suffering from the effects of Hurricane Sandy on the East Coast
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President (left 3:07 – 3:23 p.m.)
Susan J. LaFernier, Secretary
Jerry Lee Curtis, Assistant Secretary (arrived at 10:22 a.m.)
Toni J. Minton, Treasurer (arrived at 1:03 p.m.)
Robert R.D. Curtis, Jr. (arrived at 9:25 a.m.)
Fred Dakota (left at 9:42 a.m.)
Jean Jokinen
Michael F. LaFernier, Sr. (left at 4:00 p.m.)
Carole L. LaPointe
Elizabeth “Chiz” Matthews (left at 4:09 p.m.)
Absent: Eddy Edwards
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: November 1, 2012
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| Additions: | H. Approval of Meeting Minutes-
New Business- | 1. October 27, 2011
5. Elizabeth Mayo – b) Fire Fighters
Emergency Leave Request regarding
Primary Election
8. Larry Denomie III, CEO – b) Harlan
Downwind Services Agreement |
| | Closed Session- | 2. Larry Denomie III, CEO – b) Employee
Transfer
3. President Swartz – b) Heather Chapman
Legal Issues Update |

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

G. For Your Information:

1. Pre-Primary Program Food Safety Survey Report – October 10, 2012
2. Da Shack Food Safety Survey Report – October 22, 2012
3. Cue Master Bar Food Safety Survey Report – October 10, 2012
4. Ojibwa Senior Center Food Safety Survey Report – October 22, 2012
5. Ojibwa Casino Guest Services Meal Prep in the Press Box Food Safety Survey Report – October 22, 2012

R.D. Curtis arrived at 9:25 a.m.

H. Approval of Meeting Minutes:

1. October 27, 2011

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE OCTOBER 27, 2011 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), THREE ABSENT (Jerry Lee Curtis, Toni J. Minton, Eddy Edwards), MOTION CARRIED.

I. Old Business:

1. Larry Denomie III, CEO - Ojibwa Casinos Employment Manual - Regular Full-Time and Regular Part-Time Definitions regarding Blue Cross Requirements (will return with more information later in the day)

J. New Business:

1. Howard Mattson - Toys for Tots and L’Anse Sentinel Photo Shoot

Fred Dakota left at 9:42 a.m.

2. Pam Nankervis, NRD Wildlife Biologist –

- a) KBIC Tribal Wolf Management Plan/Draft – 300 Surveys were sent and 208 returned
- b) Resolution KB-1902-2012 Opposition to Wolf Hunting in Michigan HB 5834

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTION KB-1902-2012 OPPOSITION TO WOLF HUNTING IN MICHIGAN HB 5834. SUPPORTED BY JEAN JOKINEN. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DRAFT KBIC WOLF MANAGEMENT PLAN. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

3. Bruce LaPointe, Project Manager –

- a) Harvey Housing Road System Snow Plowing Bids (2)
- b) Services Agreement

Jerry Lee Curtis arrived at 10:22 a.m.

The Recommendation was for Spodeck Contracting in the amount of \$2,340/year for a three-year contract.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SERVICES AGREEMENT WITH SPODECK CONTRACTING EFFECTIVE NOVEMBER 1, 2012 AND ENDING APRIL 2015. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Jerry Lee Curtis), THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

K. Closed Session:

- 1. Government Appeal of Termination Hearing Case #012-12
- 2. Larry Denomie III, CEO –
 - a) Interim L’Anse High School Tutor
 - b) Employee Transfer
- 3. President Swartz/Susan LaFernier, Secretary –
 - a) EPA Consultation Letter
 - b) Heather Chapman, Assistant Tribal Attorney – Legal Issues Update
- 4. Attorney Interviews (3)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:23 A.M. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

Break: 10:24 – 10:34 a.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO OPEN SESSION AT 12:03 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

[New Business]

4. Elizabeth Mayo, Vice President –

a) Direct Deposit for Baraga/Marquette Casino Employees

MOTION MADE BY ELIZABETH D. MAYO TO ALLOW DIRECT DEPOSIT FOR BOTH BARAGA AND MARQUETTE CASINO EMPLOYEES AND TO HAVE IT SET UP BY THE SECOND PAYROLL IN JANUARY 2013. SUPPORTED BY JEAN JOKINEN. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

b) Fire Fighters Emergency Leave (Hurricane Sandy) Request regarding Primary Election Voting

The Fire Fighters would like the opportunity to vote in the Primary Election before they leave out of town.

Larry Denomie III, CEO stated funds are needed for this emergency travel. The minimum cost to the Tribe is \$12,500.00. Larry listed (2) options:

Option 1 – wage, travel, and lodging would be billed and reimbursed with no cost to the Tribe

Option 2 – pay their base salary and the over-time out of the Forestry Account and consider it a donation to those affected in the East Coast, this could cost \$12,500.00 - \$24,500.00

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

Diana Chaudier, Election Board Chair, stated: Medical Emergencies are covered in the Election Ordinance but Natural Disasters are not.

MOTION MADE BY ELIZABETH D. MAYO TO ALLOW THE ELIGIBLE VOTERS FROM THE FIRE FIGHTERS BEING CALLED TO DUTY ON THE EAST COAST HURRICANE SANDY DISASTER TO VOTE AND AMEND THE ELECTION ORDINANCE IN THE FUTURE TO ADDRESS NATURAL DISASTER SITUATIONS. SUPPORTED BY JEAN JOKINEN. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

Lunch: 12:15 – 12:30 p.m. (working lunch)

5. Jennifer Misegan – Christmas Gift Check Questions:

We have members in the Court system unable to provide necessary documentations.

Will you allow them to receive a check based on the information they are able to provide? Last year you allowed the Court Advocate to verify them.

If someone is in jail and the address last given is in Housing; they must be listed on the lease.

A Tribal member is arrested and out on cash bond since October 1; the address is where they were picked up by the police.

MOTION MADE BY CAROLE L. LAPOINTE TO ABIDE BY THE CHRISTMAS GIFT CHECK GUIDELINES FOR 2012 FOR ALL VERIFICATION PURPOSES. SUPPORTED BY ROBERT R.D. CURTIS, JR. FOUR IN FAVOR (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), FOUR OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), TIE VOTE. PRESIDENT SWARTZ VOTES IN FAVOR, MOTION CARRIED.

6. Susan LaFernier, Secretary – Schedule Enterprise Employee Appeal of Termination Hearing Case #014-12 – The Hearing was scheduled for November 8, 2012 at 2:00 p.m.

7. President Swartz – American Legion Request for Roof Repair per letter

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A DONATION OF \$10,000.00 TO THE AMERICAN LEGION FOR ROOF REPAIRS. SUPPORTED BY MICHAEL F. LAFERNIER, SR.

MOTION MADE BY SUSAN J. LAFERNIER TO TABLE THE REQUEST FROM THE AMERICAN LEGION FOR FURTHER INFORMATION. SUPPORTED BY CAROLE L. LAPOINTE. SIX IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Michael F. LaFernier, Sr.), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

Interim L'Anse High School Tutor – (Effective November 30, 2012 and continuing for 8 weeks at her current wage)

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT BETH DIX AS INTERIM L'ANSE HIGH SCHOOL TUTOR WHILE MICHEALE DENOMIE IS ON MATERNITY LEAVE. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

Even Start Administrative Assistant to the Accounts Payable Clerk Position Transfer – effective the end of November when Even Start ends

MOTION MADE BY JERRY LEE CURTIS TO TRANSFER LIZ SHERMAN FROM EVEN START TO THE ACCOUNTS PAYABLE CLERK BUT AT HER SAME HOURLY RATE OF PAY. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

Government Appeal of Termination Hearing Case #012-12 – (the application can be re-considered in six months if there is no conviction but if there is a conviction it will be re-considered in one year)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO UPHOLD THE CEO'S DECISION IN CASE #012-12. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

Break: 12:53 – 1:01 p.m.

Toni Minton arrived at 1:03 p.m.

[Closed Session] – Consensus to go into Closed Session - No motion made

CONSENSUS TO GO INTO OPEN SESSION AT 3:00 P.M. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Eddy Edwards), MOTION CARRIED.

Break: 3:02 – 3:08 p.m.

Elizabeth Mayo left at 3:07 p.m.

[New Business]

8. Larry Denomie III, CEO –
 - a) Weekly Update
 - b) Harlan Downwind Services Agreement Renewal – October 1 – September 30, 2013

MOTION MADE BY TONI J. MINTON TO APPROVE THE RENEWAL SERVICES AGREEMENT WITH HARLAN DOWNWIND. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth D. Mayo, Fred Dakota, Eddy Edwards), MOTION CARRIED.

Discussion: Regular full time and part time employee classifications regarding the work week for Blue Cross requirements.

Elizabeth Mayo returned at 3:23 p.m.

Mike LaFernier, Sr. left at 4:00 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE FULL-TIME EMPLOYEE CLASSIFICATION HOURLY WORK WEEK TO THIRTY-SIX HOURS AND PART-TIME EMPLOYEE HOURLY WORK WEEK UP TO THIRTY-FIVE HOURS FOR THE GOVERNMENT AND ENTERPRISE AND THE MEDICAL INSURANCE WILL BE CANCELLED IF THEY DO NOT HAVE THE REQUIRED HOURS. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr.), MOTION CARRIED.

Elizabeth Matthews left at 4:09 p.m.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:10 P.M. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist