

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
OJIBWA CASINO RESORT CONFERENCE ROOM  
THURSDAY – SEPTEMBER 20, 2012 – 9:00 A.M.**

- A. Date: September 20, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:11 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Elizabeth D. Mayo, Vice President (arrived at 9:44 a.m.)  
Susan J. LaFernier, Secretary  
Jerry Lee Curtis, Assistant Secretary (arrived at 9:46 a.m., left 11:31 – 11:50 a.m.)  
Toni J. Minton, Treasurer  
Robert R.D. Curtis, Jr.  
Fred Dakota  
Eddy Edwards  
Jean Jokinen  
Michael F. LaFernier, Sr.  
Carole L. LaPointe (arrived at 9:26 a.m.)  
Elizabeth “Chiz” Matthews
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 20, 2012
- |            |                                  |  |
|------------|----------------------------------|--|
| Deletions: | New Business-<br>Closed Session- | 7. Larry Denomie III, CEO – Weekly Update<br>4. Heather Chapman, Assistant Tribal Attorney –<br>Employment Contract  |
| Additions: | FYI-<br><br>Closed Session-      | 1. Include Letters from 2006-2009<br>6. BMCC MOU/Language Instructor Services Agreements<br>4. Jason Ayres, Realty Officer – Real Estate Property<br>5. Eddy Edwards – Budgets |

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE AGENDA WITH THE CHANGES AND DELETE HEATHER CHAPMAN’S CONTRACT. SUPPORTED BY JEAN JOKINEN. FIVE IN FAVOR (Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), THREE OPPOSED (Susan J. LaFerner, Toni J. Minton, Michael F. LaFerner, Sr.), ABSTAINING - 0, THREE ABSENT (Elizabeth D. Mayo, Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.**

G. For Your Information:

1. A Letter of Response from I.H.S. – Contract Disputes Act Claim for Contract Support Costs and Letters from 2006-2009
2. Save the Date – Saturday, September 22, 2012 Celebration of Todd Warner’s Life at his home in Marquette
3. Western Upper Peninsula Planning and Development Region (WUPPDR) Website “Get Around the Western U.P.” will go live on September 10<sup>th</sup>
4. VOIGT Intertribal Task Force Meeting Minutes August 2, 2012 Stevens Point, WI
5. U.S. Attorney and Staff Tribal Tour Meeting September 26, 2012 at 9:00 a.m. Ojibwa Casino Resort Conference Room
6. BMCC MOU Modification and (Bay Mills Community College) Language Instructor Services Agreements – Rose and Linda Trudeau

**Carole LaPointe arrived at 9:26 a.m.**

H. New Business:

1. Jacqueline Swartz, OPREVENT Michigan Project Coordinator – Six Month Intervention Update – Jacqueline stated she will be doing a school program November 1<sup>st</sup> for grades 2-6. She interviewed 85 households on the reservation.

**Elizabeth Mayo arrived at 9:44 a.m.**

**Jerry Lee Curtis arrived at 9:46 a.m.**

2. Jodie Chosa, OVW Transitional Home Coordinator – Robin Charbeneau Services Agreement - Guest Speaker at the Chelsey LaFerner Memorial Walk October 5, 2012 - \$1,200.00

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE SERVICES AGREEMENT WITH ROBIN CHARBENEAU GUEST SPEAKER AT THE CHELSEY LAFERNIER MEMORIAL WALK. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

I. Closed Session:

1. Conference Call with Dorsey and Whitney
  - a) Michigan Sales Tax Claims by Community Members
  - b) Cigarette Manufacturing Memos

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:04 A.M. SUPPORTED BY CAROLE L. LAPOINTE. SEVEN IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Eddy Edwards, Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

**Break: 11:14 – 11:29 a.m.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 11:30 A.M. SUPPORTED BY TONI J. MINTON. 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.**

**Jerry Lee Curtis left at 11:31 a.m.**

[New Business]

The Council consensus is to add Ronald J. Carmody, DDS Employment Agreement to the agenda. He will begin on October 25<sup>th</sup> – 16 hours per week

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE EMPLOYMENT AGREEMENT WITH RONALD J. CARMODY, DDS. SUPPORTED BY JEAN JOKINEN. TEN 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, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

3. Judy Heath, Social Services Director – Title IV-E Plan Certifications and Assurances for direct federal funding for foster care, kinship guardianship, and adoption assistance

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE TITLE IV-E PLAN CERTIFICATIONS AND ASSURANCES AND AUTHORIZE THE PRESIDENT TO SIGN. SUPPORTED BY SUSAN J. LAFERNIER. NINE 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, Elizabeth “Chiz” Matthews), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

Eddy Edwards stated his opposition: He feels the Tribe should fund the care of our own kids' foster care and not be dependent on grants from outside governments to pay for our kids and he feels it is very little money and we have to follow all of their requirements.

**Jerry Lee Curtis returned at 11:50 a.m.**

4. Dotti Pryor, Press Box Manager/Jacki Skytta, Marketing Manager – EntertainmentMax, Inc.  
Contract for New Year's Eve Comedian Performance (to be held at the Big Bucks Bingo Hall)

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE ENTERTAINMENT AGREEMENT WITH ENTERTAINMENTMAX, INC. IN THE AMOUNT OF \$4,000.00. 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.**

**Jerry Lee Curtis returned at 11:58 a.m.**

5. Jason Ayres, Realty Officer (not present) – Resolution KB-1899-2012 Sarah M. Beaver Residential Lease (Cancels Virginia A. (Ginny Ann) Jermac lease and transfers to her daughter Sarah)

**MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1899-2012 SARAH M. BEAVER RESIDENTIAL LEASE. 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.**

**Lunch: 12:01 – 1:05 p.m.**

J. Closed Session:

2. Enterprise Employee Grievance Hearing Case #010-12
3. Gregg Nominelli, Economic Developer – Marquette Business Development Report
4. Jason Ayres, Realty Officer – Real Estate Property Update
5. Eddy Edwards – Budgets/Date

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:07 P.M. SUPPORTED BY CAROLE L. LAPOINTE. SEVEN IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Eddy Edwards, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), TWO OPPOSED (Fred Dakota, Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Elizabeth D. Mayo, Robert R.D. Curtis, Jr.), MOTION CARRIED.**

(Elizabeth Mayo and R.D. Curtis are out of the room)

**Break: 2:40 – 2:48 p.m.**

**MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 3:04 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

[New Business]

6. Gregg Nominelli, Economic Developer –

- a) Michigan Economic Development Corporation (MEDC) Grant Request to conduct a feasibility/market study for a fishery and fish/oil plant for the Siscowet Trout of Lake Superior - The Council consensus is not to move forward with the grant request.
- b) Addendum to DOJ Consultant Agreement with Gundlach Champion, Inc. Harrison Landmark and Tribal consultants (3)

**MOTION MADE BY EDDY EDWARDS TO APPROVE ADDENDUM ONE TO THE DOJ CONSULTANT AGREEMENT WITH GUNDLACH TO PREPARE A MASTER PLAN FOR THE CORRECTIONAL ALTERNATIVE FACILITY ON TRIBAL LANDS. SUPPORTED BY ROBERT R.D. CURTIS, JR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Enterprise Employee Grievance Hearing Case #010-12 –

**MOTION MADE BY EDDY EDWARDS REGARDING CASE #010-12, TO DIRECT CASINO MANAGEMENT TO ENSURE THE POLICY IS FOLLOWED IN TERMS OF ALLOWING THE SUPERVISOR AND EMPLOYEES TO WORK ON FIRE FIGHTER’S OPPORTUNITIES TO ATTEND FIRES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Susan J. LaFerner), ONE ABSTAINING (Elizabeth D. Mayo), ABSENT - 0, MOTION CARRIED.**

Susan LaFerner stated her opposition: They did work on the opportunities.

## **2<sup>nd</sup> Reading Title Four of the Tribal Code Proposed Ordinance 2012-04 – Juvenile Division**

All of Council is present and Joanna Bemis. President Swartz read the Legislative Process. Written comments were received by Judy Heath and a verbal comment from Eddy Edwards. President Swartz concluded the 2<sup>nd</sup> Reading. 3<sup>rd</sup> Reading – September 25, 2012

K. Adjournment:

**MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 3:24 P.M. SUPPORTED BY FRED DAKOTA. 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.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist