

KEWEENAW BAY INDIAN COMMUNITY

2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
ELIZABETH D. MAYO, Vice-President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

ROBERT R.D. CURTIS, JR.
FRED DAKOTA
JEAN JOKINEN
MICHAEL F. LAFERNIER, SR.
CAROLE L. LAPOINTE
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JULY 25, 2013 – 9:00 A.M.**


227-15

- A. Date: July 25, 2013
- B. Call to Order: President Swartz called the meeting to order at 9:11 a.m.
- C. Invocation: Lord's Prayer and prayers for an employee who walked on this morning.
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (arrived at 9:44 a.m., left at 12:00 p.m.)
Jennifer Misegan, Treasurer
Fred Dakota
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe (arrived at 9:44 a.m.)
Elizabeth "Chiz" Matthews (left at 12:00 p.m.)
Don Messer, Jr.
Absent: Robert R.D. Curtis, Jr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: July 25, 2013
- Deletions: Old Business- 1. George Decota, Director of Fire Management – Recommendation on a Cooperative Agreement with the BIA and Baraga Fire Dept.
- Additions: Old Business- 3. Janice Halverson, CNAP Director – a) Amended Motion June 27, 2013 for Lois Bogda Medical Air Ambulance Transport Request
b) Program Funds
- New Business- 4. Mike LaFernier, Sr. – Pines Annual Customer Appreciation Day
4. Larry Denomie III, CEO – e) Reimbursable Agreement
5. Vice President Mayo – Campground Issues

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

G. For Your Information:

1. 2013 Government Employee Picnic Flyer – August 2, 2013 L’Anse Golf Club

H. Old Business:

1. Susan LaFernier, Secretary – June 2013 Unapproved Motions from the Secretary’s June 2013 Tribal Council Report

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE UNAPPROVED MOTIONS FOR JUNE 2013. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

2. Mike LaFernier, Sr. – Pines Annual Customer Appreciation Day – The Council consensus was to have the annual event.
3. Larry Denomie III, CEO –
 - a) Clarification on July 5, 2013 Holiday (Employees who worked received time and a half pay, those who did not work did not get paid)

MOTION MADE BY JENNIFER MISEGAN TO TREAT JULY 5TH THE SAME AS INDEPENDENCE DAY FOR 2013. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (Jennifer Misegan, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Don Messer, Jr.), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), TIE VOTE. PRESIDENT SWARTZ VOTES OPPOSED, MOTION DEFEATED.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE JULY 5TH AS A PAID HOLIDAY FOR THOSE EMPLOYEES WHO FOLLOW THE ENTERPRISE POLICY. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Elizabeth “Chiz” Matthews, Don Messer, Jr.), THREE OPPOSED (Jennifer Misegan, Jean Jokinen, Michael F. LaFernier, Sr.), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe), MOTION CARRIED.

Carole LaPointe and Toni Minton arrived at 9:44 a.m.

b) Draft Social Media Policy Review

MOTION MADE BY JEAN JOKINEN TO CREATE A FACE BOOK PAGE, APPROVE THE SOCIAL MEDIA POLICY WITH THE CHANGES, AND ASSIGN IT TO THE I.T. DEPARTMENT. SUPPORTED BY DON MESSER, JR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.

I. New Business:

1. Kathy Mayo, Community Health Director (not present)/Carole LaPointe, Health Director – MOU between KBIC/ITC/MDCH MOU to support the activities under the Cancer Data Analysis Project regarding cancer incidence in American Indian populations in Michigan funded by the Michigan Department of Community Health.

A discussion was held on letters circulating of information that was breached.

MOTION MADE BY JEAN JOKINEN TO APPROVE THE MOU REGARDING THE CANCER LINKAGE PROJECT. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.

Susan LaFernier stated her opposition: She would have liked to see the letters to the Tribal members regarding a breach first.

2. Lindy Grell, Tribal Attorney – KBIC Pre-Primary Education Program Child Care Center License Renewal

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE RENEWAL LICENSE FOR THE KBIC PRE-PRIMARY EDUCATION PROGRAM. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.

Break: 10:28 – 10:46 a.m.

[Old Business]

4. Janice Halverson, CNAP Director –
 - a) Amended Motion from June 27, 2013 for Lois Bogda Medical Air Ambulance Transport Request

Bay Ambulance stopped the billing for Medicaid because they thought the Tribe was paying for the transport. The Tribe is supposed to be the last resort for payment. Carole LaPointe will look into this at the Health Department.

- b) Program Funds (LIHEAP, CSBG, CNAP, Tribal Funds, Senior/Disabled Heating Assistance) – The CSBG is over spent by \$3,000.00

The Council instructed Janice to bring a plan forward along with the guidelines and an Executive Summary for next week.

The Council consensus was to no longer allow the CAP Office to close early at 3:30 p.m.

MOTION MADE BY JENNIFER MISEGAN TO UTILIZE THE ADDITIONAL AMOUNT LEFT IN THE SENIOR HEATING LINE ITEM TO COVER THE CSBG AND COME BACK NEXT WEEK WITH A PLAN. SUPPORTED BY JEAN JOKINEN. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.

[New Business]

- 3. Lindy Grell, Tribal Attorney/Heather Chapman, Assistant Tribal Attorney – Assistant Tribal Deputy Attorney Job Description Review – scheduled for next week
- 4. Jennifer Misegan, Treasurer – Christmas Gift Check Guidelines

The Ojibwa Housing Authority requires Military income to be calculated into rent for those using a Family’s Housing address before enlistment. Jennifer will inform R.D. Curtis, OHA Board Chairman, to look into the issue.

The Council discussed changing the residency clause to require a member to establish a one year residence in order to be eligible for the Christmas Gift Check.

MOTION MADE BY ELIZABETH D. MAYO TO CHANGE THE GUIDELINES TO SEPTEMBER 1, 2013 IN #1 AND TAKE OUT: CONTINUE TO MAINTAIN A RESIDENCE IN #6. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION CARRIED.

MOTION MADE BY JEAN JOKINEN TO ABIDE BY THE ORDINANCE WHICH REQUIRES DISTRIBUTIONS OF THE CIGARETTE MONEY TO ALL MEMBERS RESIDING IN BARAGA AND MARQUETTE COUNTIES AND NOT STIPULATE IT AS 18 YEAR OLDS AS IN THE GUIDELINES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TWO IN FAVOR (Jean Jokinen, Elizabeth “Chiz” Matthews), SEVEN OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFernier, Sr.,

Don Messer, Jr.), ONE ABSTAINING (Carole L. LaPointe), ONE ABSENT (Robert R.D. Curtis, Jr.), MOTION DEFEATED.

Lunch: 12:00 – 1:08 p.m.

Elizabeth Matthews and Toni Minton left at 12:00 p.m.

5. Larry Denomie III, CEO –

- a) Fitness Programs and Facilities Coordinator at the Niwiin Akeaa Community Center Job Description Review – scheduled for next week
- b) BC/BS Tier III Plan (for those part time who do not currently have insurance) The plan could be amended.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BC/BS PLAN FOR THE TIER III EMPLOYEES AND PROVIDE THE SAME PLAN THAT IS CURRENTLY OFFERED TO HOURLY ENTERPRISE EMPLOYEES. SUPPORTED BY ELIZABETH D. MAYO.

MOTION MADE BY JENNIFER MISEGAN TO TABLE THE BC/BS TIER III PLAN UNTIL WE GET CONCRETE FIGURES AND DETERMINE HOW WE ARE GOING TO AFFORD IT. SUPPORTED BY JEAN JOKINEN. FOUR IN FAVOR (Jennifer Misegan, Jean Jokinen, Michael F. LaFernier, Sr., Don Messer, Jr.), THREE OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Carole L. LaPointe), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Elizabeth “Chiz” Matthews), MOTION CARRIED.

(Fred Dakota is out of the room)

- c) Weekly Update
- d) Reimbursable Agreement between the U.S. Fish & Wildlife Service Department of Interior and KBIC for 3 years with \$3,220.00 for FY 2013 and funding for 2014-15 to be determined

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE REIMBURSABLE AGREEMENT BETWEEN THE U.S. FISH AND WILDLIFE SERVICE DEPARTMENT OF THE INTERIOR AND THE COMMUNITY TO COMPLETE THE ANNUAL FISH HEALTH INSPECTION FOR THREE YEARS FOR \$3,220.00 PENDING REVIEW BY THE CEO. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), MOTION CARRIED.

(Don Messer, Jr. is out of the room)

6. Vice President Mayo – Campground Issues

The Council discussed certain individuals who should be banned from the campgrounds for stealing campers' property and other disturbances. The paving is scheduled to begin on August 5th. It will be checked to see if it can be changed to after Labor Day

J. Closed Session:

1. Gary Loonsfoot, Jr., Director of Cultural Resources – Personnel Issue
2. Ronald Hueckstaedt, Security Background Investigator – Adjudication of Dale Dakota, Police Commissioner
3. Jennifer Misegan, Treasurer –
 - a) Guaranteed Loan Program
 - b) Disclosure Issue
 - c) Forensic Audit
 - d) FY2014 Budgets
4. Larry Denomie III, CEO –
 - a) Building Inspector Applicants
 - b) TERO Director Applicants
 - c) Director of Fire Management Personnel Issue
5. Heather Chapman, Assistant Tribal Attorney (not present) – KBIC v I.H.S. Amended Scheduling Order (next week)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:16 P.M. SUPPORTED BY JENNIFER MISEGAN. FOUR IN FAVOR (Susan J. LaFERNIER, Jennifer Misegan, Michael F. LaFERNIER, Sr., Carole L. LaPointe), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen, Don Messer, Jr.), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews), TIE VOTE. PRESIDENT SWARTZ VOTES IN FAVOR, MOTION CARRIED.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 3:50 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Adjudication of Dale S. Dakota, Police Commissioner –

MOTION MADE BY DON MESSER, JR. TO APPROVE THE ADJUDICATION OF THE POLICE COMMISSIONER DALE S. DAKOTA. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Jean Jokinen stated her opposition: She feels he had errors in his reports, he did not answer the questions, and he just was not prepared.

Forensic Audit – Engagement Letter

MOTION MADE BY JENNIFER MISEGAN TO AUTHORIZE THE TRIBAL ATTORNEY OFFICE TO ENGAGE THE ACCOUNTING FIRM SCHECHTER, DOKKEN, AND KANTER TO CONDUCT THE FINANCIAL AUDIT FOR THE OJIBWA HOUSING AUTHORITY AND AUTHORIZE HEATHER CHAPMAN TO SIGN THE ENGAGEMENT LETTER WITH SCHECHTER, DOKKEN, AND KANTER ON BEHALF OF THE ATTORNEY’S OFFICE AND HANDLE THE MATTER FROM HERE FORWARD. SUPPORTED BY DON MESSER, JR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Forensic Audit – Retainer Fee

MOTION MADE BY JENNIFER MISEGAN TO DIRECT THE PAYMENT OF THE \$5,000.00 RETAINER FROM THE OJIBWA HOUSING AUTHORITY’S BUDGET WITH BILLS TO BE FORWARDED TO THE TRIBAL ATTORNEY’S OFFICE AND TO MOVE FORWARD WITH THE SMALL GROUP AS RECOMMENDED BY THE AUDITING FIRM CONSISTING OF A TRIBAL COUNCIL MEMBER, TREASURER, TRIBAL ATTORNEY, AND THE ASSISTANT CEO. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

Building Inspector/TERO Applicants –

MOTION MADE BY JEAN JOKINEN TO INTERVIEW ALL OF THE KBIC TRIBAL MEMBER APPLICANTS FOR THE TERO DIRECTOR AND THE BUILDING INSPECTOR POSITIONS.

Motion died for lack of support.

MOTION MADE BY JENNIFER MISEGAN TO INTERVIEW ALL THREE CANDIDATES FOR THE BUILDING INSPECTOR POSITION AND INTERVIEW THE SIX QUALIFIED KBIC TRIBAL MEMBER APPLICANTS AS DESIGNATED DURING THE DISCUSSION FOR THE TERO DIRECTOR. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jennifer Misegan, Fred Dakota, Michael F. LaFerner, Sr., Carole L. LaPointe, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth “Chiz” Matthews), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:01 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jennifer Misegan, Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Elizabeth "Chiz" Matthews), MOTION CARRIED.

Respectfully submitted,

A handwritten signature in cursive script that reads "Peggy Loonsfoot".

Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JULY 25, 2013 – 9:00 A.M.

A. Date: July 25, 2013

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Elizabeth D. Mayo, Vice President
- ___ Susan J. LaFerner, Secretary
- ___ Toni J. Minton, Assistant Secretary
- ___ Jennifer Misegan, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Jean Jokinen
- ___ Michael F. LaFerner, Sr.
- ___ Carole L. LaPointe
- ___ Elizabeth "Chiz" Matthews
- ___ Don Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: July 25, 2013

G. For Your Information:

1. 2013 Government Employee Picnic

H. Old Business:

1. George Decota, Director of Fire Management – Recommendation on a Cooperative Agreement with the BIA and Baraga Fire Department
2. Susan LaFerner, Secretary – June 2013 Unapproved Motions
3. Larry Denomie III, CEO –
 - a) Clarification on July 5, 2013 Holiday
 - b) Draft Social Media Policy

I. New Business:

1. Kathy Mayo, Community Health Director – ITC/MDCH MOU Cancer Linkage Project
2. Lindy Grell, Tribal Attorney – Pre-Primary Education Program Business License Renewal

3. Jennifer Misegan, Treasurer – Christmas Gift Check Guidelines
4. Larry Denomie III, CEO –
 - a) Assistant Tribal Attorney Job Description Review
 - b) Fitness Program and Facilities Coordinator Job Description Review
 - c) BC/BS Tier III Plan
 - d) Weekly Update

J. Closed Session:

1. Gary Loonsfoot, Jr., Director of Cultural Resources – Personnel Issue
2. Ronald Hueckstaedt, Security Background Investigator – Adjudication of Dale Dakota, Police Commissioner
3. Jennifer Misegan, Treasurer –
 - a) Guaranteed Loan Program
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 - c) Forensic Audit
 - d) FY2014 Budgets
4. Larry Denomie III, CEO –
 - a) Building Inspector Applicants
 - b) TERO Director Applicants
 - c) Director of Fire Management Personnel Issue
5. Heather Chapman, Assistant Tribal Attorney – KBIC v I.H.S. Amended Scheduling Order

K. Adjournment: