

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 – JUNE 11, 2015 – 9:00 A.M.

APPROVED
7-30-15

- A. Date: June 11, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:07 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left at 3:24 p.m.)
Jennifer Misegan, Vice President
Toni J. Minton, Secretary (left at 12:10 p.m.)
Susan J. LaFernier, Assistant Secretary
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (arrived at 9:14 a.m., left at 12:10 p.m.)
Eddy Edwards (arrived at 1:28 p.m.)
Randall R. Haataja (left at 2:42 p.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Don Messer, Jr. (left 2:00 – 2:38 p.m.)
Donald Shalifoe, Sr. (arrived at 9:14 a.m., left at 3:33 p.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: June 11, 2015
- Addition: FYI- 1. Confidential Memo from Danielle Webb, Assistant Tribal Prosecutor

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY RANDALL R. HAATAJA. 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.

G. For Your Information:

1. Confidential Memo from Danielle Webb, Assistant Tribal Prosecutor

H. Old Business:

1. Larry Denomie III, CEO – Review of KBIC Enterprises Employee Manual Power Point (includes the Housing Department Businesses)

Robert R.D. Curtis, Jr. and Donald Shalifoe, Sr. arrived at 9:14 a.m.

Larry will send a new copy with the revisions discussed.

Break: 10:18 – 10:34 a.m.

Don Messer, Jr. returned from break at 10:37 a.m.

Robert R.D. Curtis, Jr. and Donald Shalifoe, Sr. returned from break at 10:38 a.m.

I. New Business:

1. Michelle (not present) and Jeff Maki/Danielle Webb, Assistant Tribal Attorney – Maki Construction Business License Renewal

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE BUSINESS LICENSE RENEWAL FOR MAKI CONSTRUCTION WITH MICHELLE AND JEFF MAKI. SUPPORTED BY DON MESSER, JR. NINE 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., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), ONE ABSENT (Eddy Edwards), MOTION CARRIED.

2. Bruce LaPointe, Director of Public Works Department/Danielle Webb, Assistant Tribal Attorney – I.H.S. MOA for Construction of Sanitation Facilities (2) \$30,000.00

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN INDIAN HEALTH SERVICES AND THE KEWEENAW BAY INDIAN COMMUNITY FOR THE CONSTRUCTION OF SANITATION FACILITIES. SUPPORTED BY SUSAN J. LAFERNIER. TEN 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Eddy Edwards), MOTION CARRIED.

3. Gary Loonsfoot, Jr., Director of Cultural Resources –

- a) Resolution KB-026-2015 Darrell Kingbird Credential for a Demonstrated Mastery of the Anishnaabe Language

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-026-2015 DARRELL KINGBIRD DEMONSTRATED MASTERY OF ANISHNAABE LANGUAGE. SUPPORTED BY GARY F. LOONSFOOT, 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.), OPPOSED - 0, ONE ABSTAINING (Donald Shalifoe, Sr.), ONE ABSENT (Eddy Edwards), MOTION CARRIED.

- b) Darrell Kingbird Language Instructor (L'Anse and Baraga Schools) Employment Agreement for 3 years

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE LANGUAGE INSTRUCTOR EMPLOYMENT AGREEMENT WITH DARRELL KINGBIRD. SUPPORTED BY TONI J. MINTON. 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.), ONE OPPOSED (Donald Shalifoe, Sr.), ONE ABSTAINING (Robert R.D. Curtis, Jr.), ONE ABSENT (Eddy Edwards), MOTION CARRIED.

4. Larry Denomie III, CEO – Housing Department Organization Structure

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE HOUSING DEPARTMENT ORGANIZATIONAL STRUCTURE. SUPPORTED BY GARY F. LOONSFOOT, 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.), OPPOSED - 0, ONE ABSTAINING (Donald Shalifoe, Sr.), ONE ABSENT (Eddy Edwards), MOTION CARRIED.

5. Jason Ayres, Real Estate Officer –

- a) Resolution KB-029-2015 Lisa M. (Chosa) Hutchison Recreational Lease

MOTION MADE BY DONALD SHALIFOE, SR. TO APPROVE RESOLUTION KB-029-2015 LISA M. HUTCHISON RECREATIONAL LEASE. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Eddy Edwards), MOTION CARRIED.

b) Resolution KB-030-2015 Angelica V. Bogda Recreational Lease

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE RESOLUTION KB-030-2015 ANGELICA V. BOGDA RECREATIONAL LEASE. SUPPORTED BY DONALD SHALIFOE, SR. TEN 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Eddy Edwards), MOTION CARRIED.

6. Cynthia Gourneau, Chief Pharmacist – Review Pharmacy Corrective Action Plan/Timeline Dispensing of Medications (Draft)

Cynthia will revise the draft and return on June 25, 2015.

7. Lori Sherman, Director of Natural Resources Department –

a) Resolution KB-025-2015 BIA Climate Change Program

MOTION MADE BY TONI J. MINTON TO APPROVE RESOLUTION KB-025-2015 BIA CLIMATE CHANGE PROGRAM. SUPPORTED BY DOREEN G. BLAKER. TEN 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Eddy Edwards), MOTION CARRIED.

- b) Jacob Haapapuro, Aquatic Invasive Species Educator - Truck Bids for Aquatic Invasive Species Position (5)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE BID FROM KISSEL CHEVROLET FOR THE PURCHASE OF A 2013 CHEVY SILVERADO 1500 IN THE AMOUNT OF \$24,300.00 AND TO INCLUDE THE LICENSE AND TAX. SUPPORTED BY DON MESSER, JR. NINE IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, ONE ABSENT (Eddy Edwards), MOTION CARRIED.

J. Closed Session:

1. Jason Ayres, Realty Officer – Property Acquisition
2. Doreen Blaker, Treasurer - Employment Requirement
3. President Swartz – Dorsey & Whitney Memo Review

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 12:00 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN 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., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Eddy Edwards), MOTION CARRIED.

Doreen Blaker left at 12:01 p.m.

Lunch: 12:10 – 1:28 p.m. (Toni Minton and Robert R.D. Curtis, Jr. left)

Doreen Blaker returned at 1:28 p.m.

Eddy Edwards arrived at 1:28 p.m.

Don Messer, Jr. left 2:00 – 2:38 p.m.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 2:41 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, 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, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Randall Haataja left at 2:42 p.m.

[Old Business]

2. Sarah Maki/Mike Cardinal/Constitution Convention Committee - Proposed Constitutional Amendment - Article IX Judicial Branch – to establish a Tribal Judiciary System known as the Keweenaw Bay Tribal Court. Council also received a history of the Constitution Convention which met February 3 – May 5, 2015 and a copy of Title One. The changes were also reviewed.

President Swartz left at 3:24 p.m.

Donald Shalifoe, Sr. left at 3:33 p.m.

The consensus was to delete Section 1 (Purpose), and remove Section 17 Individual Rights for a possible separate article in the future. Danielle Webb will review and make recommendations in 3-4 weeks.

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE KBIC ENTERPRISE EMPLOYEE MANUAL WITH THE CHANGES AS DISCUSSED. SUPPORTED BY GARY F. LOONSFOOT, SR. FIVE IN FAVOR (Susan J. LaFERNIER, Doreen G. Blaker, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

[New Business]

8. Susan LaFERNIER, Assistant Secretary – Schedule Government Employee Appeal of Dismissal Hearing Case #011-15

The hearing was scheduled for June 18, 2015 at 10:00 a.m.

K. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 3:39 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFERNIER, Doreen G. Blaker, Eddy Edwards, Michael F. LaFERNIER, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Donald Shalifoe, Sr.), MOTION CARRIED.

Respectfully submitted,


Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JUNE 11, 2015 – 9:00 A.M.

A. Date: June 11, 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: June 11, 2015

G. Old Business:

1. Sarah Maki/Constitution Convention Committee - Proposed Constitutional Amendment - Article IX Judicial Branch – to establish a Tribal Judiciary System known as the Keweenaw Bay Tribal Court
2. Larry Denomie III, CEO – Review of KBIC Enterprises Employee Handbook

H. New Business:

1. Michelle and Jeff Maki/Danielle Webb, Assistant Tribal Attorney – Maki Construction Business License Renewal
2. Bruce LaPointe, Director of Public Works Department/Danielle Webb, Assistant Tribal Attorney - IHS MOA for Construction of Sanitation Facilities (2)
3. Gary Loonsfoot, Jr., Director of Cultural Resources –
 - a) Resolution KB-026-2015 Darrell Kingbird Demonstrated Master of Anishnaabemowin Language
 - b) Darrell Kingbird Language Instructor Employment Agreement

4. Cynthia Gourneau, Chief Pharmacist – Pharmacy Corrective Action Plan/Timeline
5. Lori Sherman, Director of Natural Resources Department –
 - a) Resolution KB-025-2015 BIA Climate Change Program
 - b) Truck Bids for Aquatic Invasive Species Position
6. Larry Denomie III, CEO – Housing Department Organization Structure
7. Susan LaFerner, Assistant Secretary – Schedule Government Employee Appeal of Termination Hearing Case #011-15
8. Jason Ayres, Realty Officer –
 - a) Resolution KB-029-2015 Lisa M. Chosa Recreational Lease
 - b) Resolution KB-030-2015 Angelica V. Bogda Recreational Lease

I. Closed Session:

1. Jason Ayres, Realty Officer – Property Acquisition
2. Doreen Blaker, Treasurer - Employment Requirement
3. President Swartz – Dorsey & Whitney Memo Review – **2:00 p.m.**

J. Adjournment: