

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
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2015 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
JENNIFER MISEGAN, Vice President
TONI J. MINTON, Secretary
SUSAN J. LAFERNIER, Assistant Secretary
DOREEN G. BLAKER, Treasurer

ROBERT "R.D." CURTIS, JR.
EDDY EDWARDS
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, SR.
DON MESSER, JR.
DONALD SHALIFOE, SR.

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – APRIL 16, 2015 – 9:00 A.M.**

APPROVED
5-2-15

- A. Date: April 16, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:03 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Toni J. Minton, Secretary
Susan J. LaFernier, Assistant Secretary
Doreen G. Blaker, Treasurer (left 9:10 – 10:17 a.m., left 2:09 – 2:30 p.m.)
Robert R.D. Curtis, Jr. (arrived at 9:07 a.m.)
Eddy Edwards (arrived at 9:12 a.m.)
Randall R. Haataja (left at 2:41 p.m.)
Michael F. LaFernier, Sr. (left at 2:09 p.m.)
Gary F. Loonsfoot, Sr.
Don Messer, Jr. (left 2:19 – 2:37 p.m.)
Donald Shalifoe, Sr. (arrived at 9:14 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: April 16, 2015
- Deletion: New Business- 3. Gary Loonsfoot, Jr., Director of Cultural Resources – Language Program Proposal for Baraga/L'Anse Schools

Jennifer Misegan stated that the Employees' Letter, which is a Closed Session item on today's agenda, is considered confidential and it was posted on Councilman Eddy Edwards Face Book site last night and it needs to be dealt with.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE DELETION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Robert R.D. Curtis, Jr. arrived at 9:07 a.m.

G. Closed Session:

1. Government Employee Grievance Hearing Case #003-15
2. Government Employee Grievance Hearing Case #004-15 (no show)
3. Government Employee Grievance Hearing Case #005-15 (cancelled)

Jennifer Misegan stated, any Council Member who is employed by the KBIC and in a supervisory position, who is directly involved in a decision to dismiss the employee shall take no part in the deliberation or decision of the Council per 18.3 Government Personnel policy.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 9:09 A.M. SUPPORTED BY RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.

Doreen Blaker left at 9:10 a.m.

Eddy Edwards arrived at 9:12 a.m.

Donald Shalifoe, Sr. arrived at 9:14 a.m.

Break: 9:47 – 9:59 a.m.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO OPEN SESSION AT 10:03 A.M. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

H. New Business:

1. President Swartz – Declaration of Quota Lake

MOTION MADE BY JENNIFER MISEGAN TO DECLARE PORTAGE LAKE A QUOTA LAKE AND TO ALLOW THE PRESIDENT TO DETERMINE WHEN IT WILL OPEN. CO-SUPPORTED BY ROBERT R.D. CURTIS, JR. AND MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

2. Lynn Haataja, Executive Director Gaming Commission (not present)/Susan Lawrence, Background Investigator-License Coordinator/Danielle Webb, Assistant Tribal Attorney – Crossmatch Standard Sales Terms and Conditions Agreement/Credit Card Authorization Form

Doreen Blaker returned at 10:17 a.m.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGREEMENT WITH CROSSMATCH FOR THE PURCHASE OF THE FINGERPRINT MACHINE. SUPPORTED BY DON MESSER, JR. ALL IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

3. Jennifer Misegan, Vice President – TEAMS Enrollment Software Upgrade Bid (1)

MOTION MADE BY TONI J. MINTON TO APPROVE THE BID FROM AUTOMATED ELECTION SERVICES IN THE AMOUNT OF \$29,743.95. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), TWO OPPOSED (Eddy Edwards, Donald Shalifoe, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Eddy Edwards stated his opposition: He is opposed because there is no popular referendum for this expenditure over \$29,000.00.

President Swartz stated that the amount was included in the approved budget.

I. Approval of Meeting Minutes:

1. March 12, 2015

MOTION MADE BY DON MESSER, JR. TO APPROVE THE MARCH 12, 2015 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), ABSENT - 0, MOTION CARRIED.

2. March 14, 2015

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MARCH 14, 2015 MEETING MINUTES WITH THE CHANGES. CO-SUPPORTED BY TONI J. MINTON AND ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, TWO ABSTAINING (Eddy Edwards, Don Messer, Jr.), ABSENT - 0, MOTION CARRIED.

3. March 19, 2015

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MARCH 19, 2015 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr.), OPPOSED - 0, FOUR ABSTAINING (Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), ABSENT - 0, MOTION CARRIED.

4. March 26, 2015

MOTION MADE BY TONI J. MINTON TO APPROVE THE MARCH 26, 2015 MEETING MINUTES WITH THE CHANGES. SUPPORTED BY DON MESSER, JR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Eddy Edwards, Donald Shalifoe, Sr.), ABSENT - 0, MOTION CARRIED.

[New Business]

4. Dan Connor, Transfer Station Manager/Danielle Webb, Assistant Tribal Attorney – Paradigm Software, L.L.C. Standard Support Services Agreement for the weigh station license software, etc. for \$32,375.00.

The Contractor would not agree to follow the laws of KBIC; they require the laws of Maryland. The contract has been in place since May 2014 and has been acted upon. It will automatically renew every ten years and the Council has to be cognizant of that.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE PARADIGM SOFTWARE, L.L.C. STANDARD SUPPORT SERVICES AGREEMENT. CO-SUPPORTED BY EDDY EDWARDS AND DON MESSER, JR. ALL IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

5. Lori Sherman, Natural Resources Department Director (not present)/President Swartz – Resolution KB-016-2015 To Establish A Climate Change Adaptation Initiative

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE RESOLUTION KB-016-2015 TO ESTABLISH A CLIMATE CHANGE ADAPTATION INITIATIVE. SUPPORTED BY DON MESSER, JR. ALL IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

[Closed Session]

4. Government Employee Grievance Hearing Case #006-15
5. Government Employee Grievance Hearing Case #007-15
6. Susan LaFernier, Assistant Secretary - Employees' Letter
7. Dan MacNeil, Tribal Attorney – Attorney Report

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 11:04 A.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

(Doreen Blaker is out of the room)

Break: 11:04 – 11:14 a.m.

Lunch: 12:05 – 1:06 p.m.

Michael LaFernier, Sr. left at 2:09 p.m.

Doreen Blaker left 2:09 – 2:30 p.m.

Don Messer, Jr. left 2:19 – 2:37 p.m.

Break: 2:30 – 2:42 p.m.

Randall Haataja left at 2:41 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 3:23 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Randall R. Haataja, Michael F. LaFernier, Sr.), MOTION CARRIED.

J. Old Business:

1. Jennifer Misegan, Vice President – Annual Raises (postponed)

K. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 3:24 P.M. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Randall R. Haataja, Michael F. LaFernier, Sr.), MOTION CARRIED.

Respectfully submitted,

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

Peggy Loonsfoot
Administrative Specialist

AGENDA
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SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – APRIL 16, 2015 – 9:00 A.M.

A. Date: April 16, 2015

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Jennifer Misegan, Vice President
- ___ Toni J. Minton, Secretary
- ___ Susan J. LaFernier, Assistant Secretary
- ___ Doreen G. Blaker, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Eddy Edwards
- ___ Randall R. Haataja
- ___ Michael F. LaFernier, Sr.
- ___ Gary F. Loonsfoot, Sr.
- ___ Don Messer, Jr.
- ___ Donald Shalifoe, Sr.

E. Declaration of Quorum:

F. Approval of Agenda: April 16, 2015

G. Approval of Meeting Minutes:

1. March 12, 2015
2. March 14, 2015
3. March 19, 2015
4. March 26, 2015

H. Old Business:

1. Jennifer Misegan, Vice President – Annual Raises

I. New Business:

1. Lynn Haataja, Executive Director Gaming Commission/Danielle Webb, Assistant Tribal Attorney – Crossmatch Standard Sales Terms and Conditions Agreement/Credit Card Authorization Form
2. Dan Connor, Transfer Station Manager/Danielle Webb, Assistant Tribal Attorney – Paradigm Software, L.L.C. Standard Support Services Agreement

3. Gary Loonsfoot, Jr., Director of Cultural Resources – Language Program Proposal for Baraga/L’Anse Schools
4. Lori Sherman, Natural Resources Department Director – Resolution KB-016-2015 To Establish A Climate Change Adaptation Initiative
5. President Swartz – Declaration of Quota Lake
6. Jennifer Misegan, Vice President – TEAMS Enrollment Software Upgrade Bid

J. Closed Session:

1. Government Employee Grievance Hearing Case #003-15 – **9:00 a.m.**
2. Government Employee Grievance Hearing Case #004-15 – **10:00 a.m.**
3. Government Employee Grievance Hearing Case #005-15 – **11:00 a.m.**
4. Government Employee Grievance Hearing Case #006-15 – **1:00 p.m.**
5. Government Employee Grievance Hearing Case #007-15 – **2:00 p.m.**
6. Susan LaFernier, Assistant Secretary - Employees’ Letter
7. Dan MacNeil, Tribal Attorney – Attorney Report

K. Adjournment: