

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – NOVEMBER 17, 2011 – 9:00 A.M.

- A. Date: November 17, 2011
- B. Call to Order: Vice President Emery called the meeting to order at 9:07 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: William E. Emery, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left 1:03 – 1:20 p.m.)
Elizabeth D. Mayo, Treasurer (left 9:27–9:50, left 10:03 – 11:20 a.m.)
Jerry Lee Curtis (arrived at 9:15 a.m.)
Fred Dakota
Eddy Edwards (arrived at 9:32 a.m.)
Michael F. LaFernier, Sr. (arrived at 9:15 a.m., left 10:40 a.m. – 1:03 p.m.)
Gary F. Loonsfoot, Sr. (arrived at 9:13 a.m., left at 12:10 p.m.)
Elizabeth “Chiz” Matthews (left at 12:10 p.m.)
Isabelle Helene Welsh (left 10:46 – 10:56 a.m.)
Absent: Warren C. Swartz, Jr., President
- E. Declaration of Quorum: Vice President Emery declared a quorum present and proceeded with the order of business.

Gary Loonsfoot, Sr. arrived at 9:13 a.m.

- F. Approval of Agenda: November 17, 2011

Addition: FYI- 7. Fred Dakota – PACT ACT Consultation in Washington DC

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Jerry Lee Curtis, Eddy Edwards, Michael F. LaFernier, Sr.), MOTION CARRIED.

G. For Your Information:

1. SNB KBIC Guaranteed Loan Program Account Summary November 15, 2011
2. Low Income Home Energy Assistance Program (LIHEAP) Notice of Grant Award FY 2012 for \$105,311.00
3. Report from September 21, 2011 On-site Program and Fiscal Review of the Child Care Funds
4. VOIGT Intertribal Task Force Meeting Minutes October 6, 2011 at Red Cliff, Wisconsin
5. Internet Gaming and Marketing Overview Report presented at the National Indian Gaming Association Tribal Leadership Meeting – October 19 at the Mohegan Sun
6. 2011 KBIC Government Employee Christmas Dinner Party – December 3, 2011
7. PACT Act Meeting/Consultation with the Department of Justice for Tribal input in Washington DC – December 14, 2011

Jerry Lee Curtis and Mike LaFerner, Sr. arrived at 9:15 a.m.

H. Approval of Meeting Minutes:

1. March 24, 2011

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MARCH 24, 2011 MEETING MINUTES. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), TWO ABSENT (Warren C. Swartz, Jr., Eddy Edwards), MOTION CARRIED.

Elizabeth Mayo left at 9:27 a.m.

I. Secretary’s Report/October 2011

MOTION MADE BY TONI J. MINTON TO APPROVE THE OCTOBER 2011 SECRETARY’S REPORT. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Eddy Edwards), MOTION CARRIED.

Eddy Edwards arrived at 9:32 a.m.

J. Old Business:

1. Mike Cardinal, Constitutional Committee Chair (not present)/Larry Denomie III, CEO/John Baker, Attorney – Resolution KB-1862-2011 regarding amendment to Article VIII Section I of the Constitution to remove the Secretary of Interior for amendment approvals.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-1862-2011 REGARDING AMENDMENT TO ARTICLE VIII SECTION I OF THE CONSTITUTION. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo), MOTION CARRIED.

2. Larry Denomie III, CEO – WUPPDR Annual CEDS Report (Community Economic Development Strategy)

Larry stated that Gregg Nominelli recommended not submitting a resolution for WUPPDR as we submitted last year’s CEDS report with I.T.C. Gregg will address the Council at another meeting as he is out of town today.

Elizabeth Mayo returned at 9:50 a.m.

3. Janice Halverson, CAP Director – CNAP Guidelines Revisions

Elizabeth Mayo asked why applications were not mailed to the people for the LIHEAP program and how the CAP office intends to inform them. Janice responded that there is no money for postage and supplies in her budget.

Council reviewed changes to fire assistance, eviction or utility/heating disconnection assistance, and verification of home ownership.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO DONATE \$3,000.00 TO THE CAP OFFICE OUT OF THE DONATION BUDGET FOR POSTAGE AND SUPPLIES. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Elizabeth Mayo left at 10:03 a.m.

Mike LaFerner, Sr. left at 10:40 a.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE CNAP GUIDELINES WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jerry Lee Curtis, Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Fred Dakota, Michael F. LaFerner, Sr.), MOTION CARRIED.

(Fred Dakota is out of the room)

Isabelle Welsh left at 10:46 – 10:56 a.m.

Break: 10:47 – 10:56 a.m.

K. New Business:

1. Terri Denomie, Head Start Director (not present)/Larry Denomie III, CEO – Donation Request for Christmas Gifts – \$25.00 each for 76 kids

MOTION MADE BY TONI J. MINTON TO APPROVE A DONATION OF \$1,900.00 TO THE HEAD START PROGRAM FOR CHRISTMAS GIFTS. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Elizabeth D. Mayo, Michael F. LaFernier, Sr.), MOTION CARRIED.

Eddy Edwards stated his opposition: He would like to see all tribal member kids receive the same Christmas gifts.

2. Susan LaFernier, Secretary – Declaration of Support for Derek Bailey for Congress (Michigan 1st District) – Fundraising Event

He is currently the Tribal Chair of the Grand Traverse Band of Ottawa and Chippewa Indians.

Elizabeth Mayo returned at 11:20 a.m.

MOTION MADE BY FRED DAKOTA TO APPROVE DRAFTING A RESOLUTION OF SUPPORT FOR DEREK BAILEY. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFernier, Sr.), MOTION CARRIED.

3. Elizabeth Mayo, Treasurer - Negaunee Township Board (2) Project Requests for \$10,000.00 from the 2% Fund or the 2% (Escrow) Fund

MOTION MADE BY TONI J. MINTON TO DENY THE REQUEST FROM NEGAUNEE TOWNSHIP. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFernier, Sr.), MOTION CARRIED.

4. Larry Denomie III, CEO – Weekly Update

5. Ed Janisse, Radio Station Manager – Clarify Comedy Clubs Fee (4 shows) approved on October 20, 2011

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AN ADDITIONAL \$800.00 FOR THE FUNNY BUSINESS AGENCY COMEDIANS. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFerner, Sr.), MOTION CARRIED.

6. Carole LaPointe, Health Director – Health Center Generator Bids (addressed in Closed Session)

L. Closed Session:

1. Carole LaPointe, Health Director -
 - a) Martin Fletcher Locums (Tenens Coverage) Services Agreement
 - b) BCBSM/BCN Preferred Rx Program Participation Agreement
2. Ed Janisse, Radio Station Manager – Personnel Issue
3. Bruce LaPointe, Project Manager – Village of Baraga Funding Agreement
4. Larry Denomie III, CEO – Determination on Government Employee Grievance Case #006-11

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 11:51 A.M. SUPPORTED BY EDDY EDWARDS. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jerry Lee Curtis, Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Michael F. LaFerner, Sr.), MOTION CARRIED.

Gary Loonsfoot, Sr. left at 12:10 p.m.

Elizabeth Matthews left at 12:10 p.m.

Lunch: 12:10 – 1:03 p.m.

Mike LaFerner, Sr. returned at 1:03 p.m.

Toni Minton returned at 1:20 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 2:10 P.M. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFerner, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

BC/BS of MI/BCN (Blue Care Network) Preferred Rx Program Participation Agreement –

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BC/BS OF MI/BCN PREFERRED RX PROGRAM PARTICIPATION AGREEMENT AND AUTHORIZE THE VICE PRESIDENT TO SIGN. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Health Center Generator Bids –

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE PURCHASE OF A GENERATOR FOR THE HEALTH CENTER IN THE AMOUNT OF \$79,000.00 FROM CUMMINS NPOWER, LLC OUT OF MAINTENANCE AND IMPROVEMENT FUNDS. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Martin Fletcher Locums (Tenens Coverage) Service Agreement – 1 year for Family Practice/Internal Medicine

MOTION MADE BY EDDY EDWARDS TO APPROVE THE SERVICE AGREEMENT FOR LOCUM TENENS COVERAGE WITH MARTIN FLETCHER. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), THREE ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Village of Baraga Funding Agreement – for the reconstruction of the main street in Baraga which is included in the Indian Reservation Roads System with KBIC

MOTION MADE BY EDDY EDWARDS TO APPROVE THE BARAGA VILLAGE FUNDING AGREEMENT FOR UP TO \$55,000.00.

Motion died for lack of support.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE BARAGA VILLAGE FUNDING AGREEMENT FOR UP TO \$126,000.00. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ONE ABSTAINING (Toni J. Minton), THREE ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Determination on Government Employee Grievance Case #006-11 –

MOTION MADE BY TONI J. MINTON TO APPROVE BACKPAY TO JUNE 20TH PENDING GRANT FUNDS ARE AVAILABLE UP TO \$3,000.00 IN EMPLOYEE GRIEVANCE CASE #006-11. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Elizabeth D. Mayo, Jerry Lee Curtis), THREE ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 2:22 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Elizabeth D. Mayo, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist