

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – FEBRUARY 11, 2010 – 9:00 A.M.**

- A. Date: February 11, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:22 a.m.
- C. Invocation: Lord’s Prayer and prayers for Pauline Knapp Spruce who is having heart surgery
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFernier, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Eddy Edwards, Treasurer
Jerry Lee Curtis (left at 3:34 p.m.)
Fred Dakota
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr. (left at 2:42 p.m.)
Elizabeth D. Mayo
Toni J. Minton
Absent: Fred Dakota
Isabelle Helene Welsh
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: February 11, 2010
- Deletions: New Business- 2. Cheryne Clements/Gary Loonsfoot, Jr. – Gym Divider Bids
3. Gary Loonsfoot, Jr., Language Coordinator – Sugarbush Teachings
- Addition: New Business- 3. President Swartz – Baraga Village Employment Issues

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

G. For Your Information:

1. A letter from Rio Tinto - Kennecott Eagle Minerals regarding KBIC's Eagle Project Concerns
2. Baraga County Chamber of Commerce "Business After Hours" – KBOCC February 16, 2010 5:00 – 7:00 p.m.
3. Tribal Attorney's Office Report November and December 2009
4. KBOCC NCA/HLC Action Plan 2009-2013 and Quarterly Report Ending December 2009. A timeline column will be added for completion/progress.
5. CEO's Report January 2010 – available for your review [Also available on ojibwa.com]

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE JANUARY 2010 CEO'S REPORT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

Break: 10:13 – 10:27 a.m.

H. Approval of Meeting Minutes:

1. October 1, 2009

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE OCTOBER 1, 2009 MEETING MINUTES. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth "Chiz" Matthews, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), TWO ABSENT (Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

2. October 3, 2009 - Elizabeth Mayo would like to add to the October 3, 2009 Minutes her statement that she believes the Election Board should get approval from the Enrollment Board regarding candidates due to the blood requirements. The tape should be reviewed.

MOTION MADE BY ELIZABETH D. MAYO TO TABLE THE OCTOBER 3, 2009 MEETING MINUTES UNTIL THE DISCUSSION REGARDING THE ENROLLMENT OFFICE APPROVING THE CANDIDATES IS REVIEWED. SUPPORTED BY JERRY LEE CURTIS. THREE IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Elizabeth D. Mayo), FIVE OPPOSED (William E. Emery, Elizabeth "Chiz" Matthews, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), ONE ABSTAINING (Eddy Edwards), TWO ABSENT (Fred Dakota, Isabelle H. Welsh), MOTION DEFEATED.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE OCTOBER 3, 2009 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton), THREE OPPOSED (Susan J. LaFerner, Jerry Lee Curtis, Elizabeth D. Mayo), ONE ABSTAINING (Eddy Edwards), TWO ABSENT (Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

3. October 5, 2009

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE OCTOBER 5, 2009 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), OPPOSED - 0, THREE ABSTAINING (William E. Emery, Eddy Edwards, Toni J. Minton), TWO ABSENT (Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

I. Old Business:

1. Larry Denomie III, CEO - CEO Position in Relation to Casino/Enterprise Operations

The CEO’s office oversees 43 to 44 department heads. The Council discussed the Organizational Chart. A workgroup will be formed to address the chain of command and policies. Further discussion will be held at next Thursday’s meeting.

MOTION MADE BY EDDY EDWARDS TO TABLE THE ISSUE ON CHAIN OF COMMAND UNTIL THERE IS FURTHER DISCUSSION NEXT WEEK. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

2. Warren C. Swartz, Jr., President - Guaranteed Loan Program Account with SNB

President Swartz reviewed three issues the Council will discuss with Dave Vlahos from Superior National Bank later today. 1) Guaranteed Loan Program and using vehicles for collateral, 2) Mortgages requiring 30-35% down on home loans - fee simple leased land, and 3) Fees for electronic funds transfers.

Lunch: 12:19 – 1:11 p.m.

J. New Business:

1. Kathy Mayo, Community Health Director – Resolution KB-1733-2010 Diabetes Grant – No match, for two years (correction)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1733-2010 DIABETES GRANT. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

2. Gregg Nominelli, Economic Developer – 2011 Federal Appropriation Requests [Reschedule]

K. Closed Session:

1. Dave Vlahos, Superior National Bank
2. John Bussey, Executive Director Gaming Commission/Michael Duschene, Gaming Commissioner
 - a) Action 013-2010 (Replaces 008-2010) Postponement Hearing - Employee #KB-111-09
 - b) Action 014-2010 (Replaces 009-2010) Postponement Hearing - Employee #KB-255-09
3. Larry Denomie III, CEO/Lynn Haataja – Business Opportunity

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 1:15 P.M. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Toni J. Minton), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

Mike LaFernier, Sr. returned from lunch at 1:17 p.m.

Gary Loonsfoot, Sr. returned from lunch at 1:25 p.m.

Break: 2:15 – 2:23 p.m.

Gary Loonsfoot, Sr. left at 2:42 p.m.

Jerry Lee Curtis left at 3:34 p.m.

MOTION MADE BY TONI J. MINTON TO GO INTO OPEN SESSION AT 4:15 P.M. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO IN REGARDS TO EMPLOYEE HEARINGS #KB 111-09 AND 255-09 THAT BASED ON THE EVIDENCE PRESENTED THERE IS NO VIOLATION AND TO HAVE JOHN BUSSEY SEND THE EMPLOYEES A LETTER STATING THE DECISION OF THE GAMING COMMISSION. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Toni J. Minton), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO ADD A LIQUIDATED DAMAGES FEE OF \$500.00 A DAY ON THE DONALD LAPOINTE FACILITY PROJECT AND EXTEND THE COMPLETION DATE TO SEPTEMBER 30, 2010. SUPPORTED BY TONI J. MINTON. THREE IN FAVOR (Susan J. LaFERNIER, Elizabeth D. Mayo, Toni J. Minton), THREE OPPOSED (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards), ONE ABSTAINING (Michael F. LaFERNIER, Sr.), FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TIE VOTE. PRESIDENT SWARTZ VOTED OPPOSED, MOTION DEFEATED.

[Return to New Business]

3. President Swartz – Baraga Village Employment Issues – Chris informed the Council that Damien Swartz was not hired for a second time at the Village of Baraga for a maintenance position and there are no Indians working there that he is aware of.

President Swartz announced that Lance Morgan, CEO of Ho-Chunk, is holding an Economic Development activity one-day event in Las Vegas and he may attend on February 22nd.

L. Adjournment:

MOTION MADE BY WILLIAM E. EMERY TO ADJOURN AT 4:26 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist