

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – AUGUST 27, 2009 – 9:00 A.M.**

- A. Date: August 27, 2009
- B. Call to Order: President Swartz called the meeting to order at 9:03 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFerner, Vice-President
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer (left at 5:19 p.m.)
Jerry Lee Curtis (arrived at 1:06 p.m.)
Fred Dakota
Michael F. LaFerner, Sr. (arrived at 1:32 p.m., left at 5:07 p.m.)
Gary F. Loonsfoot, Sr. (left 10:03 – 10:23 a.m.)
Elizabeth “Chiz” Matthews (left 9:44 – 10:26 a.m.)
Elizabeth D. Mayo (left 9:33 a.m. – 1:21 p.m., left at 5:30 p.m.)
Absent: Isabelle Helene Welsh
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 27, 2009
- Addition: Old Business- 3. Elizabeth Mayo – 1st Reading Proposed Ordinance
2009-03 – Amendment to Ordinance 2004-001 KBIC
Hunting, Fishing, Trapping and Gathering Code

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Isabelle H. Welsh), MOTION CARRIED.

G. For Your Information:

1. Indian Nations Law Update July 2009 – Article KBIC v. Rising, 2009 Sales and Use Taxes
2. 66th NCAI Annual Convention October 11-17, 2009 Palm Springs, CA
3. The Women’s Center of Marquette and Alger Counties Recruiting Native Board Members
4. Review of Approved/Pending/Denied Grants July – August 2009 from the CEO Office
5. An Invite to The Rockin’ Eagle Radio Studios at the Quincy Center in Hancock to celebrate the return of “Deve at Dawn” Show - September 4, 2009

H. Approval of Meeting Minutes:

1. May 7, 2009

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MAY 7, 2009 MEETING MINUTES. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Isabelle H. Welsh), MOTION CARRIED.

(Fred Dakota out of the room)

2. May 8, 2009

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MAY 8, 2009 MEETING MINUTES. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Isabelle H. Welsh), MOTION CARRIED.

(Fred Dakota out of the room)

I. Old Business:

1. Elizabeth Mayo – 1st Reading Proposed Ordinance 2009-03 - Amendment to Ordinance 2004-001 KBIC Hunting, Fishing, Trapping and Gathering Code Title 10 – Section 10.258 Commercial Fishing Season Restrictions. The Council will proofread chapter 10 for the September 3rd meeting.

Elizabeth Mayo left at 9:33 a.m.

President Swartz read the 1st Reading of Proposed Ordinance. [Schedule the 2nd Reading later in the meeting]

Break: 9:36 – 9:49 a.m.

Elizabeth Matthews left at 9:44 a.m.

2. Comprehensive Plan Review/Gregg Nominelli, Economic Developer/Donna Fredrickson

Reviewed pages 15 – 19.

Gary Loonsfoot, Sr. left 10:03 – 10:23 a.m.

Elizabeth Matthews returned at 10:26 a.m.

Break: 10:44 – 10:54 a.m.

3. Larry Denomie III, CEO - FY09 Building Inspector Budget for Approval

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE FY09 BUILDING INSPECTOR BUDGET IN THE AMOUNT OF \$8,575.00. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

J. New Business:

1. Carole LaPointe, Health Director – Resolution KB-1697-2009 I.H.S. Title V Self-Governance Compact. Multi-year funding agreement October 1, 2009 – September 30, 2012

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-1697-2009 I.H.S. TITLE V SELF-GOVERNANCE COMPACT. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

2. Jeff Lamson, Maintenance – Bids (3) for Repair of Casino Entrance

MOTION MADE BY FRED DAKOTA TO APPROVE DP CONSTRUCTION IN THE AMOUNT OF \$6,700.00 FOR REPAIRS TO THE CASINO ENTRANCE. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr.), ONE OPPOSED (Elizabeth “Chiz” Matthews), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

President Swartz asked Jeff Lamson to relay the message that the Council would like a tribal member on the job.

3. David Osmak, BIA Forestry –

- a) FY09 Timber Stand Improvement (TSI) List – The Natural Resource Committee reviewed and recommended applicants

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE FY09 TIMBER STAND IMPROVEMENT LIST AS PRESENTED. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

- b) Resolution KB-1706-2009 Forest Management Deduction (10%) Account Expenditure Plan FY10

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE RESOLUTION KB-1706-2009 FOREST MANAGEMENT DEDUCTION PLAN FY10. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

- c) Contract Modification Request for reforestation in areas affected by the Pinery Fire and others.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE REQUEST TO CONTRACT AN ADDITIONAL \$19,000.00 FROM THE BIA MICHIGAN AGENCY FOR TIMBER STAND IMPROVEMENT AND TREE PLANTING. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

4. Larry Denomie III, CEO – Proposed Amendments to Personnel Policies

No Smoking and Chewing Tobacco Policy 23.0

Theft 24.0

Zero Tolerance for Theft on or off duty while on KBIC Property 24.1

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE PROPOSED AMENDMENT TO THE GOVERNMENT PERSONNEL POLICY 23.0 NO SMOKING AND CHEWING TOBACCO POLICY. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE THE PROPOSED AMENDMENT TO THE PERSONNEL POLICY 24.0 ON THEFT UNTIL IT CAN BE REWRITTEN. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

5. Warren C. Swartz, Jr., President – Resolution KB-1707-2009 - NCAI Annual Tribal Membership Renewal and payment of \$10,000.00 dues based on our Tribal membership

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1707-2009 NCAI MEMBERSHIP RENEWAL. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

K. Closed Session:

1. Debbie Picciano, General Assistance – Department Head Update
2. Todd Warner, NRD – Department Head Update
3. Jerry Lee Curtis, New Day – Department Head Update
4. Francois Hosh LaPointe, CFO – OASIS System Overview
5. Jennifer Misegan, Treasurer – Donations
6. John Baker, Attorney
7. Larry Denomie III, CEO
8. Warren C. Swartz, Jr., President

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 11:48 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Lunch: 11:49 a.m. – 1:06 p.m.

Jerry Lee Curtis arrived at 1:06 p.m.

Popcorn returned from lunch at 1:21 p.m.

Mike LaFernier, Sr. arrived at 1:32 p.m.

Break: 2:41 – 2:54 p.m.

Mike LaFernier, Sr. left at 5:07 p.m.

Jennifer Misegan left at 5:19 p.m.

Elizabeth Mayo left at 5:30 p.m.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO OPEN SESSION AT 5:33 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Fischer Biological Consulting LLC – Review of Hatchery Systems with recommendations and cost estimates for improvements

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE CONSULTANT AGREEMENT BETWEEN KBIC AND THE FISCHER BIOLOGICAL CONSULTING LLC FOR \$2,500.00 FOR THE HATCHERY IMPROVEMENTS. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

August 2009 Donations –

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE AUGUST 2009 DONATIONS IN THE AMOUNT OF \$3,700.00 AS FOLLOWS: FOUR THUNDERS DRUM \$200.00, MACKINAC ISLAND WOMEN’S RETREAT \$1,000.00, SALVATION ARMY \$500.00, AND PARADE OF NATIONS \$2,000.00. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Jerry Lee Curtis), FOUR ABSENT (Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Michigan Indian Legal Services Fees –

MOTION MADE BY GARY F. LOONSFOOT, SR. TO WAIVE THE \$20 FEE FOR MICHIGAN INDIAN LEGAL SERVICES. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

GLI Proposal/Gaming Commission Request –

MOTION MADE BY GARY F. LOONSFOOT, SR. TO DENY THE REQUEST FROM THE GAMING COMMISSION FOR GLI SERVICES IN THE AMOUNT OF \$5,340.00. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Tribal Member Request – Annette Emery #KB-14-09

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO DONATE \$1,150.00 FOR ANNETTE EMERY FOR RENT PAYABLE TO EDDY EDWARDS AND SHE WILL FORFEIT HER CHRISTMAS CHECK FOR 2009. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (Susan J. LaFerner, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (William E. Emery), FOUR ABSENT (Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 5:42 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jennifer Misegan, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist