

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
CASINO CONFERENCE ROOM
TUESDAY – JANUARY 7, 2014 – 10:00 A.M.**

A. Date: January 7, 2014

B. Call to Order: President/Ogimaa Shalifoe called the meeting to order at 10:16 a.m.

C. Invocation: President/Ogimaa Shalifoe

D. Roll Call: Present: Donald Shalifoe, Sr., President
Carole L. LaPointe, Vice President
Jean Jokinen, Secretary
Gary F. Loonsfoot, Sr., Assistant Secretary
Eddy Edwards, Treasurer
Robert R.D. Curtis, Jr.
Michael F. LaFernier, Sr. (left at 11:13 a.m.)
Susan J. LaFernier
Elizabeth “Chiz” Matthews
Don Messer, Jr.
Jennifer Misegan
Absent: Warren C. Swartz, Jr.

E. Declaration of Quorum: Ogimaa Shalifoe declared a quorum present and proceeded with the order of business

F. Approval of Agenda: January 7, 2014

Additions: New Business- 2. Elizabeth Matthews – Move February 1, 2014 Saturday Meeting Date to February 8, 2014 due to the Mid-Winter Powwow
Old Business- 3. Carole LaPointe – d) Health Center to remain Open during Inclement Weather Closures (Essential Personnel)

4. Jennifer Misegan – Website Meeting Recordings

Move: Old Business 2. to Closed Session 1. Francis LaPointe – Budget Review – Casino Goals and Government Departments (Open to KBIC Members)

MOTION MADE BY EDDY EDWARDS TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY GARY F. LOONSFOOT, SR. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

G. Old Business:

1. Jean Jokinen – OHA Forensic Audit

a) Done and Complete and now an “Official Record of the Tribal Council”

MOTION MADE BY JEAN JOKINEN TO COMPLETE THE FORENSIC AUDIT ON THE RECOMMENDATION OF THE AUDITING FIRM AND MAKE IT AN OFFICIAL RECORD OF THE TRIBAL COUNCIL. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews), FOUR OPPOSED (Michael F. LaFernier, Sr., Susan J. LaFernier, Don Messer, Jr., Jennifer Misegan), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Mike LaFernier, Sr. stated his opposition the forensic audit is not completed.

2. Personnel Policy Amendments

a) Remove Health Center Employees from Health Board and Post Positions
(2)

MOTION MADE BY EDDY EDWARDS TO REMOVE THE HEALTH CENTER EMPLOYEES FROM THE HEALTH BOARD AND POST THOSE POSITIONS. SUPPORTED BY DON MESSER, JR. EIGHT IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), THREE OPPOSED (Michael F. LaFernier, Sr., Susan J. LaFernier, Jennifer Misegan), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Jennifer Misegan stated her opposition she would have liked to give the employees that were members of the Health Board an opportunity to know they were on the agenda and to voice their opinions on the matter.

Susan LaFernier stated her opposition she believe the one employee that was appointed was the only applicant at the time and they both have served very well on the Health Board.

b) Hiring/Grievance Committee

- i. Eliminate Committee and Transfer “Authority to Hire” to Department Heads/Program Directors with Consent of President
- ii. Program Directors/Department Heads to be Hired by President

MOTION MADE BY EDDY EDWARDS TO ELIMINATE THE HIRING/GRIEVANCE COMMITTEE AND TRANSFER THE AUTHORITY TO THE DEPARTMENT HEADS/PROGRAM DIRECTORS WITH THE CONSENT OF THE TRIBAL PRESIDENT AND THAT THE DEPARTMENT HEADS/PROGRAM DIRECTORS ARE HIRED BY THE TRIBAL PRESIDENT. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), THREE OPPOSED (Michael F. LaFernier, Sr., Susan J. LaFernier, Jennifer Misegan), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

c) Appeal Process at Enterprises

- i. Employee Appeals shall be limited to Managers and Treasurer
- ii. Treasurer shall have final say on all Appeals of Enterprise Employees (excluding Managers)

MOTION MADE BY JENNIFER MISEGAN THAT ALL ENTERPRISE EMPLOYEE APPEALS WILL HAVE A FINAL DECISION AT THE GENERAL MANAGER EXCEPT THE MANAGERS. SUPPORTED BY EDDY EDWARDS.

Eddy Edwards withdrew his support.

MOTION MADE BY JENNIFER MISEGAN THAT ALL ENTERPRISE EMPLOYEE APPEALS WILL HAVE A FINAL DECISION AT THE GENERAL MANAGER EXCEPT THE MANAGERS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), TWO OPPOSED (Gary F. Loonsfoot, Sr., Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

d) Carole LaPointe, Health Director - Health Center to remain Open during Inclement Weather Closures (Essential Personnel)

MOTION MADE BY EDDY EDWARDS TO AUTHORIZE THE HEALTH CENTER DIRECTOR TO HAVE THE CLINIC REMAIN OPEN FOR ESSENTIAL SERVICES AT HER DISCRETION DURING WEATHER CLOSURES.

A FRIENDLY AMENDMENT MADE BY GARY F. LOONSFOOT, SR. THAT NO DISCIPLINARY ACTION BE GIVEN TO THE EMPLOYEES IF THEY CANNOT COME IN UNTIL THE POLICY IS OFFICIALLY CHANGED. SUPPORTED BY DON MESSER, JR. TEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Jennifer Misegan stated her abstention she is abstaining until she sees the policy.

MOTION MADE BY EDDY EDWARDS TO AUTHORIZE THE HEALTH CENTER DIRECTOR TO HAVE THE CLINIC REMAIN OPEN FOR ESSENTIAL SERVICES AT HER DISCRETION DURING WEATHER CLOSURES. SUPPORTED BY DON MESSER, JR. TEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

3. Jennifer Misegan – Website Meeting Recordings

MOTION MADE BY JENNIFER MISEGAN TO DIRECT THE I.T. DEPARTMENT TO BRING A PROPOSAL BY NEXT WEEK FOR LIVE STREAMING OF THE COUNCIL MEETINGS. SUPPORTED BY EDDY EDWARDS. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Don Messer stated that IT should be responsible for the camera and not the Surveillance Department. (add in the proposal).

H. New Business:

1. Introduction of Proposed New Law Title IV Juvenile Code

- a) “The Court shall not place any Juvenile into the Care, Custody, or Control of the State of Michigan”

MOTION MADE BY EDDY EDWARDS TO INTRODUCE PROPOSED AMENDMENT TO TITLE IV OF THE TRIBAL CODE JUVENILE DIVISION CHAPTER 4.10 SECTION 4.1004 THAT THE COURT SHALL NOT PLACE ANY JUVENILE INTO THE CARE, CUSTODY, OR CONTROL OF THE STATE OF MICHIGAN. SUPPORTED BY JEAN JOKINEN. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE UNTIL A MEETING IS HELD WITH TRIBAL COURT. (Motion died for lack of support)

MOTION MADE BY JENNIFER MISEGAN TO HOLD THE 2ND READING FOR THE PROPOSED AMENDMENT TO THE TRIBAL CODE ON JANUARY 30, 2014 AND THE INFORMAL REVIEW WITH THE TRIBAL DEPARTMENTS INVOLVED ON JANUARY 23, 2014. SUPPORTED BY JEAN JOKINEN. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

2. Elizabeth Matthews – Move February 1, 2014 Saturday Meeting Date to February 8, 2014 due to the Mid-Winter Powwow

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO CHANGE THE FEBRUARY 1, 2014 SATURDAY MEETING TO FEBRUARY 8, 2014 DUE TO THE MID-WINTER POWWOW. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

I. Closed Session: [Open to KBIC Members]

1. Francis “Hosh” LaPointe – Budget Review – Casino Goals and Government Departments

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 11:11 A.M. FOR BUDGET REVIEWS AND INCLUDE KBIC TRIBAL MEMBERS. SUPPORTED BY CAROLE L. LAPOINTE. ELEVEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Break: 11:12 – 11:25 a.m.

Mike LaFernier, Sr. left at 11:13 a.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 11:55 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Warren C. Swartz, Jr.), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 11:56 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Donald Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Warren C. Swartz, Jr.), MOTION CARRIED.

Respectfully submitted,

Peggy Loonsfoot
Administrative Specialist