

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
TRIBAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
SATURDAY – MAY 5, 2007 – 9:00 A.M.**

- A. Date: May 5, 2007
- B. Call to Order: President LaFerner called the meeting to order at 9:06 a.m.
- C. Invocation: Lord’s Prayer
Opening Prayer in Ojibwa
- D. Roll Call: Present: Susan J. LaFerner, President
Warren C. Swartz, Jr., Vice-President
Toni J. Minton, Secretary
Gary F. Loonsfoot, Sr., Assistant Secretary
Jennifer Misegan, Treasurer
Larry J. Denomie III, CEO (left at 11:50 a.m.)
Jerry Lee Curtis
William E. Emery
Michael F. LaFerner, Sr.
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo
Absent: Doreen G. Blaker
- E. Declaration of Quorum: President LaFerner declared a quorum and proceeded with the order of business.
- F. Approval of Agenda: May 5, 2007
- Additions: FYI- 11. Correction to the title
12. Second Annual Service Provider Round Table Meeting on May 9, 2007
- New Business- 1.b) Sports Car Club of America – Request for the Marquette Airport blacktop.
3. Chris Swartz – 1st Reading 2007-02 – Amendment to the Gaming Regulatory Ordinance.
4. Jennifer Misegan – Donation Request for Baraga County Committee to Promote Alcohol Awareness.

- Deletions: Recognized Scheduled Delegation- 3. Donald Carlson – “How to Build a Neighborhood Watch”
New Business- 2.a) Larry Denomie - Use of Marquette Terminal Building

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY WARREN C. SWARTZ, JR. TEN IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

G. For Your Information:

1. An Invite to the Bay Mills Community College Graduation – May 11, 2007 at 10:30 a.m.
2. “Thank you” from Sydni Voakes.
3. “Thank you” from the family of Josephine LaPointe.
4. “Thank you” from the American Cancer Society.
5. “Thank you” from the Center for Native American Studies at NMU.
6. “Thank you” from the NMU’s Native American Student Association.
7. A letter from the National Indian Health Board to reauthorize funding for the Special Diabetes Program for Indians.
8. A letter from the BIA – quarterly update of Indian Land Consolidation Program.
9. An Invite to the KBIC Language Preservation Community Gathering on June 5, 2007 in the Chippewa Resort conference room.
10. A copy of the Gaming Commission Meeting Minutes for April 10, 2007 & April 17, 2007.
11. A copy of a document from NCAI on Sovereign Immunity for Federal, State and Tribal Governments.
12. Second Annual Service Provider Round Table Meeting on May 9, 2007 in the Chippewa Resort conference room.

Gene Emery announced that a meeting for GLIFWC will be held on May 22, 2007, and Jim St. Arnold will have a presentation on treaties from 4–7 p.m. in the Chippewa Resort room.

H. President’s Report/April 2007 – available for your review.

MOTION MADE BY WARREN C. SWARTZ, JR. TO APPROVE THE PRESIDENT’S REPORT. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

- I. CEO's Report/April 2007 – available for your review.
Council also received Sarah Smith's April report.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE CEO'S REPORT. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

Virginia Jermac stated that alcohol should not be permitted at Sand Point, as it is a sacred place.

- J. Secretary's Report /April 2007 – available for your review.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE SECRETARY'S REPORT. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. TEN IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

- K. Treasurer's Report/April 2007 – no written report was available.

MOTION MADE BY WARREN C. SWARTZ, JR. TO APPROVE THE TREASURER'S REPORT. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

- L. Department Head Reports- March 2007

MOTION MADE BY TONI J. MINTON TO APPROVE THE DEPARTMENT HEAD REPORTS FOR MARCH 2007. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

- M. Recognize Scheduled Delegation/ Individuals:

1. Steven Denomie gave a presentation on his Baraga High School Senior Project which was designed around the Native American Pow-wow. He gave a gift to the Council, "The Anishnaabe Pow-wow 2008 Calendar," which was a component to the project.
2. Fred Dakota – Community Concerns regarding the tuition waiver, titling status, taxes at a local restaurant and the low water level of the lake.

The Council's response to the tuition waiver was that they are developing a plan with the other Tribes on how to retain the waiver and will be meeting with Representative Mike Lahti in the near future. It was explained to Mr. Dakota that in regards to titling, the Tribe is currently in litigation with the State of Michigan on the sales and use tax. On the issue of taxes at a local restaurant, it was explained by Larry Denomie that the restaurant is leased space and it is the proprietor's responsibility who is non-native to pay the tax.

Mr. Dakota felt that someone may be draining too much water out of the Lake Superior watershed and if it continues, the area will suffer. He asked that the Council take a strong initiative of finding out why the water level is so low. Susan responded that Todd Warner/NRD is researching this issue.

N. Old Business:

1. Ruth Bussey – Pharmacy Report.

Ruth presented her KBIC DHHS Preliminary Pharmacy Business Plan for FY-2008 which included a summary and recommendations.

Jennifer Misegan had questions as to why our Tribal members are going to Munising and getting a 90-day supply for their meds and cannot get that service here. Ruth said because they have a full-time pharmacist they can provide this for our members. She said it is possible for our clinic to offer a 90-day supply and it can be put into the budget for next year but there needs to be further discussion and analysis. She suggested setting up an internal task force to develop a plan. Jennifer asked if Ruth had spoken with the Sault Tribe on these concerns. Ruth had not spoken with the Sault Tribe but she did speak with the Bay Mills Pharmacist at length. There is a considerable investment to get started. The Bay Mills Pharmacist was hired first to assist with the design and operation of the pharmacy. They have three full-time pharmacy techs to support the business.

Susan LaFernier stated that Ruth will be leaving the Health Department to care for her son in Traverse City who is battling cancer. Elizabeth Mayo thanked Ruth for her service. The Council agreed and wished Ruth and her family the best.

MOTION MADE BY WILLIAM E. EMERY TO CONTINUE WITH RESEARCHING A PHARMACEUTICAL FACILITY FOR OUR TRIBE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

2. Elizabeth Mayo – Motor Vehicle Titling. Elizabeth would like to add motorcycles to the Sales and Use Tax Policy (for reimbursement). There was discussion that the Tribe has paid approximately \$600,000.00 to date on reimbursements on taxes for tribal member's cars, trucks and drivable motor homes. Jennifer asked Elizabeth to keep in mind the issues that were discussed at the Finance meeting. Elizabeth said that the Tribe should be exercising it's

Sovereignty and doing the titling. Jennifer reminded Elizabeth of what is required in order to do titling and why the Tribe is waiting and stated that the Tribe is paying out of it's own pocket, money that the State should be paying. Gary Loonsfoot added that this is more money that will be coming out of the budget that we can't put into health care. Jennifer added that it is also more money that we can't pay for prescriptions with.

MOTION MADE BY ELIZABETH D. MAYO TO ADD MOTORCYCLES AND ATV'S TO THE SALES AND USE TAX REIMBURSEMENT POLICY. SUPPORTED BY WILLIAM E. EMERY. THREE IN FAVOR. (William E. Emery, Michael F. LaFerner, Sr., Elizabeth D. Mayo), SEVEN OPPOSED (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth "Chiz" Matthews), ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION DEFEATED.

Larry Denomie stated his opposition – we are going through finances right now and he doesn't believe that the Tribe can afford to do this. We are going through litigation right now regarding this matter and we can wait for that litigation to be completed without causing any more financial detriment to the Tribe. Jennifer Misegan and Toni Minton agreed.

Jerry Lee Curtis stated his opposition – he would be for it except for the financial status of the Tribe does not look too good right now, especially with our Health Department. If things get going for the Health Department maybe we can come back to this. The Health and Welfare of our people should come first.

Toni Minton stated her opposition – she doesn't believe the Tribe should be reimbursing taxes that the State should be paying.

MOTION MADE BY LARRY J. DENOMIE III TO REMOVE DRIVEABLE MOTOR HOMES FROM THE LIST OF REIMBURSED TAXES, EFFECTIVE TODAY. SUPPORTED BY TONI J. MINTON. FIVE IN FAVOR. (Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Elizabeth "Chiz" Matthews), FIVE OPPOSED (Warren C. Swartz, Jr., Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth D. Mayo), ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), TIE VOTE. PRESIDENT LAFERNIER BROKE THE TIE AND VOTED IN FAVOR, MOTION CARRIED.

Fred Dakota commented that the issue can be made simple by issuing the Tribal member a title from the Tribal Government and the Tribe will make money and wouldn't have to reimburse the members for the tax.

Jennifer Misegan said that Fred knows what it would take, he was present at the meetings and knows what information has come from the banks and the Tribe would need a policy with the State for anyone to recognize the title, she said it is very similar to the policy Fred agreed to and signed with the State in the 1970's for our Tribal license plates and a quick fix would be a tax agreement with the State.

Break: 10:40 – 10:50 a.m.

O. New Business:

1. Susan LaFerner – a) Powwow Committee – Deer Tag Request for the feast. The tags will be issued to RD Curtis and Greg Loonsfoot.

MOTION MADE BY TONI J. MINTON TO APPROVE FOUR DEER TAGS FOR THE POWWOW COMMITTEE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Elizabeth “Chiz” Matthews), ONE OPPOSED (Michael F. LaFerner, Sr.), ONE ABSTAINING (Elizabeth D. Mayo), ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

b) Sports Car Club of America – Request for use of the Marquette Airport Blacktop for a SOLO event with driving skill contests. The events would be held during May to October. The license agreement will be reviewed in Closed Session.

2. Larry Denomie – Amended Grant Writer’s Job Description

Chris Swartz proposed an addition, for the record, that a hard copy of the grant application be submitted at least three business days before electronic submission to the CEO’s office for review and approval prior to the application deadline on page 2. The education and/or Experience qualifications needs to be clarified and change *should* to *must* have knowledge of ms office, etc.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE GRANT SPECIALIST’S JOB DESCRIPTION WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

3. Chris Swartz - 1st Reading 2007-02 – Amendment to the Gaming Regulatory Ordinance to change the requirements for the operation of raffles.

MOTION MADE BY WARREN C. SWARTZ, JR. TO INTRODUCE THE PROPOSED GAMING REGULATORY ORDINANCE AMENDMENT 2007-2. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

The 2nd Reading will be scheduled for May 31, 2007 at 6:00 p.m. at the Tribal Center Conference Room.

4. Jennifer Misegan – Donation Request for Baraga County Committee to Promote Alcohol Awareness from Isabelle Welsh. Parents from Baraga High School committing to have an alcohol-free graduation party for their Senior will be entered into a drawing for incentives.

MOTION MADE BY JENNIFER MISEGAN TO GIVE A DONATION OF \$250.00 TO THE BARAGA COUNTY COMMITTEE TO PROMOTE ALCOHOL AWARENESS. SUPPORTED BY JERRY LEE CURTIS. NINE IN FAVOR. (Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Warren C. Swartz, Jr.), ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

Chris Swartz stated his opposition – it is only benefiting the Seniors in Baraga High School and does not include the Seniors from the L’Anse High School.

P. Closed Session:

1. Susan LaFerner
2. John Baker
3. Larry Denomie

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION FOR THE ITEMS LISTED AT 11:22 A.M. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING – 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

Larry Denomie left the meeting at 11:50 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 12:15 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Larry J. Denomie III, Doreen G. Blaker), MOTION CARRIED.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE SERVICES AGREEMENT WITH THE OJIBWA HOUSING AUTHORITY TO CONTRACT THE GRANT WRITER TO WRITE THE ICDBG GRANT WITH THE CHANGES. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Jerry Lee Curtis, William E. Emery, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Larry J. Denomie III, Doreen G. Blaker), MOTION CARRIED.

MOTION MADE BY WARREN C. SWARTZ, JR. TO AUTHORIZE THE CHAIRMAN TO SIGN THE LICENSE AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND THE SPORTS CAR CLUB OF AMERICA, INC.

WARREN C. SWARTZ, JR. RESCINDED HIS MOTION.

Q. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 12:17 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR. (Warren C. Swartz, Jr., Toni J. Minton, Gary F. Loonsfoot, Sr., Jennifer Misegan, Jerry Lee Curtis, William E. Emery, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING – 0, TWO ABSENT (Larry J. Denomie III, Doreen G. Blaker), MOTION CARRIED.

Respectfully submitted,

Janice Halverson
Acting Recording Secretary