

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – JUNE 10, 2010 – 9:00 A.M.

- A. Date: June 10, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:18 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFerner, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary (left 1:53 – 2:42 p.m.,
left at 4:34 p.m.)
Eddy Edwards, Treasurer
Fred Dakota
Michael F. LaFerner, Sr. (arrived at 10:41 a.m.)
Gary F. Loonsfoot, Sr.
Elizabeth D. Mayo (left 12:08 – 1:20 p.m.)
Toni J. Minton
Isabelle Helene Welsh (arrived at 11:08 a.m.)

Absent: Jerry Lee Curtis

- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

- F. Approval of Agenda: June 10, 2010

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| Additions: | FYI- | 3. A Letter from Robert Mudd
4. HUD Audit (move from New Business 1.b) |
| Deletion: | Closed Session-
Old Business- | 3. President Swartz - Robert Mudd Update
1. Larry Denomie III, CEO – Department of
Transportation Director Job Description and
Budget Modification for Realty Department |

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

G. For Your Information:

1. A letter from Jon Cherry, Rio Tinto Kennecott Eagle Minerals and a letter from Matt Johnson to the Camp members.
2. Phone Poll June 4, 2010 Class I Social Gaming Drawing License Granted and Fee Waived for Albert Brunk, Jr. Benefit held on June 5, 2010
3. Letter from Robert Mudd – He has accepted the Tribe’s offer for the GM Position
4. HUD Audit 10/21/09 Final Monitoring Report for KBIC’s ICDBG on-site monitoring visit May 5-7, 2009 – President Swartz requested the Quarterly Reports from OHA

H. Approval of Meeting Minutes:

1. February 18, 2010

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE FEBRUARY 18, 2010 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Isabelle H. Welsh), MOTION CARRIED.

(Fred Dakota out of the room)

2. February 25, 2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE FEBRUARY 25, 2010 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Isabelle H. Welsh), MOTION CARRIED.

Break: 10:10 – 10:33 a.m.

I. Old Business:

1. President Swartz - Donations Policy

Mike LaFERNIER, Sr. arrived at 10:41 a.m.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE DONATION POLICY WITH THE ONE CHANGE OF REMOVING TRIBAL MEMBERS SO IT WILL OPEN IT UP TO COMMUNITY ORGANIZATIONS THAT SERVE THE PEOPLE WE ARE RECEIVING REQUESTS FROM.

Motion died for lack of support.

Isabelle Welsh arrived at 11:08 a.m.

MOTION MADE BY WILLIAM E. EMERY TO TABLE THE DONATION POLICY FOR ONE WEEK. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Susan LaFernier and Larry Denomie will work on the policy and review previous comments and recommendations.

J. New Business:

1. Eddy Edwards, Treasurer –

a) Draft Orthodontic IDA (Individual Development Account) Policy – Tammy Seymour present

MOTION MADE BY WILLIAM E. EMERY TO HAVE THIS PROGRAM RUN THROUGH OHA AND FURTHER DEVELOP THE GUIDELINES.

William Emery withdrew his motion.

MOTION MADE BY ISABELLE H. WELSH TO DONATE TO TAMMY SEYMOUR.

President Swartz ruled the motion out of order.

MOTION MADE BY ISABELLE H. WELSH TO TABLE THE IDA ORTHODONTIC POLICY PROGRAM UNTIL NEXT WEEK. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Tammy Seymour Request for Daughter's Braces –

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO DONATE \$700.00 TOWARDS THE DOWN PAYMENT OF TAMMY SEYMOUR'S DAUGHTER'S ORTHODONTIC TREATMENT. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (William E. Emery, Elizabeth "Chiz" Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFerner), ONE ABSTAINING (Toni J. Minton), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Susan LaFerner stated her opposition: She is opposed because the Council tabled all donations/policy and they did not give to others who requested help for orthodontic care.

b) 1st Reading Proposed Ordinance 2010-06 Business Corporate Code

MOTION MADE BY EDDY EDWARDS TO INTRODUCE THE PROPOSED ORDINANCE 2010-06 BUSINESS CORPORATE CODE AND WAIVE THE 1ST READING. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth "Chiz" Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

The 2nd Reading is scheduled for June 24, 2010 at 3:00 p.m. (Lance Morgan will be present)

2. Bruce LaPointe, Project Manager - Indian Health Service 2010 Sanitation Deficiency System (S.D.S.) Project List (11) and Priority(s)

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE FIRST FOUR PRIORITIES OF THE SDS LIST AS THE FOLLOWING: KAWBAWGAM ROAD REPLACEMENT WELL, SCATTERED DUMP SITES PHASE 2, SCATTERED SITES, AND WELL ABANDONMENT. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Elizabeth "Chiz" Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Susan J. LaFerner, Michael F. LaFerner, Sr.), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Mike LaFerner, Sr. stated his opposition: He would like to include matching money from KBIC for additional points.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADD 25% MATCHING FUNDS TO PROJECTS #1 AND #2. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFerner, Elizabeth "Chiz" Matthews, Eddy Edwards, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (William E. Emery, Fred Dakota), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Elizabeth Mayo left at 12:08 p.m.

3. Gregg Nominelli, Economic Developer – Wind Monitoring (Towers) Grant Bids

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE BIDS OF AMERICAN WIND & ENERGY GROUP FOR \$133,000.00 AND ENERGY.3 FOR \$38,446.00 TO OVERSEE THE WIND MONITORING TOWERS AND STUDIES. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth D. Mayo), MOTION CARRIED.

Gregg had a second request to move sand across Tribal property called out of order by President Swartz, as it is not on the agenda. President Swartz asked if Council wanted to override the President.

MOTION MADE BY WILLIAM E. EMERY TO ALLOW PETE O'DOVERO TO USE OUR ROAD. SUPPORTED BY FRED DAKOTA. TWO IN FAVOR (William E. Emery, Fred Dakota), SEVEN OPPOSED (Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Elizabeth D. Mayo), MOTION DEFEATED.

Lunch: 12:09 – 1:16 p.m.

4. President Swartz – Ojibwa Senior Citizens Resolutions for MIEA Board Delegates (2) and Alternate for two year terms effective May 2010.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE APPOINTMENT OF SHIRLEY MCKASY AND PHILOMENA EKDAHL FOR THE OJIBWA SENIOR CITIZENS MIEA BOARD DELEGATES AND SANDRA PITTSLEY AS AN ALTERNATE. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Isabelle Welsh returned from lunch at 1:19 p.m.

Elizabeth Mayo returned at 1:20 p.m.

Mike LaFernier, Sr. returned from lunch at 1:21 p.m.

5. Larry Denomie III, CEO –

- a) Ojibwa Casino Employee Handbook 18.2/KBIC Personnel Policy 18.3/19.2 Proposed Amendments to the Grievance Policies

MOTION MADE BY ISABELLE H. WELSH TO ACCEPT THE KBIC PERSONNEL POLICY AND CASINO EMPLOYEE HANDBOOK AMENDMENTS. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

- b) Draft Tribal Council Grievance/Appeal of Dismissal Hearing Procedure – This procedure is not in the policy book.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PROCEDURE. SUPPORTED BY WILLIAM E. EMERY.

MOTION MADE BY SUSAN J. LAFERNIER TO TABLE UNTIL FURTHER REVIEW. SUPPORTED BY ISABELLE H. WELSH. SEVEN IN FAVOR (Susan J. LaFerner, Elizabeth “Chiz” Matthews, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), THREE OPPOSED (William E. Emery, Eddy Edwards, Fred Dakota), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

K. Closed Session:

1. John Baker, Attorney
2. Larry Denomie III, CEO – Employee Promotion Part-time to Full-time
3. President Swartz - Robert Mudd Update
4. Charlotte Loonsfoot – Eagle Rock Update/Susan LaFerner – June 5th Commentary

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 1:52 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Break: 1:53 – 2:10 p.m.

Chiz Matthews left 1:53 – 2:42 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 4:33 P.M. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.

Joe Jacker Promotion to Full-Time –

MOTION MADE BY ELIZABETH D. MAYO TO MOVE JOE JACKER FROM PART-TIME TO FULL-TIME. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Jerry Lee Curtis), MOTION CARRIED.

(Eddy Edwards out of the room)

Chiz Matthews left at 4:34 p.m.

4.2 Promotion Policy Amendment –

MOTION MADE BY ELIZABETH D. MAYO TO AMEND KBIC 4.2 PROMOTION POLICY TO READ THAT THE CEO CAN PROMOTE FROM PART-TIME TO FULL-TIME, WITH THE DEPARTMENT HEAD’S CONCURRENCE, WHEN GRANTS PERMIT. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis), MOTION CARRIED.

(Eddy Edwards out of the room)

L. Adjournment:

MOTION MADE BY GARY F. LOONSFOOT, SR. TO ADJOURN AT 4:37 P.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis), MOTION CARRIED.

2nd Reading of Proposed Amendment to the Tribal Code Title 7 Domestic Relations Custody of Minor Children, Child Support, and Visitation Ordinance 2010-05

[See Legislative File] 5:00 – 5:15 p.m.

Present: President Swartz, Susan LaFernier, Gene Emery, Eddy Edwards, Isabelle Welsh, Toni Minton, Gary Loonsfoot, Sr., Mike LaFernier, Sr., Peggy Minton

Written Comment received from Peter (Member) and Cynthia (Non-member) Goodreau in support of the Ordinance.

Written Comment received from Heather Chapman, Attorney. The Council requested her opinion on the constitutionality of the proposed ordinance.

Respectfully submitted,

Peggy Minton
Administrative Specialist