

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JUNE 21, 2012 – 9:00 A.M.**

- A. Date: June 21, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President (left at 4:30 p.m.)
Susan J. LaFerner, Secretary
Jerry Lee Curtis, Assistant Secretary
Toni J. Minton, Treasurer (arrived at 10:10 a.m., left at 12:02 p.m.)
Robert R.D. Curtis, Jr.
Fred Dakota (arrived at 9:35 a.m.)
Eddy Edwards (arrived at 10:40 a.m.)
Jean Jokinen
Michael F. LaFerner, Sr.
Carole L. LaPointe
Elizabeth “Chiz” Matthews
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: June 21, 2012

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

- G. For Your Information:

1. SNB KBIC Guaranteed Loan Program Account Summary June 8, 2012

2. Four Seasons Inn Environmental Health & Safety Survey Report – April 30, 2012
3. Donald A. LaPointe Health & Education Center Environmental Health & Safety Survey Report – April 30, 2012
4. A News Release from U.S. Fish and Wildlife Services Marquette Biological Station - Sea Lamprey Control Planned for Offshore Areas (Ravine and Falls River)
5. Michigan Federally Recognized Tribes - Contact Information
6. An Update and Request for Input from Adam Burley, President of Kennecott Eagle Minerals Rio Tinto and a copy of the Community Monitoring Partnership Concept Paper
7. VOIGT Intertribal Task Force Meeting Minutes May 3, 2012 Onamia, Minnesota
8. *Mikwendaagoziwag* Memorial Annual Ceremony July 25, 2012 Sandy Lake, Minnesota
9. Bureau of Indian Affairs Midwest Region Partners in Action Conference June 25-29, 2012 Mt. Pleasant, Michigan
10. Bureau of Indian Affairs Indian Reservation Roads Program Consultation Session June 28, 2012 Mt. Pleasant, Michigan
11. Baraga County Community Forum June 26, 2012 at BCMH Conference Center
12. Ojibwa Casino/Ojibwa Casino II April FY2012 Financial Report
13. 2013 Indian Housing Plan/Annual Performance Report
14. Supreme Court of Appeals Summary – Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians v. Patchak - U.S. Waived its Sovereign Immunity from Patchak’s Action
15. Supreme Court of Appeals Summary – Salazar v. Ramah Navajo Chapter - Government Must Pay Each Tribe’s Contract Support Costs

H. Approval of Meeting Minutes:

1. August 25, 2011

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AUGUST 25, 2011 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FOUR IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, FOUR ABSTAINING (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

2. August 26, 2011

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AUGUST 26, 2011 MEETING MINUTES. SUPPORTED BY JERRY LEE CURTIS. FIVE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), THREE ABSENT (Toni J. Minton, Fred Dakota, Eddy Edwards), MOTION CARRIED.

I. Recognize Scheduled Delegation/Individuals:

1. Comprehensive Strategic Plan Review – Gregg Nominelli, Jason Ayres, Tina Durant present

- a) Value: Sovereignty with the following Departments: Tribal Council, Economic Development, Realty
- b) Value: Employment/Business: Economic Development, TERO, Gaming Commission

Fred Dakota arrived at 9:35 a.m.

Toni Minton arrived at 10:10 a.m.

Lynn Haataja, David Rantanen, Brigitte LaPointe present

Break: 10:29 – 10:43 a.m.

Eddy Edwards arrived at 10:40 a.m.

J. New Business:

1. Susan LaFernier, Secretary –

- a) Amendatory Agreement (with Mass Mutual) Amendment Number 2 KBIC 401-K Plan to designate (2) Trustees for the loan program

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE AMENDMENT NUMBER TWO KBIC 401K PLAN FOR MASS MUTUAL. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

- b) Schedule Government Employee Grievance Hearing Case #008-12

The hearing was scheduled July 12, 2012 at 10:00 a.m. (Rescheduled to July 19 later in the day)

[Recognize Scheduled Delegation/Individuals]

- 2. Democratic Congressional Candidate Gary McDowell - Campaign Update Working with Tribes in the U.P. He is running against Dan Benishek.

MOTION MADE BY ELIZABETH D. MAYO TO CONTRIBUTE \$5,000.00 TO THE MCDOWELL FOR CONGRESS CAMPAIGN BY JUNE 30, 2012. SUPPORTED BY JEAN JOKINEN. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

[New Business]

2. Elizabeth Mayo, Vice President/Heather Chapman, Assistant Tribal Attorney – Summer Youth Program

(Relating to the KBIC Background Investigations Policy)

Background Investigations Application Amendment –

MOTION MADE BY ELIZABETH D. MAYO TO AMEND THE KBIC BACKGROUND INVESTIGATIONS POLICY REMOVING EDUCATIONAL INSTITUTIONS AND CREDIT AGENCIES FROM THE APPLICATION. SUPPORTED BY JEAN JOKINEN. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

Background Investigations Policy Amendment –

MOTION MADE BY ELIZABETH D. MAYO TO TEMPORARILY AMEND THE KBIC BACKGROUND INVESTIGATIONS POLICY FOR EMPLOYEES, VOLUNTEERS, AND OTHERS SUBJECT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT FOR THE SUMMER YOUTH PROGRAM FOR THE YEAR 2012 TO ALLOW MARIAH DUNHAM, DIRECTOR TO SUPERVISE AND HAVE DIRECT CONTACT OF THE ELEVEN KIDS FOR TWO WEEKS UNTIL THE BACKGROUND FORMS ARE COMPLETE. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), THREE OPPOSED (Susan J. LaFernier, Eddy Edwards, Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Toni Minton left at 12:02 p.m.

Lunch: 12:02 – 1:01 p.m.

Added to the Agenda – Education Committee Vacancy – Ballot vote (2 applicants) - Violet Friisvall Ayres was seated.

3. Darren Webb, Commodity Foods Director – Construction of a New Certification Office and a 12x12 addition (Enclosure) of Walk-In Cooler – (1) Bid

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BID FROM KBIC DEPARTMENT OF PUBLIC WORKS IN THE AMOUNT OF \$33,322.00 FOR CONSTRUCTION OF A NEW OFFICE AND ENCLOSURE OF A WALK-IN COOLER. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED – 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Eddy Edwards), MOTION CARRIED.

Eddy Edwards returned from lunch at 1:17 p.m.

4. Pam Nankervis, Wildlife Biologist – Website Design and development services Bids (3)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BID FROM NORTH COUNTRY WEBSITE DESIGN FOR THE WILDLIFE MANAGEMENT PLAN GRANT AND THE SERVICES AGREEMENT NOT TO EXCEED \$4,500.00 AND AUTHORIZE THE PRESIDENT TO SIGN. SUPPORTED BY CAROLE L. LAPOINTE. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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 (Toni J. Minton), MOTION CARRIED.

5. Micah Petoskey, Water Quality Specialist – Treatment as a State (TAS) for Water Quality Standards, Requirements and Options – Heather Chapman present

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE OPTION TWO TO INCLUDE TRIBAL TRUST, FEE AND ALLOTMENT LAND FOR ACQUIRING TREATMENT AS A STATE FOR WATER QUALITY STANDARDS. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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 (Toni J. Minton), MOTION CARRIED.

6. David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager –

- a) Marquette Casino Air Conditioning Unit Bids (2)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BID FROM UNITED CONTRACTORS IN THE AMOUNT OF \$31,684.00 FOR THE AIR CONDITIONING UNIT IN THE MARQUETTE CASINO. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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 (Toni J. Minton), MOTION CARRIED.

- b) Baraga Casino Sound System Bids

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BID FROM RANGE TELECOMMUNICATIONS IN THE AMOUNT OF \$16,791.51 FOR THE SOUND SYSTEM IN THE BARAGA CASINO. SUPPORTED BY JERRY LEE CURTIS. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED – 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

(Fred Dakota is out of the room)

7. Bruce LaPointe, Projects Manager –

a) 2012 I.H.S. Sanitation Deficiency System (SDS) Project List and Priority

MOTION MADE BY EDDY EDWARDS TO APPROVE THE I.H.S. SANITATION DEFICIENCY SYSTEM PROJECT LIST AND PRIORITY THE SAME AS LAST YEAR AS THE FOLLOWING: 1) KAWBAWGAM ROAD REPLACEMENT WELL, 2) ZEBWA WATER TOWER, 3) WELL ABANDONEMENT, 4) SCATTERED SITES. SUPPORTED BY JERRY LEE CURTIS. SEVEN IN FAVOR (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier), ONE ABSTAINING (Jean Jokinen), ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Susan LaFernier stated her opposition: She is opposed because the Council did not have all of the information regarding the scattered sites and wells and septic information

b) Team Services LLC from Kalkaska, MI Services Agreement for Dust Control

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND TEAM SERVICES LLC FOR DUST CONTROL FOR VARIOUS ROADS UP TO \$4,000.00. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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 (Toni J. Minton), MOTION CARRIED.

8. Larry Denomie III, CEO –

a) Personnel Department Budget Modification

The Personnel Budget added funds for a fill-in clerical person during the absence of Hope Laramore while she is on maternity leave.

Brandy Chosa Temporary Promotion – Gaming Commission Budget - Council also received the Background Investigator job description

MOTION MADE BY ELIZABETH D. MAYO TO PROMOTE BRANDY CHOSA AS INTERIM BACKGROUND INVESTIGATOR AND ADD THE ADDITIONAL DUTIES TO HER CURRENT JOB DESCRIPTION AS GAMING COMMISSION SECRETARY AND COMPENSATE HER AT \$15.21 PER HOUR AT A GRADE EIGHT. SUPPORTED BY ROBERT R.D. CURTIS, JR. SIX IN FAVOR (Elizabeth D. Mayo, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Carole L. LaPointe), OPPOSED – 0, FOUR ABSTAINING (Susan J. LaFernier, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE ABSENT (Toni J. Minton), MOTION CARRIED.

KBIC Background Investigations Policy Amendment – (not on the agenda) - Minimum Standards of Character

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AN AMENDMENT TO THE KBIC BACKGROUND INVESTIGATIONS POLICY FOR EMPLOYEES, VOLUNTEERS, AND OTHERS SUBJECT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT ON PAGE FIFTEEN WHICH IS TO REMOVE "NO CRIMINAL HISTORY" AND REPLACE WITH "THE APPLICANT HAS NOT BEEN FOUND GUILTY OF, OR ENTERED A PLEA OF NOLO CONTENDERE OR GUILTY TO: ANY FELONIOUS OFFENSE, OR TWO (2) OR MORE MISDEMEANOR OFFENSES INVOLVING; CRIMES OF VIOLENCE, SEXUAL ASSAULT, MOLESTATION, EXPLOITATION, CONTACT WITH OR PROSTITUTION, CRIMES AGAINST PERSONS, OFFENSES COMMITTED AGAINST CHILDREN, CHILD ABUSE OR NEGLECT, AND PASS THEIR CENTRAL REGISTRY CHECK" AS IT IS PRESENTED. . SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Elizabeth D. Mayo, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), OPPOSED – 0, TWO ABSTAINING (Susan J. LaFernier, Elizabeth “Chiz” Matthews), ABSENT - 0, MOTION CARRIED.

- b) Youth Work Placement and Reimbursement Agreement (Federal Law 101-30 Security Background Checks)

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE YOUTH WORK PLACEMENT AND REIMBURSEMENT AGREEMENT FOR EACH ENTITY OUTSIDE OF KBIC WITH A YOUTH WORKER WHICH INCLUDES THE OJIBWA BP. SUPPORTED BY JEAN JOKINEN. NINE IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, 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 (Toni J. Minton), MOTION CARRIED.

Break: 2:43 – 2:54 p.m.

- c) CEO Weekly Update – see handout

K. Closed Session:

1. Larry Denomie III, CEO – Personnel Updates
2. President Swartz/Pauline Spruce, Personnel Director – Schedule Attorney Interviews
3. President Swartz – David Haataja, Casinos General Manager/Dale Shalifoe, Baraga Casino Assistant General Manager – Six Month Evaluation (Review of Operations) - Gaming Commission/Lynn Haataja/Jacki Skytta
4. Heather Chapman, Assistant Tribal Attorney

MOTION MADE BY CAROLE L. LAPOINTE TO GO INTO CLOSED SESSION AT 3:01 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, 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 (Toni J. Minton), MOTION CARRIED.

Elizabeth Mayo left at 4:30 p.m.

MOTION MADE BY CAROLE L. LAPOINTE TO GO INTO OPEN SESSION AT 4:46 P.M. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, 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, TWO ABSENT (Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

Dave Zasadnyj Interim Wage Adjustment –

MOTION MADE BY CAROLE L. LAPOINTE TO PROVIDE AN INTERIM WAGE TO DAVE ZASADNYJ AS HE MANAGED THE I.T. DEPARTMENT FOR THE PERIOD OF JUNE 8 THROUGH JUNE 14, 2012 WHILE THE I.T. DIRECTOR WAS NOT ON DUTY AT \$32.00 PER HOUR, THE BEGINNING WAGE OF THE POSITION, AND TO FURTHER PROVIDE THIS WAGE DURING PERIODS WHEN THE I.T. DIRECTOR IS ON FIRE DUTY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, 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, TWO ABSENT (Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY CAROLE L. LAPOINTE TO ADJOURN AT 4:48 P.M. SUPPORTED BY JEAN JOKINEN. NINE IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, 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, TWO ABSENT (Elizabeth D. Mayo, Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist