

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JANUARY 27, 2011 – 9:00 A.M.

- A. Date: January 27, 2011
- B. Call to Order: President Swartz called the meeting to order at 9:15 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:01 p.m.)
Eddy Edwards, Treasurer
Jerry Lee Curtis
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 1:15 p.m., left at 2:25 p.m.)
Gary F. Loonsfoot, Sr. (left 1:15 – 1:32 p.m., left at 2:25 p.m.)
Elizabeth “Chiz” Matthews (arrived at 1:15 p.m.)
Elizabeth D. Mayo (arrived at 10:20 a.m., left 11:15 – 11:50 a.m., left at 3:10 p.m.)
Isabelle Helene Welsh (left at 4:00 p.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 27, 2011
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| Additions: | FYI- | 4. Powwow Saturday, January 29, 2011 Honoring Our Tribal Council/Recognition Breakfast/Traditional Teachings/Traditional Healer Clinic |
| | New Business- | 3. President Swartz – b) CAP Administrator Interview Reconsideration
5. Toni Minton – Allow Employee Attendance at Traditional Teachings |

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| | | 6. Fred Dakota – Water Heater Request for Barbara Swartz |
| | Old Business- | 2. President Swartz – Amendment to Services Agreement for James O. Vollmar |
| Deletion: | Closed Session- | 3. John Baker, Attorney |

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

G. For Your Information:

1. VOIGT Intertribal Task Force Meeting Minutes 12/2/10 Turtle Lake, WI
2. National Indian Justice Center 2011 Training Schedule
3. CAP Interviews Scheduled to continue Friday, January 28, 2011, at 1:15 p.m.
4. Powwow Saturday, January 29, 2011 Honoring Our Tribal Council/Recognition Breakfast/Traditional Teachings/Traditional Healer Clinic – The Cultural Committee is requesting the presence of the Tribal Council for the recognition breakfast. The traditional teachings will be held in the Ojibwa Ceremonial room at the Ojibwa Senior Citizens with Skip Churchill from Mille Lacs, Minnesota

H. Old Business:

1. Eddy Edwards, Treasurer/Francis LaPointe, CFO – Health Insurance Proposal - Bids for Brokers – Eddy would like to see bids put out for our health insurance for next year as it is the Tribe’s highest expense.

MOTION MADE BY EDDY EDWARDS TO INVITE COTTINGHAM AND BUTLER AND M3 TO A COUNCIL MEETING ON FEBRUARY 10, 2011 TO DISCUSS OUR EMPLOYEE BENEFITS. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

2. President Swartz – Amendment to Services Agreement for James O. Vollmar R.Ph – One month extension to February 28, 2011

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE AMENDMENT TO THE SERVICES AGREEMENT BETWEEN KBIC AND JAMES O. VOLLMAR R.Ph. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

I. New Business:

1. Jessica Green, Weatherization Coordinator/Sarah Smith, Assistant CEO/Christoph Geiger, Deputy Tribal Attorney – Tribal Weatherization Assistance Program Policy Guidelines T-WAP/ Application/Services Agreement with Ojibwa Housing Authority to provide home weatherization audit services for the community

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE WEATHERIZATION GUIDELINES. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

MOTION MADE BY ISABELLE H. WELSH TO APPROVE THE SERVICES AGREEMENT BETWEEN THE OJIBWA HOUSING AUTHORITY AND KBIC. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

[Closed Session]

1. Disability Determination Appeal Hearing Case #001-11

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 10:02 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

Break: 10:03 – 10:20 a.m.

Elizabeth Mayo arrived at 10:20 a.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 11:10 A.M. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

MOTION MADE BY SUSAN J. LAFERNIER TO TABLE THE APPEAL HEARING FOR DISABILITY DETERMINATION IN CASE #001-11 UNTIL THE DISABILITY GUIDELINES CAN BE DRAFTED/AMENDED BY THE CEO'S OFFICE BY FEBRUARY 10TH. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), MOTION CARRIED.

(Eddy Edwards is out of the room)

Elizabeth Mayo left at 11:15 a.m.

2. President Swartz –

a) Slate for KBOCC Board of Regents Applicant - Diana Chaudier, Bachelor of Science

MOTION MADE BY EDDY EDWARDS TO APPROVE DIANA CHAUDIER FOR THE SLATE OF THE BOARD OF REGENTS. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), MOTION CARRIED.

3. Cheryne Clements, Fitness/Youth Program Director – Fitness Center Equipment Budget/(3)
Bids

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE PURCHASE OF FITNESS EQUIPMENT FROM CYBEX IN THE AMOUNT OF \$59,332.07 AND TO APPROVE THIS AMOUNT TO BE PLACED INTO BUDGET 505. SUPPORTED BY JERRY LEE CURTIS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr.), ONE OPPOSED (Isabelle H. Welsh), ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), MOTION CARRIED.

[President Swartz 2.]

b) CAP Administrator Interview Reconsideration

MOTION MADE BY EDDY EDWARDS TO ADD LIZ JULIO AND JEFF FRANCOIS TO THE SCHEDULE OF FRIDAY INTERVIEWS FOR THE CAP ADMINISTRATOR POSITION. SUPPORTED BY ISABELLE H. WELSH. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), MOTION CARRIED.

4. Isabelle Welsh – 1st Reading Amendments to Title Three Code: Criminal Offenses and Penalties. Proposed Ordinance 2011-01 adds: chapter 3.19 Criminal Sexual Conduct and Chapter 3.20 Sex Offender Registration Code in order to implement the requirements of the Adam Walsh Act (SORNA)

MOTION MADE BY ISABELLE H. WELSH TO INTRODUCE THE SEXUAL OFFENDER REGISTRATION PROPOSED ORDINANCE 2011-01 AND WAIVE THE 1ST READING. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), MOTION CARRIED.

Heather Chapman, Assistant Attorney, and John Baker, Attorney, presented a summary of the proposed ordinance to the Council.

Elizabeth Mayo returned at 11:50 a.m.

The 2nd Reading is scheduled for March 3, 2011 at 1:00 p.m.

5. Toni Minton – Allow Employee Attendance at Traditional Teachings on Friday - The Council will allow employees to attend the teachings with supervisor approval.
6. Fred Dakota – Water Heater Request for Barbara Swartz who was denied by the CAP Office - Eddy Edwards believes that Ojibwa Housing has taken care of this issue. The Council directed the CEO to amend the CNAP policy to add: the Head of Household needs to apply on the application.

J. Closed Session:

2. CAP Administrator Interviews

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 12:00 P.M. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), MOTION CARRIED.

(Isabelle Welsh is out of the room)

Lunch: 12:01 – 1:15 p.m.

Toni Minton left at 12:01 p.m.

Elizabeth Matthews arrived at 1:15 p.m.

Mike LaFernier, Sr. arrived at 1:15 p.m.

Gary Loonsfoot, Sr. returned from lunch at 1:32 p.m.

Break: 2:25 – 2:40 p.m.

Mike LaFernier, Sr. and Gary Loonsfoot, Sr. left at 2:25 p.m.

Elizabeth Mayo left at 3:10 p.m.

Isabelle Welsh left at 4:00 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 4:17 P.M. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY WILLIAM E. EMERY TO ADJOURN AT 4:18 P.M. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist