

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
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2014 TRIBAL COUNCIL

DONALD SHALIFOE, SR., Ojibwa
CAROLE L. LAPOINTE, Vice Chairwoman
JEAN JOKINEN, Secretary
GARY F. LOONSFOOT, SR., Asst. Secretary
EDDY EDWARDS, Treasurer

ROBERT "R.D." CURTIS, JR.
MICHAEL F. LAFERNIER, SR.
SUSAN J. LAFERNIER
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.
JENNIFER MISEGAN
WARREN C. SWARTZ, JR.

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – FEBRUARY 7, 2013 – 9:00 A.M.**

COPY

A. Date: February 7, 2013

B. Call to Order: Vice President Mayo called the meeting to order at 9:06 a.m.

APPROVED
10-30-14

C. Invocation: Lord's Prayer

D. Roll Call: Present: Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:01 p.m.)
Jennifer Misegan, Treasurer
Robert R.D. Curtis, Jr.
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe (arrived at 9:16 a.m.) (left at 12:01 p.m.)
Elizabeth "Chiz" Matthews
Don Messer, Jr.
Absent: Warren C. Swartz, Jr., President
Fred Dakota

E. Declaration of Quorum: Vice President Mayo declared a quorum present and proceeded with the order of business.

F. Approval of Agenda: February 7, 2013

Deletion: Recognize Scheduled Delegation/Individual- 2. Charlotte Loonsfoot – Grievance Letter

Additions: New Business- 3. Jennifer Misegan, Treasurer – SNB Cash Management Services Agreement and ACH Agreement
Closed Session- 5. Char Spruce, Environmental Specialist
4. Heather Chapman, Assistant Tribal Attorney
6. Larry Denomie III, CEO – Interim Wage for Cook at the Ojibwa Seniors Fill In

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

G. For Your Information:

1. Wolf Management DNR Consultation (3) March Meeting Dates
2. EPA Notification of Consultation and Coordination on National Enforcement Initiatives
3. Mary Tikkanen Letter of Retirement/Resignation from DHHS Dental Clinic February 22, 2013
4. November FY2013 Financial Reports Ojibwa Casino Resort and Ojibwa Casino II

H. Approval of Meeting Minutes:

1. January 19, 2012

Carole LaPointe arrived at 9:16 a.m.

MOTION MADE BY TONI J. MINTON TO APPROVE THE JANUARY 19, 2012 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

2. January 26, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE JANUARY 26, 2012 MEETING MINUTES WITH THE CORRECTION. SUPPORTED BY CAROLE L. LAPOINTE. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

3. February 4, 2012

MOTION MADE BY TONI J. MINTON TO APPROVE THE FEBRUARY 4, 2012 MEETING MINUTES WITH THE CORRECTION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

4. February 16, 2012

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE FEBRUARY 16, 2012 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Don Messer, Jr.), TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

I. Recognize Scheduled Delegation/Individual:

1. Frances Darcy – Enrollment Issue

Frances stated his son would like to relinquish his enrollment from Bad River in Odanah, Wisconsin. He was directed to the Enrollment Board.

J. New Business:

1. Brad Dakota, Chief Judge – Resolution KB-1922-2013 FY2013 USDOJ Adult Drug Court Discretionary Grant Program for two years, \$200,000.00 with match

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE RESOLUTION KB-1922-2013 FY2013 USDOJ ADULT DRUG COURT DISCRETIONARY GRANT PROGRAM. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

2. Larry Denomie III, CEO –

a) Policy Amendments for the Background Investigations Policy

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE PROPOSED CHANGES AS PRESENTED TO THE BACKGROUND INVESTIGATIONS POLICY. SUPPORTED BY CAROLE L. LAPOINTE. SIX IN FAVOR (Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), THREE OPPOSED (Susan J. LaFernier, Toni J. Minton, Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

Susan LaFernier stated that the record of the votes should be recorded for the Committee (now recorded only on an appeal)

b) Weekly Update

Ojibwa Senior Citizens 2012 Income Tax Preparation Options –

MOTION MADE BY JEAN JOKINEN TO APPROVE SALLY SNYDER TO PREPARE ALL THE SENIORS TAX RETURNS AT \$25.00 PER TAX RETURN. SUPPORTED BY CAROLE L. LAPOINTE. THREE IN FAVOR (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), SIX OPPOSED (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION DEFEATED.

MOTION MADE BY JENNIFER MISEGAN TO GIVE THE SENIORS THE OPTION TO EITHER GO TO SALLY SNYDER AT \$25.00 PER TAX RETURN OR H&R BLOCK FOR \$55.00 PER TAX RETURN. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

Jean Jokinen stated her opposition: She is opposed because the Council discussed cutbacks during budgets and she feels this is spending more money.

Jennifer Misegan stated: The cost is less than last year.

Break: 10:42 – 10:55 a.m.

3. Jennifer Misegan, Treasurer – SNB Cash Management Services Agreement and ACH Agreement Exhibit D for the Baraga Casino’s Direct Deposit

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE CASH MANAGEMENT SERVICE AGREEMENT WITH SUPERIOR NATIONAL BANK AND TRUST CO. AND THE ACH AGREEMENT. SUPPORTED BY JEAN JOKINEN. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

2nd Reading of Proposed Ordinance 2013-01 Tribal Code Title One General Provisions Recodification

President Swartz read the Legislative Process.

Present:

Elizabeth Mayo, Susan LaFernier, Toni Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Mike LaFernier, Sr., Carole LaPointe, Elizabeth Matthews, Don Messer, Jr., Heather Chapman, Lindy Grell, Larry Denomie III, Peggy Minton, Joanna Bemis
President Swartz opened for public comment.

Heather Chapman, Assistant Tribal Attorney, gave verbal comment. She would like to include the wording from the Obama Act which is the Violence Against Women Act (VAWA) to the ordinance and she will draft an addition to 1.103 jurisdiction over non Indians within the boundaries of the reservation which gives the Tribe the authority to govern everyone and every entity on the reservation.

President Swartz closed the 2nd Reading at 11:04 a.m.

The 3rd Reading was scheduled on Saturday, March 9th.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO MOVE THE MARCH 2ND REGULAR MEETING TO MARCH 9TH. SUPPORTED BY DON MESSER, JR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

K. Closed Session:

1. Lindy Grell, Tribal Attorney/Heather Chapman, Assistant Tribal Attorney –
 - a) Litigation Strategy
 - b) Trademark of Logo
 - c) Trespass – Unwanted Visitor
2. Jennifer Misegan, Treasurer – Electronic Funds Transfer
3. Gaming Commissioner Interview
4. Jennifer Misegan, Treasurer/Lori Sherman, Natural Resources Director/Heather Chapman, Assistant Tribal Attorney – Commercial Fishing
5. Jeff Loman/Lori Sherman, Natural Resources Director/Jessica Koski, NRD Mining Technical Assistant/Char Spruce, Environmental Specialist – Environmental Assessment
6. Larry Denomie III, CEO – Interim Wage for Fill In Cook at the Ojibwa Seniors

MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 11:05 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Fred Dakota), MOTION CARRIED.

Lunch: 12:01 – 1:10 p.m. (Toni Minton and Carole LaPointe left)

**MOTION MADE BY MICHAEL F. LAFERNIER TO GO INTO OPEN SESSION AT 2:44 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Fred Dakota, Carole L. LaPointe), MOTION CARRIED.
Break: 2:45 – 2:53 p.m.**

Gaming Commissioner Vacancy -

MOTION MADE BY JENNIFER MISEGAN TO APPOINT SUZANNE JONDREAU TO FULFILL THE VACANT GAMING COMMISSIONER'S TERM UNTIL JUNE 2013. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFerner, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

Title Ten Task Force –

MOTION MADE BY JENNIFER MISEGAN TO APPOINT THE TITLE TEN TASK FORCE BY THE FOLLOWING POSITIONS: LICENSING DIRECTOR, TRIBAL COURT ADVOCATE, POLICE COMMISSIONER AND AN OFFICER, CEO OR ASSISTANT CEO, TRIBAL PRESIDENT, NATURAL RESOURCES DIRECTOR, NATURAL RESOURCES COMMITTEE MEMBER RODNEY LOONSFOOT, ASSISTANT TRIBAL ATTORNEY, AND APPOINT THE NATURAL RESOURCES DIRECTOR AS THE LEAD OF THE TASK FORCE. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Susan J. LaFerner, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

MOTION MADE BY JEAN JOKINEN TO SEND A LETTER TO THE EPA AND TO ATSDR AS A TRIBE TO PROTECT OUR AIR AND WATER. (regarding an environmental issue).

Jennifer Misegan stated the Director of the Natural Resources Department recommended we hold off on sending a letter.

(Motion died for lack of support)

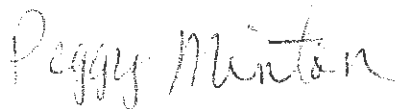
Interim Wage for Fill-In Cook at Ojibwa Senior Citizens –

MOTION MADE BY JENNIFER MISEGAN TO PAY THE FILL-IN COOK AT THE OJIBWA SENIOR CENTER AT THE COOK'S CURRENT WAGE WHEN SHE FILLS IN. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFerner, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADJOURN AT 2:58 P.M. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Jennifer Misegan, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

Respectfully submitted,

A handwritten signature in cursive script that reads "Peggy Minton".

Peggy Minton
Administrative Specialist