

# 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 FINANCE/SPECIAL COUNCIL MEETING OJIBWA CASINO RESORT CONFERENCE ROOM THURSDAY – SEPTEMBER 17, 2015 – 9:00 A.M.

APPROVED

10-22-15

- A. Date: September 17, 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  
Jennifer Misegan, Vice President  
Toni J. Minton, Secretary (left at 12:18 p.m.)  
Susan J. LaFernier, Assistant Secretary  
Randall R. Haataja (left at 2:33 p.m.)  
Michael F. LaFernier, Sr.  
Gary F. Loonsfoot, Sr.  
Don Messer, Jr. (left 9:44 – 10:16 a.m., left at 3:43 p.m.)  
Donald Shalifoe, Sr. (arrived at 9:09 a.m.)  
Absent: Doreen G. Blaker, Treasurer  
Robert R.D. Curtis, Jr.  
Eddy Edwards
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 17, 2015

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Donald Shalifoe, Sr.), MOTION CARRIED.**

#### G. Recognize Scheduled Delegation/Individuals:

1. Cindy Payment, Inter-Tribal Council – Workforce Innovation and Opportunity Act (WIOA) Program – Inter-Tribal Council MOA for Adult and Summer Youth Programs July 1, 2015 – June 30, 2016

**Donald Shalifoe, Sr. arrived at 9:09 a.m.**

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE MEMORANDUM OF AGREEMENTS BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND INTER-TRIBAL COUNCIL FOR THE WIOA ADULT PROGRAM AND WIOA SUMMER YOUTH PROGRAM. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.**

H. Old Business:

1. Carole LaPointe, Health Administrator –

- a) Provider Group Affiliation Agreement – Blue Care Network of Michigan, Inc. and BCN Service Company
- b) Provider Group Affiliation Agreement - Blue Cross Complete of Michigan
- c) Amendment to Provider Group Affiliation Agreement – BCN Advantage
- d) Addendum for Indian Health Care Providers – Model QHP

(Initial term through the end of the calendar year and shall renew automatically for additional one-year terms unless otherwise terminated)

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE PROVIDER GROUP AFFILIATION AGREEMENT BETWEEN BLUE CARE NETWORK OF MICHIGAN, INC. AND BCN SERVICE COMPANY, THE PROVIDER GROUP AFFILIATION AGREEMENT WITH BLUE CROSS COMPLETE, THE AMENDMENT TO PROVIDER GROUP AFFILIATION AGREEMENT BCN ADVANTAGE, AND THE ADDENDUM FOR INDIAN HEALTH CARE PROVIDERS MODEL QHP AND AUTHORIZE THE PRESIDENT TO SIGN. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.**

I. New Business:

- 1. Lori Sherman, Director of Natural Resources/Danielle Webb, Assistant Tribal Attorney – United States Department of Agriculture Conservation Program Application (Term not to exceed 10 years from date of approval)

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE USDA CONSERVATION PROGRAM APPLICATION FOR THE WALLEYE POND FIX. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.**

2. Sarah Maki/Constitution Committee – Resolution KB-042-2015 Article IX – Judicial Branch and request that the Secretary of Interior call for an election for the purpose of voting on Article IX – Judicial Branch to be added to the Constitution.

The Council made suggestions for change and it will come back on September 24, 2015.

**Don Messer, Jr. left at 9:44 a.m.**

3. Gary Loonsfoot, Jr., Director of Cultural Resources –
  - a) Language Immersion Services Agreements (2) September 18, 2015 – September 17, 2016

**MOTION MADE BY TONI J. MINTON TO APPROVE THE SERVICES AGREEMENTS WITH LINDA TRUDEAU AND MABLE LEWIS-HILL FOR THE LANGUAGE IMMERSION CLASSES AND AUTHORIZE THE PRESIDENT TO SIGN. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Don Messer, Jr.), MOTION CARRIED.**

- b) Traditional Healer Services Agreement [Rescheduled September 24, 2015]

4. President Swartz –

- a) Alcoholic Beverage License Amendments (KB-1821-2011) for the Pines Convenience Center and Smoke Shop which clarifies sales on Sunday

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AMENDED ALCOHOLIC BEVERAGE LICENSE FOR THE PINES CONVENIENCE CENTER EFFECTIVE JANUARY 1, 2015 AND AUTHORIZE THE PRESIDENT TO SIGN. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Don Messer, Jr.), MOTION CARRIED.**

- b) Donations/September 2015

**Don Messer, Jr. returned at 10:16 a.m.**

\$1,000.00 TO MTU Parade of Nations, \$500.00 Special Olympics, \$240.00 (and an overnight stay) 1<sup>st</sup> Annual Mike Hazen Sr. Gold Memorial, \$500.00 Bay Cliff Health Camp - Total \$2,240.00 + hotel room

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE SEPTEMBER 2015 DONATIONS AS PRESENTED. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.**

5. Susan LaFernier, Assistant Secretary – Schedule Government Employee Appeal of Dismissal Hearing Case #015-15

The hearing was scheduled for September 24, 2015 at 10:00 a.m.

6. Larry Denomie III, CEO –

- a) CEO Updates (verbal)

The Rez Stop blacktop project has been put on hold as there were three underground storage tanks discovered on the property. They have been removed and are being tested. A Phase 1 Environmental Study was not done before construction began. The cost for this will be \$10,000.00 (+).

The Michigan Department of Education has signed off on the MOA for the language project and stated:

*“The plan for assuring mastery of Anishnaabe proficiency presented in the Teacher Credential document is a textbook approach to the 380.1531f requirements for a memorandum of understanding to hire a non-certificated teacher to instruct a Native American tribal language. In fact, the minimum standard that you’re setting for proficiency in Anishnaabe via this agreement exceeds the level established in our Anishnaabemowin Language and Culture (FN) teacher preparation standards. I don’t see anything in the documentation provided that raises any red flags with regard to MDE policies for appropriate placement of world language teachers and the 380.1531f provisions.”*

**Don Messer, Jr. left 10:29 – 10:38 a.m.**

- b) High School Diploma/GED Requirements for Elders

Larry will return with options and policy amendments.

J. Closed Session:

1. Larry Denomie III, CEO – I.T. Technology Audit/Assessment Report
2. Danielle Webb, Assistant Tribal Attorney –
  - a) Replevin Notice
  - b) Federal Treaty Cases
  - c) Farming Case
3. Budget Reviews – [Open to KBIC Members] - Francis “Hosh” LaPointe, CFO Summary



**MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 10:41 A.M. AND BUDGETS OPEN TO KBIC MEMBERS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Don Messer, Jr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.**

**Break: 10:41 – 10:53 a.m.**

**Don Messer, Jr. returned from break at 11:00 a.m.**

**Lunch: 12:18 – 1:19 p.m. (Toni Minton left)**

**Don Messer, Jr. returned from lunch at 1:31 p.m.**

**Break: 2:33 – 2:45 p.m. (Randall Haataja left)**

**Don Messer, Jr. returned from break at 2:57 p.m.**

**Don Messer, Jr. left at 3:43 p.m.**

**MOTION MADE BY DONALD SHALIFOE, SR. TO GO INTO OPEN SESSION AT 4:02 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. FIVE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, SIX ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Don Messer, Jr.), MOTION CARRIED.**

K. Adjournment:

**MOTION MADE BY GARY F. LOONSFOOT, SR. TO ADJOURN AT 4:03 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, SIX ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Don Messer, Jr.), MOTION CARRIED.**

Respectfully submitted,



Peggy Loonsfoot  
Administrative Specialist

**AGENDA**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**FINANCE/SPECIAL COUNCIL MEETING**  
**OJIBWA CASINO RESORT CONFERENCE ROOM**  
**THURSDAY – SEPTEMBER 17, 2015 – 9:00 A.M.**

A. Date: September 17, 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: September 17, 2015

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K. Adjournment: