

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
FINANCE/SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MAY 12, 2011 – 9:00 A.M.

- A. Date: May 12, 2011
- B. Call to Order: President Swartz called the meeting to order at 9:15 a.m.
- C. Invocation: Lord’s Prayer and Ojibwa Prayer by Dale Shalifoe
- 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 11:02 a.m.)
Eddy Edwards, Treasurer (arrived at 9:28 a.m.)
Jerry Lee Curtis
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 9:18 a.m.)
Gary F. Loonsfoot, Sr.
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo
Isabelle Helene Welsh (arrived at 9:21 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 12, 2011
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|------------|---------------------------|---|
| Deletion: | New Business- | 1. Jennifer Misegan – Decorative Veteran License Plate |
| Additions: | FYI-

Old Business- | 3. Announcement – Head Start Graduation in Zeba - May 13, 2011 at 11:00 a.m.
2. President Swartz – a) 401(k) Issues at OCC
b) Tribal Member Request - Melvin Durant |

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, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Michael F. LaFerner, Sr., Isabelle H. Welsh), MOTION CARRIED.

Mike LaFerner, Sr. arrived at 9:18 a.m.

Isabelle Welsh arrived at 9:21 a.m.

G. For Your Information:

1. Superior National Bank - KBIC Guaranteed Loan Program Account Summary May 4, 2011
2. A letter from Jo Longendyke, volunteer and visitor from Otter Lake, MI regarding the Lighthouse – Bruce LaPointe (Public Works) will look at the structural needs of the lighthouse
3. Announcement – Head Start Graduation in Zeba - May 13, 2011 at 11:00 a.m.

Eddy Edwards arrived at 9:28 a.m.

H. Approval of Meeting Minutes:

1. October 2, 2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE OCTOBER 2, 1010 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), ABSENT - 0, MOTION CARRIED.

2. October 7, 2010

MOTION MADE BY FRED DAKOTA TO APPROVE THE OCTOBER 7, 1010 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, TWO ABSTAINING (Toni J. Minton, Michael F. LaFerner, Sr.), ABSENT - 0, MOTION CARRIED.

I. Closed Session:

1. Finance - Francis LaPointe, CFO/Robert Mudd, Baraga Casino General Manager/David Haataja, Marquette Casino General Manager/Dale Shalifoe, Executive Director of Gaming Commission
2. Jacki Skytta, Casinos Marketing Manager/Dale Shalifoe, Executive Director of Gaming Commission –
 - a) August 2011 Special Events Concert Proposals – Tanya Tucker/Kellie Pickler
 - b) September 2011 Special Event Cage Fighting Proposal

3. Jacki Skytta, Casinos Marketing Manager/Dottie Pryor, Press Box Manager/Dale Shalifoe, Executive Director of Gaming Commission – New Year’s Eve Comedy Club Contract
4. Jerry Lee Curtis/Gregg Nominelli, Economic Developer – Permitting
5. John Baker, Attorney
6. President Swartz - Tribal Attorney Employment Contract

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 9:30 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Break: 10:07 – 10:25 a.m.

Toni Minton left at 11:02 a.m.

Break: 11:05 – 11:10 a.m.

Lunch: 11:55 a.m. - 1:05 p.m.

Isabelle Welsh returned from lunch at 1:11 p.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 1:50 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Break: 1:51 – 2:00 p.m.

J. Recognize Scheduled Delegation/Individuals:

1. Valoree Gagnon, MTU Graduate Student – Community Fishermen/Women Research PowerPoint Presentation (Thesis) – Present: Todd Warner, NRD

K. Old Business:

1. Larry Denomie III, CEO –
 - a) Request to Demo Three Amigos Building – the Council will tour the building (those who have not already) on May 13, 2011, Friday at noon.
 - b) Building/Electrical Permit Fee Schedules – Review

- c) Proposed Amendments to Enterprise and Government Policy Books – Rehire Policy options

MOTION MADE BY EDDY EDWARDS TO TABLE AND SEND THE INFORMATION TO THE HIRING COMMITTEE FOR THEIR RECOMMENDATIONS. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Toni J. Minton), MOTION CARRIED.

(President Swartz is out of the room)

- d) Negaunee Township Request to Utilize 2% Funds in Escrow for prior engineering services for the proposed airport casino

MOTION MADE BY WILLIAM E. EMERY TO ALLOW THE NEGAUNEE TOWNSHIP TO PAY THE INVOICES REQUESTED BY WILLIAM CARLSON, NEGAUNEE TOWNSHIP SUPERVISOR. SUPPORTED BY EDDY EDWARDS. FIVE IN FAVOR (William E. Emery, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), FIVE OPPOSED (Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), TIE VOTE. PRESIDENT SWARTZ VOTED IN FAVOR, MOTION CARRIED.

2. President Swartz –

- a) 401(k) Issues at OCC – President Swartz updated the Council that the effective date of the OCC employees being removed from the Tribe’s 401(k) plan is March 31, 2011.

Debbie Parrish and the Board of Regents requested that the employees be kept on the plan until July 1, 2011.

August 2011 Special Events Concert Proposals – Tanya Tucker/Kellie Pickler -

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SPECIAL EVENTS CONCERT WITH KELLIE PICKLER IN AUGUST 2011 IN THE AMOUNT OF \$78,709.60. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), THREE OPPOSED (Susan J. LaFernier, Fred Dakota, Elizabeth “Chiz” Matthews), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Michael F. LaFernier, Sr.), MOTION CARRIED.

Susan LaFernier stated her opposition: The concert proposal projected a loss.

(Mike LaFernier, Sr. is out of the room)

September 2011 Special Event Cage Fighting Proposal -

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE CAGE FIGHTING SPECIAL EVENT PROPOSAL IN THE AMOUNT OF \$46,766.00. SUPPORTED BY JERRY LEE CURTIS. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

New Year’s Eve Comedy Club Contract -

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE FUNNY BUSINESS INC. CONTRACT IN THE AMOUNT OF \$4,100.00 AND TWO HOTEL ROOMS. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Permitting of a cigarette factory and other tobacco regulatory issues -

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE ENGAGEMENT LETTER BETWEEN TROUTMAN SANDERS AND THE KBIC AND HAVE GREGG NOMINELLI AS THE CONTACT PERSON TO OVERSEE THE CIGARETTE/TOBACCO MANUFACTURING PERMIT ONLY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFerner), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Susan LaFerner stated her opposition: There is no plan or direction.

Pinery Cemetery Fire Suit –

MOTION MADE BY EDDY EDWARDS TO HAVE THE KEWEENAW BAY INDIAN COMMUNITY AUTHORIZE THE BUREAU OF INDIAN AFFAIRS TO FILE SUIT UNDER THE NATIONAL INDIAN FOREST RESOURCES MANAGEMENT ACT FOR THE PINERY CEMETERY FIRE DAMAGES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Jerry Lee Curtis added to the agenda a donation request for his cousin Draven Hooper who is suffering from a rare genetic disorder. The family is holding a benefit dinner and Jerry Lee will bring a list of items to Saturday’s meeting.

- b) Tribal Member Request – from Melvin Durant of \$1,000.00 for Truck Driving School Room and Board in Escanaba

MOTION MADE BY ELIZABETH D. MAYO TO DENY THE REQUEST. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (William E. Emery), ONE ABSENT (Toni J. Minton), MOTION CARRIED.

L. New Business:

1. Larry Denomie III, CEO/Gary Loonsfoot, Jr., Language Coordinator – B. Utilizing Sick Leave/Proposed Policy Amendment concerning Traditional Healing/Cultural Ceremonies Attendance

MOTION MADE BY GARY F. LOONSFOOT, SR. TO ADD THE TRADITIONAL HEALER TO THE UTILIZATION OF SICK LEAVE POLICY B. #2. “BY A STATEMENT FROM A PHYSICIAN OR TRADITIONAL HEALER”. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

MOTION MADE BY EDDY EDWARDS TO INCLUDE TRADITIONAL HEALER WHERE APPROPRIATE IN THE POLICY UNDER SECTION B, UTILIZING SICK LEAVE, OF THE TRIBAL GOVERNMENT EMPLOYEE HANDBOOK. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:24 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist