

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

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 – DECEMBER 17, 2015 – 9:00 A.M.**

APPROVED

1-7-16

- A. Date: December 17, 2015
- B. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- C. Invocation: Ojibwa Prayer by Donald Shalifoe, Sr./Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Toni J. Minton, Secretary (left 10:12 – 11:49 a.m., left at 12:08 p.m.)
Susan J. LaFernier, Assistant Secretary (left 1:12 – 1:21 p.m.)
Doreen G. Blaker, Treasurer (left at 1:51 p.m.)
Robert R.D. Curtis, Jr. (left at 12:08 p.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Don Messer, Jr. (left at 12:08 p.m.)
Donald Shalifoe, Sr. (left 1:12 – 1:26 p.m.)
- Absent: Eddy Edwards
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: December 17, 2015
- | | | |
|------------|-----------------|---|
| Additions: | FYI- | 1. A "Thank you" from Mary "Charlie Brown" Geroux |
| | New Business- | 5. Thomas Chosa, Information Technology Manager – Dell Virtual Server Quote |
| | Old Business- | 1. Jennifer Misegan, Vice President – Annual Leave Policy |
| | Closed Session- | 5. President Swartz – b) Tribal Member Donation Request |

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE CHANGES. 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.

G. For Your Information:

1. A "Thank you" from Mary "Charlie Brown" Geroux for the Senior's Christmas Pines Gift Card

H. New Business:

1. Danielle Webb, Assistant Tribal Attorney/Bruce LaPointe, Department of Public Works Director – Independent Roofing and Siding Company Tier III Services Agreement for the Zeba Head Start roofing project \$28,883.00 - December 17, 2015 through June 30, 2016

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE TIER III SERVICES AGREEMENT WITH INDEPENDENT ROOFING AND SIDING COMPANY FOR THE ZEB A HEAD START BUILDING. SUPPORTED BY DON MESSER, JR. NINE IN FAVOR (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, TWO ABSENT (Jennifer Misegan, Eddy Edwards), MOTION CARRIED.

(Jennifer Misegan is out of the room)

2. Jason Ayres, Real Estate Officer – Resolution KB-062-2015 USDA Building at Ojibwa Industrial Park Road Lease Extension Amendment 3 until December 31, 2018

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-062-2015 USDA LEASE EXTENSION. SUPPORTED BY RANDALL R. HAATAJA. 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. Hannah Beesley, Personnel Director/Robin Chosa, Background Investigator – Alternate Adjudication Panel Recommendations

The Personnel Department presented a memo to the Council to make recommendations for panel appointments to serve as alternates. Two positions that were recommended are the Social Services Director and the OVW Team Lead position. She stated there are presently four members.

Jennifer Misegan stated there is a motion in place stating who is on the panel by position. The Police Commissioner or a designee from the Police Department will be on the panel, not both. Cherie Dakota was asked previously to participate as the OVW Team Lead but she declined. They will review the prior motion.

4. Rodney Loonsfoot – Tribal Burial Task Force Proposal (not present)
5. Thomas Chosa, Information Technology Manager – Dell Virtual Server Quote from CDW-G

MOTION MADE BY DOREEN G. BLAKER TO APPROVE \$38,771.00 FOR A VIRTUAL SERVER BY DELL. 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.

6. Larry Denomie III, CEO – Weekly Update

Larry will be meeting with employees from the Pressbox and Bingo Hall to discuss their concerns during the casino project transitions.

He will also explain the process by letter to the Marquette households of the three homes that need to be moved from behind the casino for expansion and will possibly hold a meeting if they would like to discuss their concerns.

I. Old Business:

1. Jennifer Misegan, Vice President – Annual Leave Policy

Jennifer stated some employees are not able to take the remainder of their time off for the December 31st deadline. Her suggestion is to put a limit on the amount of hours that will be paid out upon separation in order to limit the liability but no limit on the number of hours that an employee carries.

Susan LaFernier stated that the policies should be reviewed on accruals and thanked those who did bring their balances down.

MOTION MADE BY JENNIFER MISEGAN TO ALLOW EMPLOYEES TO CARRY AN UNLIMITED AMOUNT OF ANNUAL LEAVE HOURS BUT A MAXIMUM OF 240 HOURS WILL BE PAID UPON SEPARATION. CO-SUPPORTED BY SUSAN J. LAFERNIER AND GARY F. LOONSFOOT, 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.

J. Closed Session:

1. Rick Geroux – Worker’s Compensation Issue
2. Government Employee Appeal of Dismissal Hearing Case #018-15
3. Skip Durocher and Eric Ruzicka, Dorsey & Whitney – Conference Call
4. Danielle Webb, Assistant Tribal Attorney
5. President Swartz –
 - a) Tribal Attorney/Tribal Prosecutor Employment Agreement
 - b) Tribal Member Donation Request

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 9:42 A.M. SUPPORTED BY GARY F. LOONSFOOT, 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.

Break: 9:43 – 9:51 a.m.

Toni Minton left 10:12 – 11:49 a.m.

Lunch: 12:08 – 1:12 p.m. (Toni Minton, Robert R.D. Curtis, Jr., and Don Messer, Jr. left)

Susan LaFernier returned at 1:21 p.m.

Donald Shalifoe, Sr. returned at 1:26 p.m.

Doreen Blaker left at 1:51 p.m.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 2:16 P.M. SUPPORTED BY RANDALL R. HAATAJA. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Don Messer, Jr.), MOTION CARRIED.

Tribal Attorney/Tribal Prosecutor Employment Agreement

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE TRIBAL ATTORNEY/TRIBAL PROSECUTOR EMPLOYMENT AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND DANIELLE WEBB. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Don Messer, Jr.), MOTION CARRIED.

Government Employee Appeal of Dismissal Case #018-15

MOTION MADE BY DONALD SHALIFOE, SR. TO OVERTURN THE CEO'S DECISION IN CASE #018-15 AND TO REHIRE THE EMPLOYEE BUT REQUIRE RESTITUTION. SUPPORTED BY RANDALL R. HAATAJA. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Don Messer, Jr.), MOTION CARRIED.

Tribal Member Travel Donation Request (Bernard Meroni's daughter Bette from Arizona)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE \$1,000.00 RELATED TO THE DONATION REQUEST OF DENISE MOSCHETTO. SUPPORTED BY RANDALL R. HAATAJA. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Don Messer, Jr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY DONALD SHALIFOE, SR. TO ADJOURN AT 2:22 P.M. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Don Messer, Jr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
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SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – DECEMBER 17, 2015 – 9:00 A.M.

- A. Date: December 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: December 17, 2015
- G. New Business:
1. Danielle Webb, Assistant Tribal Attorney/Bruce LaPointe, Department of Public Works Director – Independent Roofing and Siding Company Tier III Services Agreement
 2. Jason Ayres, Real Estate Officer – Resolution KB-062-2015 USDA Lease Extension
 3. Hannah Beesley, Personnel Director – Alternate Adjudication Panel Recommendations
 4. Rodney Loonsfoot – Tribal Burial Task Force Proposal
 5. Larry Denomie III, CEO – Weekly Update
- H. Closed Session:
1. Rick Geroux – Worker's Compensation Issue
 2. Government Employee Appeal of Dismissal Hearing Case #018-15 – **10:00 a.m.**
 3. Skip Durocher and Eric Ruzicka, Dorsey & Whitney – Conference Call – **11:30 a.m.**
 4. Danielle Webb, Assistant Tribal Attorney
 5. President Swartz – Tribal Attorney/Tribal Prosecutor Employment Agreement
- I. Adjournment: