

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – AUGUST 19, 2010 – 9:00 A.M.**

- A. Date: August 19, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:17 a.m.
- C. Invocation: Lord’s Prayer and prayers for Colleen DeRoche
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFerner, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Eddy Edwards, Treasurer
Jerry Lee Curtis
Fred Dakota
Michael F. LaFerner, Sr. (arrived at 10:13 a.m.)
Gary F. Loonsfoot, Sr.
Elizabeth D. Mayo (left 3:45 – 4:15 p.m.)
Toni J. Minton (left at 12:00 p.m.)
Isabelle Helene Welsh (left 11:17 a.m. – 3:10 p.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: August 19, 2010

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA AS PRESENTED. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFerner, Sr.), MOTION CARRIED.

G. Old Business:

1. Larry Denomie III, CEO –

- a) TERO Director/Work Force Coordinator Position Announcement and Budget

MOTION MADE BY EDDY EDWARDS TO APPROVE THE TERO JOB DESCRIPTION AT FULL-TIME WITH THE FOLLOWING CHANGES: THE PRESIDENT WILL BE THE SUPERVISOR, IT WILL BE AT A GRADE 9, DELETE AND/OR IN THE SECOND AND THIRD LINES UNDER QUALIFICATIONS AND ADD UNDER DUTIES TO FOLLOW/ENFORCE THE TERO ORDINANCE. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

- b) Parks/Marina Caretaker Position Announcement – Changes: 40 hours flexible, CEO Office will supervise, Equivalency/GED, limited living quarters from May to October, works with Parks and Recreation Committee, and must be bondable.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE PARKS/MARINA CARETAKER JOB DESCRIPTION WITH THE CHANGES AS DISCUSSED. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

- c) Sand Point Master Plan Michigan Coastal Management Grant – Larry Denomie will inform that we have declined this grant

Mike LaFernier, Sr. arrived at 10:13 a.m.

- d) 15.0 Career Development 15.1 Policy Amendment – pro-rate the number of hours based on the hours worked per work week for those full-time employees that work less than 40 hours per week. Delete “Full-time employees shall be allowed up to 4 hours per week with pay to attend classes.” (15.1)

MOTION MADE BY EDDY EDWARDS TO APPROVE THE CAREER DEVELOPMENT POLICY AMENDMENT. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), ABSENT – 0, MOTION CARRIED.

- e) Zero Tolerance for Theft Policy – Susan LaFERNIER presented suggestions and a draft policy. Comments/suggestions were also provided by Department Heads.

The Council may consider defining the severity of the theft.

Break: 10:27 – 10:40 a.m.

MOTION MADE BY EDDY EDWARDS TO TABLE THE DRAFT POLICY FOR ONE WEEK. SUPPORTED BY GARY F. LOONSFOOT, SR. ALL IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ABSENT – 0, MOTION CARRIED.

- f) KBIC Department of Transportation (DOT)/Public Works Proposal and Time Line/Bruce LaPointe, Project Manager – Review of plan to phase out Tribal Construction Company and integrate into the DOT.

MOTION MADE BY FRED DAKOTA TO MOVE FORWARD WITH THE DOT PROPOSAL AND TIMELINE. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFERNIER, Sr.), ABSENT – 0, MOTION CARRIED.

H. New Business:

1. Todd Warner, NRD - Summer Youth Conservation Crew Presentation [Power Point] with (3) Superior Watershed Personnel. 18 youth were involved with this summer work crew.

Break: 11:16 – 11:25 a.m.

Isabelle Welsh left at 11:17 a.m.

2. Janice Shalifoe/Cindy Curtis – Donation Request for Powwow Travel - Four Thunders Drum Group - Odanah, WI on August 20–22, 2010 – Cindy stated that the drum group has always returned the honorarium given them, back to the Tribal Center. (In the future, powwow travel will be put in the Cultural Committee budget)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE FOUR THUNDERS DRUM GROUP REQUEST FOR \$1,200.00 AND HAVE THE RECEIPTS TURNED INTO THE ACCOUNTING OFFICE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

3. Hubert LeRue, Unit Manager – (3) Government Bids for (2) 2011 Van Purchases – Prior motions were made on July 29, 2010

MOTION MADE BY EDDY EDWARDS TO APPROVE THE FIFTEEN PASSENGER VAN FROM COPPER COUNTRY FORD FOR \$24,800.00 AND THE EIGHT PASSENGER VAN FOR \$20,475.00 AND THIS WILL REPLACE THE PRIOR MOTIONS ON THE NEW DAY VAN BIDS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

4. President Swartz [Jason Ayres, Realty Officer] – Resolution KB-1762-2010 Ann M. Dowd Residential Lease (Cancels prior lease to Sandra A. Dowd)

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1762-2010 ANN M. DOWD RESIDENTIAL LEASE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Isabelle H. Welsh), MOTION CARRIED.

Lunch: 12:00 – 1:13 p.m.

Toni Minton left at 12:00 p.m.

5. Eddy Edwards – Schedule 3rd Reading Proposed Ordinance 2010-06 Business Corporate Code

The Council consensus is to review with the attorney’s office and the Economic Development Committee.

I. Closed Session:

1. John Baker, Attorney
2. Appeal of Termination Grievance Hearing Case #006-10
3. Appeal of Termination Grievance Hearing Case #007-10
4. Appeal of Termination Grievance Hearing Case #005-10

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 1:18 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Isabelle H. Welsh), MOTION CARRIED.

Break: 2:35 – 2:43 p.m.

Isabelle Welsh returned at 3:10 p.m.

Elizabeth Mayo left 3:45 – 4:15 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 4:35 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Appeal of Termination Grievance Hearing Case #005-10, #006-10, #007-10 –

MOTION MADE BY ELIZABETH D. MAYO TO UPHOLD THE MANAGER’S DECISION IN GRIEVANCE HEARING CASE #006-10. SUPPORTED BY SUSAN J. LAFERNIER. TWO IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo), EIGHT OPPOSED (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION DEFEATED.

MOTION MADE BY ELIZABETH D. MAYO TO UPHOLD THE MANAGER’S DECISION IN GRIEVANCE HEARING CASE #007-10. SUPPORTED BY SUSAN J. LAFERNIER. TWO IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo), EIGHT OPPOSED (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION DEFEATED.

MOTION MADE BY ELIZABETH D. MAYO TO UPHOLD THE MANAGER’S DECISION IN GRIEVANCE HEARING CASE #005-10. SUPPORTED BY SUSAN J. LAFERNIER. TWO IN FAVOR (Susan J. LaFernier, Elizabeth D. Mayo), EIGHT OPPOSED (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION DEFEATED.

MOTION MADE BY EDDY EDWARDS TO GIVE A FIVE-DAY SUSPENSION WITHOUT BACK PAY IN GRIEVANCE HEARING CASE #006-10 AND TO REINSTATE THE EMPLOYEE. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TWO OPPOSED (Susan J. LaFernier, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GIVE A FIVE-DAY SUSPENSION WITHOUT BACK PAY IN GRIEVANCE HEARING CASE #007-10 AND TO REINSTATE THE EMPLOYEE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TWO OPPOSED (Susan J. LaFernier, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

MOTION MADE BY EDDY EDWARDS TO GIVE A FIVE-DAY SUSPENSION WITHOUT BACK PAY IN GRIEVANCE HEARING CASE #005-10 AND TO REINSTATE THE EMPLOYEE. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TWO OPPOSED (Susan J. LaFerner, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

5. Robert Mudd, Baraga Casino General Manager – Migizi Wadiswan Restaurant Proposal

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 4:39 P.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Isabelle H. Welsh), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 5:03 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 5:05 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist