

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
REGULAR TRIBAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
SATURDAY – APRIL 14, 2012 – 9:00 A.M.**

- A. Date: April 14, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:04 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
Jerry Lee Curtis, Assistant Secretary (left at 11:29 a.m.)
Toni J. Minton, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota (left 10:05 – 10:25 a.m.)
Eddy Edwards
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe
Elizabeth “Chiz” Matthews (left at 11:04 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: April 14, 2012
- Additions: FYI- 13. A “Thank you” from the L’Anse 8th Grade Publications Class
12. Eddy Edwards – Proposed Amendment to Tribal Code Title 4
Juvenile Division Section 4.103 b. and Section 4.104 Protection of
Unborn Children 2012-02
- Old Business- 2. Susan LaFernier, Secretary – Schedule 3rd Reading of the Tribal
Enterprise Corporation Code 2012-01

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. 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.

G. For Your Information:

1. A "Thank you" from the Marquette Regional History Center
2. A "Thank you" from the Beacon House
3. A "Thank you" from the Family of Elizabeth Galer
4. A "Thank you" from the Special Olympics
5. A "Thank you" from Marcy Cella
6. A "Thank you" from Bruce Rundman, Baraga Area Schools Testing Coordinator
7. A "Thank you" from April Lindala, NMU Native American Student Association Advisor
8. Indian Gaming Magazine Names David Haataja Extraordinary Employee March 2012
9. VOIGT Intertribal Task Force Meeting Minutes March 1, 2012 in Danbury, WI
10. KBIC Youth Program and Weed & Seed Community Gathering April 21, 2012 at KBOCC
11. Notification of Approved Enrollment Applications March 30, 2012 (5)
12. Eddy Edwards - Proposed Amendment to Tribal Code Title 4 Juvenile Division Section 4.103 b. and Section 4.104 Protection of Unborn Children 2012-02
13. A "Thank you" from the L'Anse 8th Grade Publications Class

H. President's Report/February/March 2012 – available for your review

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE FEBRUARY/MARCH 2012 PRESIDENT'S REPORT. SUPPORTED BY JERRY LEE CURTIS. 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.

I. Secretary's Report/March 2012 – available for your review

MOTION MADE BY TONI J. MINTON TO APPROVE THE MARCH 2012 SECRETARY'S REPORT. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. 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.

J. Department Head Reports – February 2012

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE FEBRUARY 2012 DEPARTMENT HEAD REPORTS. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. NINE 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, Elizabeth "Chiz" Matthews), OPPOSED - 0, TWO ABSTAINING (Michael F. LaFernier, Sr., Carole L. LaPointe), ABSENT - 0, MOTION CARRIED.

K. Recognize Scheduled Delegation/Individuals:

1. Anne Koski, Baraga County Treasurer – Anne apologized to the Council and the audience and explained she was misquoted in the papers in the article “Baraga County Mulls Deficit.” She stated that a non-native sold 51% of his business to a Tribal Member so the property was taken off the tax rolls. In the paper she referred to county residents or business owners “using every service in the county, but aren’t paying for it when they sell or deed their property to tribal members and the property is removed from the tax rolls. It appears that non-tribal people are taking advantage of a property tax exemption.” This was left out of her quote.
2. Paul Smith – “Life” Subscription Proposal (Living Intentionally For Excellence) which is his small Tribal business with the company LIFE.

Paul is requesting the Council purchase self-help materials that can be distributed to Departments within the Tribe. Susan LaFernier suggested the Library review/purchase the information/material.

He would like to volunteer his time with the Tribe’s Youth to teach leadership qualities; in return for equal pay of what he presently earns working for the Marquette Casino.

The Council would like more time to review his information. (Paul provided brochures, compact discs, audios, etc.)

Fred Dakota left 10:05 – 10:25 a.m.

Break: 10:27 – 10:39 a.m.

[New Business]

1. Jean Jokinen – Resolution KB-1885-2012 Articles of Incorporation of Aanikoosing, Inc.

Susan LaFernier stated the Tribal Enterprise Corporation Code has pending legislation and to be fair, a 3rd Reading has to come first (regarding charter corporations) before the Articles of Incorporation are voted on. Susan suggested May 5th and the Articles of Incorporation could come that same day.

Jean Jokinen stated the Community wanted a public hearing with all attorneys present so the people would understand what the Articles and amendments are and did not get that.

Eddy Edwards stated that the Tribal Attorney has had the amendments for over a year. These Articles are from the model given by Lance Morgan and deserve a vote up or down.

Susan disagreed. She stated these Articles have been presented six different times, by three different people, under three different names; and each of them is different.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE RESOLUTION KB-1885-2012 ARTICLES OF INCORPORATION OF AANIKOOSING INC., AS ATTACHED. SUPPORTED BY EDDY EDWARDS.

MOTION MADE BY SUSAN J. LAFERNIER TO TABLE RESOLUTION KB-1885-2012 ARTICLES OF INCORPORATION UNTIL THE 3RD READING FOR THE TRIBAL ENTERPRISE CORPORATION CODE AMENDMENTS IS HELD. SUPPORTED BY ELIZABETH D. MAYO. FIVE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Fred Dakota, Michael F. LaFERNIER, Sr.), SIX OPPOSED (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION DEFEATED.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE RESOLUTION KB-1885-2012 ARTICLES OF INCORPORATION OF AANIKOOSING INC., AS ATTACHED. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), FIVE OPPOSED (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Fred Dakota, Michael F. LaFERNIER, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Eddy Edwards – Termination of Tribal Attorney Employment Contract

MOTION MADE BY EDDY EDWARDS TO TERMINATE THE TRIBAL ATTORNEY EMPLOYMENT CONTRACT WITH JOHN BAKER AND HAVE THE ACCOUNTING DEPARTMENT DETERMINE THE AMOUNT OWED UNDER THE CONTRACT. SUPPORTED BY JEAN JOKINEN. SEVEN IN FAVOR (Elizabeth D. Mayo, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), THREE OPPOSED (Susan J. LaFERNIER, Toni J. Minton, Michael F. LaFERNIER, Sr.), ONE ABSTAINING (Jerry Lee Curtis), ABSENT - 0, MOTION CARRIED.

Elizabeth Matthews left at 11:04 a.m.

Susan LaFERNIER stated her opposition: 2012 was Mr. Baker’s tenth year of employment with the Tribe. He began as the assistant attorney in 2002. He became the Tribal Attorney and Prosecutor on September 1, 2004. He has worked many long hours for this Tribe and has worked on many various important cases and law revisions, all with the majority of Council participation and approval. I do not know the reason for his termination today and the Council did not discuss his performance formally or devise a plan of continuance. This puts us in great distress. I would like to personally thank Mr. Baker for all of his work with this Tribe and on our behalf. We are doing exactly what we continually state we are against.

President Swartz concurred and thanked Mr. Baker for all of the work he has done for the Tribe.

[Recognize Scheduled Delegation/Individuals:]

3. Sheena Halverson/Sheila Halverson/Vanessa Beaver/Desiree Jermac/Kelsi Paquette – Baraga/L’Anse/Alternative School Issues

The girls presented a letter with concerns of prejudice treatment within the area schools; teachers are giving them low grades and sending them to detention. They also turned in two and a half pages of signatures from Native students who are in agreement with their statements. (See handout)

MOTION MADE BY EDDY EDWARDS TO DIRECT THE EDUCATION DIRECTOR AND EDUCATION COMMITTEE AND SCHOOL BOARD TO MEET WITH THE GROUP OF STUDENTS AND SCHOOL OFFICIALS TO DEAL WITH THE ISSUES THEY HAVE BROUGHT FORWARD. SUPPORTED BY JEAN JOKINEN. TEN 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), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.

Jerry Lee Curtis left at 11:29 a.m.

4. Nancy Lamb (not present)/Raymond Cadreaus, KBOCC Student Government/Cherie Dakota, Dean of Student Services – Baraga Village Community Cleanup Project May 5th – Participant Tee Shirt Request (Included in the April 2012 Donations) – 40 Tee Shirts Total \$310.00

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A DONATION OF \$310.00 TO PURCHASE TEE SHIRTS FOR THE KBOCC STUDENT GOVERNMENT COMMUNITY CLEANUP PROJECT IN THE BARAGA VILLAGE. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), OPPOSED – 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Eddy Edwards, Elizabeth “Chiz” Matthews), MOTION CARRIED.

Break: 11:30 – 11:42 a.m.

L. Old Business:

1. Susan LaFernier, Secretary – Schedule 3rd Reading of the Tribal Enterprise Corporation Code 2012-01 (Section 17 of the Corporation Code that addresses Charters)

MOTION MADE BY SUSAN J. LAFERNIER TO SCHEDULE THE 3RD READING FOR THE PROPOSED TRIBAL CORPORATION CODE TITLE 27 CHAPTER B 2012-01 ON MAY 5, 2012. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Eddy Edwards, Elizabeth “Chiz” Matthews), MOTION CARRIED.

(Eddy Edwards is out of the room)

Jean Jokinen stated her opposition: She feels the Community wanted to schedule a meeting to talk with both sides and they did not get that opportunity.

President Swartz stated: Lance Morgan had scheduling problems.

2. Eddy Edwards – Casino Restroom (8) Remodeling Estimate - \$233,737.35

MOTION MADE BY CAROLE L. LAPOINTE TO ACCEPT THE BID FROM OHA OJIBWA BUILDERS AND ADD THAT THE PUBLIC WORKS DEPARTMENT CAN DO ON-THE-JOB TRAINING WITH THEM. SUPPORTED BY JEAN JOKINEN. NINE 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), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

M. New Business:

3. Toni Minton, Treasurer – April 2012 Donations

Fred Gauthier was present to discuss Charlie Gauthier’s request for water, sewer, and natural gas installation for his FEMA trailer.

Eddy Edwards suggested Charlie attend the next OHA Board meeting for an additional \$10,000.00 in funds as was offered to the other FEMA trailer owners.

Eddy will add Charlie to the next agenda.

Allen Gauthier was present and requested Eddy to add him to the OHA Board meeting agenda also. (Allen is a FEMA trailer owner)

Charlotte Loonsfoot was present requesting funds for a Community Garden. (Refer to Todd Warner)

April 2012 Donations – Total \$7,000.00

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE APRIL 2012 DONATIONS AS THE FOLLOWING: DEREK BAILEY FOR CONGRESS FOR \$2,500.00, BARAGA COUNTY COMMUNITY FOUNDATION DENISE MARTH MEMORIAL WALK FOR \$2,500.00, AMERICAN LEGION POST #444 BRASS GRAVE MARKERS AND FLAGS FOR \$500.00, UNITED TRIBES OF MICHIGAN FOR \$1,000.00, AND CAMP NEW DAY IN THE U.P. FOR \$500.00. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT 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), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

4. Jean Jokinen – Resolution KB-1884-2012 Department of Justice CTAS (Coordinated Tribal Assistance Solicitation) Grant Program FY2012 funding to prevent crime and victimization

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1884-2012 DEPARTMENT OF JUSTICE CTAS GRANT. SUPPORTED BY SUSAN J. LAFERNIER. NINE 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), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

5. Larry Denomie III, CEO (not present)/President Swartz – BC/BS Employee Portion for Renewal Premium (The Tribe pays 88% and the employee pays 12% of the premium)

MOTION MADE BY EDDY EDWARDS TO APPROVE THE BC/BS RATE INCREASE CALCULATIONS FOR THE EMPLOYEE’S PORTION. SUPPORTED BY CAROLE L. LAPOINTE. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Carole L. LaPointe), TWO OPPOSED (Elizabeth D. Mayo, Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

N. Closed Session:

1. Carole LaPointe, Health Administrator – Temporary RPMS Site Manager [The Council consensus was no action needed on this item]

O. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 12:31 P.M. SUPPORTED BY ELIZABETH D. MAYO. NINE 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), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth “Chiz” Matthews), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist