

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – NOVEMBER 29, 2012 – 9:00 A.M.

- A. Date: November 29, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord’s Prayer and Prayers for Ginny Ann Jermac and Frances Darcy
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President (left at 12:07 p.m.)
Susan J. LaFernier, Secretary
Toni J. Minton, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota
Eddy Edwards (left at 11:16 a.m.)
Jean Jokinen
Michael F. LaFernier, Sr. (arrived at 9:30 a.m.)
Elizabeth “Chiz” Matthews
- Absent: Jerry Lee Curtis, Assistant Secretary
Carole L. LaPointe
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: November 29, 2012
- Additions: New Business- 4. President Swartz – d) Tribal Court Christmas Party
- Closed Session- 1. Rodney Loonsfoot – Powwow Committee Report
5. David Haataja – Enterprise Employee Grievance Hearing Case #013-12 Discussion

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Carole L. LaPointe), MOTION CARRIED.

G. For Your Information:

1. August FY2012 Financial Report Ojibwa Casino Resort and Ojibwa Casino II
2. Heather Chapman, Assistant Attorney - The Court of Appeals granted Kennecott’s request for extension of time to file their appeal briefs. Their response is due January 14, 2013.
3. VOIGT Intertribal Task Force Meeting Minutes October 4, 2012 – Watersmeet, MI
4. Notice of Grant Award FY2013 for LIHEAP \$164,581.00
5. SNB KBIC Guaranteed Loan Program Account Summary – November 16, 2012
6. Legal Developments Handout and Update For North America from Larry Denomie’s trip to the GRE Gala in the Bahama’s

H. New Business:

1. Darren Webb, Commodity Food Program Director – Four Door Display Cooler Bids (2)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BID FROM BUSH REFRIGERATION IN THE AMOUNT OF \$7,400.00 FOR THE FOUR DOOR DISPLAY COOLER. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFernier, Sr., Carole L. LaPointe), MOTION CARRIED.

Mike LaFernier, Sr. arrived at 9:30 a.m.

2. Jason Ayres, Realty Officer/Joseph Robillard – Robillard Lease Request for agricultural purposes. He has had a lease since 1981 near the walleye ponds.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE LEASE REQUEST FROM JOSEPH ROBILLARD FOR A YEAR-BY-YEAR LEASE FOR APPROXIMATELY TWENTY-TWO ACRES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), FOUR OPPOSED (Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

3. President Swartz –

- a) Jeremy Hebert Business License Renewal for C&C Tire

MOTION MADE BY FRED DAKOTA TO APPROVE JEREMY HEBERT FOR THE BUSINESS LICENSE RENEWAL OF C&C TIRE. SUPPORTED BY MICHAEL F. LAFERNIER, SR.

MOTION MADE BY JEAN JOKINEN TO ADD A FRIENDLY AMENDMENT TO WAIVE THE FEE UNTIL IT GOES TO A VOTE OF THE PEOPLE. SUPPORTED BY ROBERT R.D. CURTIS, JR. FOUR IN FAVOR (Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), FIVE OPPOSED (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Fred Dakota, Michael F. LaFERNIER, Sr.), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION DEFEATED.

President Swartz stated the fee is \$20.00.

MOTION MADE BY FRED DAKOTA TO APPROVE JEREMY HEBERT FOR THE BUSINESS LICENSE RENEWAL OF C&C TIRE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFERNIER, Sr.), TWO OPPOSED (Jean Jokinen, Elizabeth “Chiz” Matthews), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

- b) Ojibwa Housing Authority Taxed Tobacco Products License Renewal for Ojibwa BP Gas Station

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE OJIBWA HOUSING AUTHORITY FOR THE TAXED TOBACCO LICENSE RENEWAL OF OJIBWA BP GAS STATION. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

- c) Ojibwa Housing Authority Liquor License Renewal for Ojibwa BP Gas Station (off premise)

MOTION MADE BY FRED DAKOTA TO APPROVE THE OJIBWA HOUSING AUTHORITY FOR THE LIQUOR LICENSE RENEWAL OF OJIBWA BP GAS STATION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

- d) Tribal Court Christmas Party/Larry Denomie III, CEO

Eddy Edwards suggested eliminating all the employee prizes and giving a flat rate gift card.

Employees can attend either a Department Party or the Tribal Employee Party, but not both.

4. Larry Denomie III, CEO –

- a) Ferrellgas, L.P. Provider Service Agreement for 5 years

MOTION MADE BY EDDY EDWARDS TO TABLE THE FERRELLGAS, L.P. PROVIDER SERVICES AGREEMENT UNTIL AFTER THE CEO MEETS WITH LACOURT. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Fred Dakota, Carole L. LaPointe), MOTION CARRIED.

(Fred Dakota is out of the room)

b) Weekly Update

5. Dale Shalifoe, Baraga Casino Assistant General Manager/Andrew Rasch, Hotel Manager – Hotel Budget Modification

The Council consensus is to allow moving capital funds into the hotel operational equipment funds. There was also an update on the 4 Seasons furniture as renovation by OHA will be starting.

I. Closed Session:

1. Chris Chosa, THPO Director/Rodney Loonsfoot – Powwow Committee Report
2. Brandy Chosa, Gaming Commission Secretary – ICWA/Justice Committee Member Clearance Requests (2)
3. Sarah Maki, Assistant CEO – I.H.S. CSC Claims for 2000-2003
4. David Haataja, Casinos General Manager – Enterprise Employee Grievance Hearing Case #013-12
5. Enterprise Employee Appeal of Termination Hearing Case #014-12

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO CLOSED SESSION AT 10:37 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

Break: 10:38 – 10:48 a.m.

Eddy Edwards left at 11:16 a.m.

Lunch: 12:07 – 1:09 p.m.

Elizabeth Mayo left at 12:07 p.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 1:58 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

ICWA/Justice Committee Member Clearance Requests (2) -

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE A PROVISIONAL LICENSE FOR DEBRA PICCIANO AND A FIVE-YEAR LICENSE FOR JENNIFER MISEGAN FOR THE ICWA COMMITTEE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

Enterprise Employee Grievance Hearing Case #013-12 -

MOTION MADE BY FRED DAKOTA TO UPHOLD THE CEO’S DECISION IN THE GRIEVANCE HEARING CASE NUMBER 013-12. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

Enterprise Employee Appeal of Termination Hearing Case #014-12 -

MOTION MADE BY FRED DAKOTA TO UPHOLD THE CEO’S DECISION AND ALLOW THE TERMINATED EMPLOYEE TO RE-APPLY IN SIX MONTHS FROM TERMINATION IN CASE NUMBER 014-12. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr.), TWO OPPOSED (Jean Jokinen, Elizabeth “Chiz” Matthews), ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 2:05 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Elizabeth D. Mayo, Jerry Lee Curtis, Eddy Edwards, Carole L. LaPointe), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist