

**KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING MINUTES
TRIBAL CENTER CONFERENCE ROOM
FRIDAY, APRIL 25, 2008 AT 9:00 A.M.**

A. Date: April 25, 2008

B. Call to Order: President Swartz called the meeting to order at 9:00 a.m.

C. Invocation: Lord's Prayer

D. Roll Call: X Warren C. Swartz, Jr., President
 X Susan J. LaFernier, Vice-President
 X Toni J. Minton, Secretary
 X William E. Emery, Assistant Secretary
 X Jennifer Misegan, Treasurer
 X Larry J. Denomie III, C.E.O. (*Arrived at 9:05 a.m.*)
 X Doreen G. Blaker (*Left 9:56 – 10:55 a.m.*)
 X Jerry Lee Curtis (*Left 2:50 – 3:31 p.m.*)
 X Michael F. LaFernier, Sr. (*Arrived at 9:28 a.m.*)
 X Elizabeth "Chiz" Matthews
 X Elizabeth D. Mayo
 X Fred Dakota (*Arrived at 9:16 a.m.*)

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

Larry J. Denomie III arrived at 9:05 a.m.

F. Approval of Agenda: April 25, 2008

Additions: F.Y.I.: Warren C. Swartz, Jr. - 3. Claims of another Tribe (Lac Du Flambeau-Wisconsin) wanting to exercise their Off-Reservation Treaty Rights in our home territory by spearing fish in Marquette County.

New Business: Warren C. Swartz, Jr. - 9. Tom Vanzile and Chris McGeshik (Mole Lake)-Exercising Off-Reservation Treaty Rights to spear fish in our home territory.

Closed: Jennifer Misegan - 9. b. Liquor License

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE APRIL 25, 2008 AGENDA AS PRESENTED WITH CHANGES. SUPPORTED BY LARRY J. DENOMIE III. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz Matthews, Elizabeth D. Mayo). 0 OPPOSED. 0 ABSTAINED. TWO ABSENT (Michael F. LaFerner, Sr., Fred Dakota). MOTION CARRIED.

Fred Dakota arrived at 9:16 a.m.

G. For Your Information:

1. A copy of Approved Enrollment Applications (6)
2. Godfrey & Kahn Indian Nations Law Update, April 2008
3. There are claims of another Tribe (Lac Du Flambeau-Wisconsin) wanting to exercise their Off-Reservation Treaty Rights in our home territory by spearing fish in Marquette County without our permission. Our conservation department is aware and will be enforcing the law.

H. Approval of Meeting Minutes: October 13, 2005

MOTION MADE BY TONI J. MINTON TO APPROVE THE OCTOBER 13, 2005 MINUTES WITH CHANGE. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Doreen G. Blaker, Elizabeth D. Mayo, Fred Dakota). 0 OPPOSED. THREE ABSTAINED (Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews). ONE ABSENT (Michael F. LaFerner, Sr.). MOTION CARRIED.

A change was made to page 7 to transpose the “grid policy” and “open session” motions.

Michael F. LaFerner, Sr. arrived at 9:28 a.m.

I. Old Business:

1. Sarah Smith/John Mantila (*Not Present*): Resolution KB-1607-2008-Pines Gaming Facility License

A letter was sent on April 15 by President Warren C. Swartz, Jr. to the NIGC.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1607-2008 WITH NAME CHANGE FROM “OJIBWA SLOTS” TO “PINES SLOTS.” SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. ELEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota). 0 OPPOSED. 0 ABSTAINED. 0 ABSENT. MOTION CARRIED.

J. New Business:

1. Mary Bergerson, Librarian: 2 Year IMLS Grant Submission for library services for the elders, hiring an assistant, and increasing hours of operation.

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE INSTITUTE OF MUSEUM & LIBRARY SERVICES (IMLS) ENHANCEMENT GRANT SUBMISSION. SUPPORTED BY TONI J. MINTON. ELEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota). 0 OPPOSED. 0 ABSTAINED. 0 ABSENT. MOTION CARRIED.

Doreen G. Blaker left at 9:56 a.m.

2. Louis Curtis (*Not Present*): Request for a Commercial Small Boat On and Off Reservation Fishing License

The deadline to apply has passed but licenses were granted in prior years. He is HACCP trained, no violations and Todd Warner did not have any objections.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE A COMMERCIAL SMALL BOAT ON AND OFF RESERVATION FISHING LICENSE TO LOUIS CURTIS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota). 0 OPPOSED. ONE ABSTAINED (Jerry Lee Curtis). ONE ABSENT (Doreen G. Blaker). MOTION CARRIED.

3. Jason Ayres/Gregg Nominelli: New Copier Bids (3)

They recommend U.P. Office Equipment Systems

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE \$7,035.00 FOR A NEW COPIER PURCHASED FROM U.P. OFFICE FOR THE PLANNING & DEVELOPMENT OFFICE. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota). 0 OPPOSED. 0 ABSTAINED. ONE ABSENT (Doreen G. Blaker). MOTION CARRIED.

4. Larry J. Denomie III, C.E.O.

- a) Schedule Employee Grievance Hearing #003-08 (Enterprise Policy)

A hearing is scheduled for Thursday, May 8, 2008.

- b) Amendment to Government Personnel Policy–6.9 Payroll Advances Regarding Out of Town Travel

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE PROPOSED CHANGE TO THE PERSONNEL POLICY 6.9 PAYROLL ADVANCES AND OUT OF TOWN TRAVEL (IF YOU ARE GOING TO BE OUT OF TOWN FOR THE NEXT PAYDAY AND NOT AVAILABLE TO PICK UP YOUR PAYCHECK). SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo). 0 OPPOSED. ONE ABSTAINED (Fred Dakota). ONE ABSENT (Doreen G. Blaker). MOTION CARRIED.

Dale Dakota, Police Chief: Dale stated that he and Dale Goodreau will attend the meeting later today with the Mole Lake visitors. It was also stated that we will invite Jim Zorn, GLIFW and the Commission to have their meeting at Keweenaw Bay in June.

5. Debbie Parrish
- a) Approval of Slate of Board of Regents (New Board Members)

There is one vacancy and an alternate vacancy. Debbie Parrish stated that Robin Chosa was the only applicant and she read Robin Chosa’s letter of request.

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE ROBIN CHOSA TO THE BOARD OF REGENTS FOR THE OJIBWA COMMUNITY COLLEGE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota). 0 OPPOSED. 0 ABSTAINED. ONE ABSENT (Doreen G. Blaker). MOTION CARRIED.

- b) Indian Students Count & Training

This was for information purposes only. Debbie Parrish supplied a chart for Council’s review. Debbie wants to begin sessions on May 12, 2008. President Warren C. Swartz, Jr. stated that he wants Debbie to provide an e-mail of the new student count to each Council Member, ASAP. Reimbursement from the Bureau of Indian Education (B.I.E.) is based on count. She requested that all training that the Tribe provides go through the college to add to their count. She will provide a list of training that the departments could do at the May Department Head Meeting.

Doreen G. Blaker returned at 10:55 a.m.

- c) She inquired about the Services Agreement between KBIC Anishinaabe Anokki and OCC for \$20,000.00 for Training

Larry J. Denomie III, C.E.O. will check to see where the review of the Services Agreement is at.

PRESIDENT SWARTZ MENTIONED TO DEBBIE THAT HE WOULD LIKE TO RECEIVE ALL PRESENTOR PACKETS ELECTRONICALLY (E-MAIL) WITH THE EXCEPTION OF WILLIAM E. EMERY, MICHAEL F. LAFERNIER, SR., AND FRED DAKOTA, THEY PREFER PAPER COPIES.

- d) The Quarterly Report was submitted by the April 20th deadline and the PIF was submitted on April 1st. She stated that the action plan may be delayed for a month and the self study meetings have been scheduled with faculty and staff for May 2-5. She invited Council to attend.

Break 11:10 – 11:27 a.m.

6. Jim Stingle/Jean Jokinen: KBIC Organization Chart

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE KBIC ORGANIZATION CHART AS PRESENTED WITH CHANGES. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo). ONE OPPOSED (Fred Dakota). 0 ABSTAINED. 0 ABSENT. MOTION CARRIED.

7. Todd Warner: The Children’s Fishing Derby

This year’s event will be held on June 21, 2008 at 9:00 a.m. A new name will be given each year. The names come from those fishermen who have passed on. It was suggested that the Natural Resources Committee be contacted so they can draft up a list of those fishermen. Each year a different name can be picked from the list to use for the Annual Children’s Fishing Derby.

MOTION MADE BY ELIZABETH D. MAYO TO NAME THE 2008 ANNUAL CHILDREN’S FISHING DERBY TO GEORGE E. CURTIS MEMORIAL FISHING DERBY. SUPPORTED BY LARRY J. DENOMIE III. ELEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota). 0 OPPOSED. 0 ABSTAINED. 0 ABSENT. MOTION CARRIED.

Lunch 11:51 – 1:05 p.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 1:06 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFernier, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr.). ONE OPPOSED (Fred Dakota). 0 ABSTAINED. THREE ABSENT (Elizabeth “Chiz” Matthews, Toni J. Minton, Elizabeth D. Mayo). MOTION CARRIED.

K. Closed Session:

1. **1:00 p.m.:** Conference Call (Attorney)
2. John Baker, Attorney

MOTION MADE BY JENNIFER MISEGAN TO GO INTO CLOSED SESSION AT 1:06 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFernier, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr.). ONE OPPOSED (Fred Dakota). 0 ABSTAINED. THREE ABSENT (Toni J. Minton, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo). MOTION CARRIED.

Elizabeth “Chiz” Matthews returned at 1:07 p.m.

Toni J. Minton returned at 1:08 p.m.

Elizabeth D. Mayo returned at 1:09 p.m.

Break 2:35 – 2:50 p.m. (Jerry Lee Curtis left the meeting).

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 2:51 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota). 0 OPPOSED. 0 ABSTAINED. THREE ABSENT (Doreen G. Blaker, Jerry Lee Curtis, Elizabeth D. Mayo). MOTION CARRIED.

Elizabeth D. Mayo out of the room - returned at 2:52 p.m.

New Business:

8. Warren C. Swartz, Jr.: Tom Van Zile and Chris McGeshik (Mole Lake)- Exercising Off-Reservation Treaty Rights to spear fish in our home territory in Marquette.
Also Present: Dale Dakota, Police Chief and Dale Goodreau, Sergeant

Mr. VanZile and Mr. McGeshik stated that this is a courtesy request. They informed the Council that they plan on exercising their Off-Reservation Treaty Rights. They don't have any lakes on their reserve that have Walleye. They stated that they have approximately ten (10) Tribal Member spear fishermen that will be coming. Their intent is that all of their interested Tribal Members be allowed to fish in KBIC territories according to their constitution and rights and they did not intend to follow our quota rules per right. President Swartz informed them that they have to obtain a visitor's permit from our licensing clerk. The visitor's permit is subject to the Tribal Council President's approval. If approved, they would have to follow our guidelines to fish in KBIC territories. He further stated that all KBIC laws will be enforced by Tribal Police and Tribal Conservation Officers.

*Jerry Lee Curtis returned at 3:31 p.m.
Doreen G. Blaker left at 3:31 p.m.*

Break 3:48 – 4:08 p.m.

9. Sarah Smith: Cell Phone Proposals

We currently utilize Cellular One (AT&T)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE CELL PHONE PROPOSAL FROM ALTELL. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota). 0 OPPOSED. ONE ABSTAINED (Elizabeth "Chiz" Matthews). ONE ABSENT (Doreen G. Blaker). MOTION CARRIED.

10. Jennifer Misegan – Donation request for the Assinins Church for tomorrow, April 26th.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A \$100.00 DONATION TO THE HOLY NAME OF JESUS CHURCH FOR THE BREAKING OF THE WATER CEREMONY. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Susan J. LaFernier, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota). ONE OPPOSED (Toni J. Minton). ONE ABSTAINED (Elizabeth "Chiz" Matthews). ONE ABSENT (Doreen G. Blaker). MOTION CARRIED.

The remaining items on the Agenda will be covered on April 29, 2008 and May 3, 2008.

L. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN THE MEETING AT 4:26 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota). 0 OPPOSED. 0 ABSTAINED. ONE ABSENT (Doreen G. Blaker). MOTION CARRIED.

Respectfully Submitted By:

Janice M. Halverson, *Acting Recording Secretary*

Date