

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MARCH 20, 2008 – 9:00 A.M.**

- A. Date: March 20, 2008
- B. Call to Order: President Swartz called the meeting to order at 9:07 a.m.
- C. Invocation: The Lord’s Prayer and prayers for the families of Larry Thomas and Lester Drift (Moment of Silence)
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFERNIER, Vice-President (left at 10:50 a.m. – 1:10 p.m.)
Toni J. Minton, Secretary
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer
Larry J. Denomie III, CEO
Doreen G. Blaker (arrived at 10:05 a.m., left 10:43 a.m. – 3:16 p.m.)
Jerry Lee Curtis
Michael F. LaFERNIER, Sr. (arrived at 11:00 a.m., left at 3:16 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo
Fred Dakota (left 10:36 – 11:39 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 20, 2008
- Additions: FYI- 3. Chris Swartz – MOU – Tribal ID Workshop
Closed Session- 6. Elizabeth Mayo - KBIC’s Payments
- Deletion: Approval of Meeting Minutes- H. 1. February 2, 2008

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ONE ABSTAINING (Fred Dakota), TWO ABSENT (Doreen G. Blaker, Michael F. LaFerner, Sr.), MOTION CARRIED.

G. For Your Information:

1. 113th Annual Higher Learning Commission Meeting – April 11th – 15th, 2008 - Chicago, IL – on Accreditation, Assessment and Accountability - Larry Denomie will be attending.
2. A letter from William Seppanen, Education Committee Secretary – The Education Committee denied a request by Debbie Parrish to change to the Sovereign Student Fund Policy. A copy of the letter will be sent to Debbie Parrish.
3. Tribal ID Workshop – Chris Swartz and Jeanne Kauppila attended a meeting with LVD Chairman Williams on March 19th in an attempt to have all Tribes ID cards recognized by the State. (See MOU between the Little Traverse Bay Band of Odawa Indians and the Michigan Department of State). There will be another meeting in May.

H. Old Business:

1. Jim Stingle, Grant Writer – Organizational Chart - Several changes were discussed. Jim will bring this back to the Council at a future meeting.
2. Larry Denomie – Corrected Motion from 2/22/08 for Appeal of Dismissal Case #002-08

MOTION MADE BY JERRY LEE CURTIS TO CORRECT THE APPEAL OF DISMISSAL IN CASE #002-08 TO READ AS FOLLOWS: TO REINSTATE THE EMPLOYEE AND TO ALLOW THE EMPLOYEE’S RETURN TO WORK UPON SUCCESSFUL COMPLETION OF HIS RECOMMENDED REQUIREMENTS. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ONE ABSTAINING (Larry J. Denomie III), THREE ABSENT (Jennifer Misegan, Doreen G. Blaker, Michael F. LaFerner, Sr.), MOTION CARRIED.

(Jennifer Misegan out of room)

3. Todd Warner, NRD – a) U.S. Coast Guard MOA – for working cooperatively on enforcement of commercial fishing vessel safety laws on Lake Superior - updated

MOTION MADE BY FRED DAKOTA TO APPROVE THE COAST GUARD MOA AGREEMENT, AS PRESENTED BY TODD WARNER, BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND THE U.S. COAST GUARD. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Michael F. LaFerner, Sr.), MOTION CARRIED.

b) Circle of Flight and Hatchery Maintenance Funding for 2008

Todd gave an update on funds received in the amount of \$8000.00 from the Circle of Flight Program and gave a summary of what the Natural Resource Department plans to use the funding for. The Department will continue with the waterfowl survey work, the continuation of frog and toad surveys, and funds will also be used for the purchase of wild rice seed for planting on the Reservation and ceded territories. The Hatchery Maintenance program also received \$15,000.00 to help pay for the new well at the Hatchery.

Break: 9:50 – 10:05 a.m.

Doreen Blaker arrived at 10:05 a.m.

I. New Business:

1. Larry Denomie – a) **1st Reading** – Introduction of the Title 19 Employment Chapter 19.A - Right to Work Ordinance 2008-01

The purpose of the ordinance is to protect the right of employees to work without being forced to join a labor organization or from being penalized for not joining a labor organization.

Mr. Baker stated that under Federal Labor Laws, Unions can come in and with a majority can force all employees to become members of the Union.

MOTION MADE BY LARRY J. DENOMIE III TO INTRODUCE THE RIGHT TO WORK ORDINANCE 2008-01 AND WAIVE THE FIRST READING. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFERNIER, Sr.), MOTION CARRIED.

The 2nd Reading was scheduled for Saturday, April 5, 2008.

b) Amendment to Ojibwa Casino’s Employee Handbook

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE AN AMENDMENT TO SECTION 17.2 EMPLOYEE DISCIPLINE IN THE OJIBWA CASINO HANDBOOK TO ADD “BRANDISHING A WEAPON.” SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ONE ABSTAINING (Fred Dakota), ONE ABSENT (Michael F. LaFERNIER, Sr.), MOTION CARRIED.

2. Robin Chosa/Elizabeth Mayo – **1st Reading** of TERO Ordinance Amendments 2008-02

[Elizabeth Mayo requested this item to be removed from the Agenda]

3. John Baker, Attorney – a) New Business License for Jennifer Westman – Creative Catering

[Mr. Baker was attending a conference call – will return to later in the day]

4. Lori Muhlig/Carla Korpala, MTU – Grants/Proposals for Gear-Up, I-Test and IGERT

Lori gave a presentation on programs offered through Michigan Tech for students to participate in to gain knowledge and practical skills in the workforce as well as summer youth Science programs. Lori asked the Council for a letter of support for the I-Test and IGERT Summer Programs.

Fred Dakota left at 10:36 a.m.

[Chris Swartz out of the room – Susan LaFERNIER read the motion]

MOTION MADE BY JENNIFER MISEGAN TO SEND A LETTER OF SUPPORT FOR MTU’S APPLICATION FOR THE I-TEST AND IGERT SUMMER PROGRAMS. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Michael F. LaFERNIER, Sr., Fred Dakota), MOTION CARRIED.

Doreen Blaker left at 10:43 a.m.

[Return to #3.]

3. John Baker, Attorney – a) New Business License for Jennifer Westman – Creative Catering

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE BUSINESS LICENSE FOR JENNIFER WESTMAN DOING BUSINESS AS CREATIVE CATERING. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED – 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Michael F. LaFERNIER, Sr., Fred Dakota), MOTION CARRIED.

J. Closed Session:

1. Chuck Brumleve, Mining Specialist Update
2. John Baker, Attorney
3. Susan LaFernier, Vice-President - Committees
4. Larry Denomie, CEO
5. Warren C. Swartz, Jr., President
6. Elizabeth Mayo/Francis LaPointe – KBIC’s Payments

MOTION MADE BY WILLIAM E. EMERY TO GO INTO CLOSED SESSION AT 10:45 A.M. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Michael F. LaFernier, Sr., Fred Dakota), MOTION CARRIED.

Susan LaFernier left at 10:50 a.m. – 1:10 p.m.

Mike LaFernier arrived at 11:00 a.m.

Break: 11:08 – 11:23 a.m.

Fred Dakota returned at 11:39 a.m.

Lunch: 12:02 – 1:10 p.m.

Break: 3:01 – 3:16 p.m.

Doreen Blaker returned at 3:16 p.m.

Mike LaFernier left at 3:16 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 3:53 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

Land Claims Issue-

MOTION MADE BY JERRY LEE CURTIS TO DIRECT OUR LEGAL COUNSEL TO MOVE AHEAD WITH THE LAND CLAIMS, OPTION B, TO FILE A CLAIM AND START THE PROCESS OF WHAT WAS DISCUSSED. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ONE ABSTAINED (Susan J. LaFernier), ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:03 P.M. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary