

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
OJIBWA CASINO RESORT CONFERENCE ROOM  
THURSDAY – OCTOBER 4, 2012 – 9:00 A.M.**

- A. Date: October 4, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:20 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Elizabeth D. Mayo, Vice President (left 10:40 a.m. – 1:04 p.m.)  
Susan J. LaFerner, Secretary  
Jerry Lee Curtis, Assistant Secretary  
Toni J. Minton, Treasurer (left at 12:11 p.m.)  
Robert R.D. Curtis, Jr.  
Fred Dakota  
Eddy Edwards (left 12:11 – 1:14 p.m.)  
Jean Jokinen  
Michael F. LaFerner, Sr.  
Carole L. LaPointe (arrived at 9:22 a.m.)  
Elizabeth “Chiz” Matthews (left - 12:11 – 1:16 p.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: October 4, 2012
- Additions: FYI- 7. President Swartz - Rio Tinto Letter from Adam Burley  
Old Business- 2. President Swartz – Humboldt Township Supervisor Offer  
3. President Swartz – TERO Hearing (9/27/12)

**MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

G. For Your Information:

1. A copy of Indian Health Service Preprimary Education Center Playground Safety Assessment – July 10, 2012
2. A copy of Indian Health Service Crazy Joe’s Initial Food Safety Survey Report – July 10, 2012
3. A copy of Indian Health Service Side Track Food Safety Survey Report
4. A copy of Indian Health Service Ojibwa BP Environmental Health & Safety Survey Report – July 10, 2012
5. A copy of KBIC Government Ethnic Statistics ending September 24, 2012
6. Mining Case Briefing deadline extended to Oct 15<sup>th</sup> to allow for Ms. Martin’s participation per request from Honigman
7. President Swartz - Rio Tinto Letter from Adam Burley

H. Old Business:

1. Larry Denomie III, CEO –
  - a) FY-13 Employee Raise

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE A 3% RAISE FOR FY2013 FOR ALL ELIGIBLE EMPLOYEES TO BE EFFECTIVE ON THEIR ANNIVERSARY DATE. EMPLOYEES HIRED ON OR AFTER 10/01/08 HAVE AN EFFECTIVE DATE OF THE MONTH AND DATE HIRED IN THEIR CURRENT POSITIONS. EMPLOYEES HIRED PRIOR TO 10-01-08 HAVE AN EFFECTIVE DATE OF 10-01. SUPPORTED BY JERRY LEE CURTIS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

2. President Swartz - Humboldt Township Supervisor Land Offer

The original offer was \$55,000.00 for land in Negaunee and he is willing to accept a cash offer. No action was taken.

3. TERO Hearing – (9/27/12)

**MOTION MADE BY EDDY EDWARDS TO UPHOLD THE TERO DIRECTOR’S DECISION REGARDING THE TERO HEARING. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Jean Jokinen), ONE ABSTAINING (Fred Dakota), ABSENT - 0, MOTION CARRIED.**

I. Recognize Scheduled Delegation/Individuals:

1. Gregg Nominelli – Comprehensive Strategic Plan Review –

- a) Value - Tradition/Culture: THPO, Language
- b) Value - Respect: THPO, Council

**Break: 10:40 – 10:52 a.m. (Elizabeth Mayo left during break)**

[Old Business]

- 1. b) Proposed Ojibwa Casinos Employment Manual

Enterprise Employee Excess Annual Leave Hours –

**MOTION MADE BY EDDY EDWARDS TO AMEND THE POLICY THAT PAYMENT SHALL BE MADE ON ALL ANNUAL LEAVE OVER 100 HOURS TO THE EMPLOYEE AT THE END OF EACH FISCAL YEAR INCLUDING THIS FISCAL YEAR THAT JUST ENDED. SUPPORTED BY JEAN JOKINEN. EIGHT IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Toni J. Minton, Robert R.D. Curtis, Jr.), ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

Toni Minton stated her opposition: She feels it should be over 160 hours.  
R.D. Curtis concurs.

President Swartz instructed Dale Shalifoe to take note of the amendment.

A discussion was held on employees attending Council meetings. Council members pro-rate their (job) stipend during Council meetings.

Jean Jokinen stated anyone attending Council meetings should have to use annual leave otherwise it is double-dipping. Jean stated the Council members get paid for their jobs during Council meetings.

Eddy Edwards stated anyone attending a Council or Committee meeting should only be paid for one or the other for the same hour. Eddy is opposed to double-dipping.

**MOTION MADE BY JEAN JOKINEN TO ONLY ALLOW EMPLOYEES TO ATTEND TRIBAL COUNCIL AND OTHER COMMITTEE MEETINGS DURING WORK HOURS UPON ADVANCED APPROVAL FROM THEIR SUPERVISOR FOR UP TO TWO HOURS PER MONTH OR MUST USE ANNUAL LEAVE BEYOND THAT. SUPPORTED BY CAROLE L. LAPOINTE. FIVE IN FAVOR (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe), FIVE OPPOSED (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE ABSTAINING (Warren C. Swartz, Jr.), ONE ABSENT (Elizabeth D. Mayo), TIE VOTE. MOTION DEFEATED.**

**MOTION MADE BY CAROLE L. LAPOINTE TO ALLOW EMPLOYEES TO ATTEND TRIBAL COUNCIL AND OTHER COMMITTEE MEETINGS DURING WORK HOURS BUT MUST PRO-RATE THEIR WAGES. SUPPORTED BY EDDY EDWARDS. FIVE IN FAVOR (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe), FIVE OPPOSED (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), TIE VOTE. PRESIDENT SWARTZ IS OPPOSED, MOTION DEFEATED.**

Jean Jokinen stated the same should be allowed for Council members.

Susan LaFernier stated the pay would not be fair. (Most committees receive \$30.00 per meeting once a month and the Council receives \$250.00 per meeting once a week).

Jean Jokinen stated the pay is irrelevant and she will get on the agenda next week to make it the same for the Council so it is fair. (Regarding having to use Annual Leave – which didn’t pass)

Discussion: Enterprise Grievance Procedure

**MOTION MADE BY FRED DAKOTA TO ADOPT THE OJIBWA CASINOS EMPLOYMENT MANUAL. SUPPORTED BY CAROLE L. LAPOINTE. SIX IN FAVOR (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Susan J. LaFernier, Jerry Lee Curtis, Eddy Edwards, Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

J. New Business:

1. Dale Shalifoe, Assistant GM – Carpet bids for Baraga Casino (3)

The Council consensus was to have this come back with more accurate designs, details, and grades.

2. Larry Denomie III, CEO – Weekly Update

Eddy Edwards asked if there is a criteria used for utility shut-offs. He stated Fire Fighters are purposely allowing their utilities to go into shut-off status and then collecting \$800.00 from the CAP Office and he feels there should be criteria used for the situation the member is in before approving payments.

**Lunch: 12:11 – 1:04 p.m. (Toni Minton, Eddy Edwards, Elizabeth Matthews left at 12:11 p.m.)**

**Elizabeth Mayo returned at 1:04 p.m.**

3. President Swartz – Ojibwa Seniors Michigan Indian Elders Association (MIEA) Board members Shirley McKasy, Philomena Ekdahl - Delegates and Sandy Pittsley - Alternate

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MIEA DELEGATES AS SHIRLEY MCKASY AND PHILOMENA EKDAHL FOR TWO YEAR TERMS AND THE ALTERNATE AS SANDRA PITTSLEY. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Eddy Edwards, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

4. Susan LaFernier-

- a) Schedule – 3<sup>rd</sup> Reading KBIC Tribal Code Title Five - Adoptions Proposed Ordinance 2012-05 and 3<sup>rd</sup> Reading KBIC Tribal Code Title Six – Guardians and Conservators Proposed Ordinance 2012-06

The 3<sup>rd</sup> Readings are scheduled for October 6, 2012 at Harvey.

- b) Schedule Government Appeal of Dismissal Hearing

The Hearing is scheduled for October 18, 2012.

**Eddy Edwards returned from lunch at 1:14 p.m.**

K. Closed Session:

1. Ed Janisse (not present) - Marketron Broadcast Solutions, LLC – Software License and Service Agreement Renewal until September 2017
2. Eddy Edwards –
  - a) Tribal Police Off-Reservation
  - b) Ojibwa Housing Authority Financials Update
  - c) Four Seasons Inn

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:15 P.M. SUPPORTED BY CAROLE L. LAPOINTE. FIVE IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Eddy Edwards, Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

**Elizabeth Matthews returned from lunch at 1:16 p.m.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 2:17 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

Marketron Broadcast Solutions, LLC – Radio

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE MARKETRON BROADCAST SOLUTIONS, LLC SOFTWARE LICENSE RENEWAL AND SERVICES AGREEMENT. SUPPORTED BY CAROLE L. LAPOINTE. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

Four Seasons Inn –

**MOTION MADE BY ELIZABETH D. MAYO TO HAVE MANAGEMENT MOVE FORWARD WITH CLOSING THE FOUR SEASONS INN ON NOVEMBER 4, 2012. SUPPORTED BY CAROLE L. LAPOINTE. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

L. Adjournment:

**MOTION MADE BY FRED DAKOTA TO ADJOURN AT 2:21 P.M. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton (for Kim Klopstein)  
Administrative Specialist