

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
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ROBERT "R.D." CURTIS, JR.
FRED DAKOTA
EDDY EDWARDS
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, SR.
DONALD SHALIFOE, SR.

2016 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
JENNIFER MISEGAN, Vice President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
DOREEN G. BLAKER, Treasurer

MINUTES KEWEENAW BAY INDIAN COMMUNITY SPECIAL COUNCIL MEETING OJIBWA CASINO RESORT CONFERENCE ROOM FRIDAY – DECEMBER 9, 2016 – 9:00 A.M.

APPROVED
1-7-17

- A. Date: December 9, 2016
- B. Call to Order: President Swartz called the meeting to order at 9:07 a.m.
- C. Invocation: Lord's Prayer and prayers for the Families who have lost a loved one and for the Water Protectors who are with the Standing Rock Sioux in North Dakota
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (arrived at 9:43 a.m., left at 11:03 a.m.)
Fred Dakota (left at 11:03 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr. (arrived at 10:44 a.m.)
Donald Shalifoe, Sr.
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 9, 2016

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

G. For Your Information:

1. National Congress of American Indians Request to Activate Membership (at increased rate)
\$12,000.00

2. National Indian Gaming Commission Request to participate in a WebEx and Telephone Information Session regarding the 2017 Consultation Topics on December 15, 2016 at 1:00 p.m.
3. Department of Interior Proposed Regulation to be published in the Federal Register for Public Comment regarding management, protection, and preservation of Paleontological Resources
4. State of Michigan/DHHS letter regarding the General Welfare Support Program Checks (as countable income)
5. Grand Traverse Band of Ottawa and Chippewa Indians letter to the President regarding the request to reroute the Dakota Access Pipeline
6. NCAI Policy Research Center voluntary Survey to collect information about Tribal data practices and data capacity
7. GLIFWC letter to the Wisconsin DNR regarding the Health of Wisconsin's Deer Herd
8. BIA accepting Tribal requests for FY2017 Funding Appropriations for Attorney Fees and Litigation Support for January 23, 2017

H. Old Business:

1. Doreen Blaker, Treasurer – Marquette 2% Worksheet \$162,572.67 (Resolution KB-058-2016)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-058-2016 MARQUETTE 2%. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

I. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor/Lori Sherman, Director of Natural Resources - U.S. Department of the Interior Geological Survey Joint Funding Agreement Streamgaging Station on the Silver River near L'Anse October 1, 2016 – September 30, 2018 \$27,526.00

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE U.S. DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT STREAMGAGING STATION ON THE SILVER RIVER. SUPPORTED BY DONALD SHALIFOE, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

2. Matt Eliason, Eliason Law Office/Carole LaPointe, Health Administrator –
 - a) Upper Peninsula Health Plan, LLC - Maternal Infant Health Program Provider and Medicaid Health Plan Care Coordination Agreement January 1, 2017 – to the length of the contract period

Robert R.D. Curtis, Jr. arrived at 9:43 a.m.

MOTION MADE BY DONALD SHALIFOE, SR. TO APPROVE THE UPPER PENINSULA HEALTH PLAN, LLC MATERNAL INFANT HEALTH PROGRAM PROVIDER AND MEDICAID HEALTH PLAN CARE COORDINATION AGREEMENT. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFERNIER, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFERNIER, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- b) Upper Peninsula Health Care Solutions – Upper Peninsula Health Information Exchange Business Associate Agreement

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE UPPER PENINSULA HEALTH CARE SOLUTIONS UPPER PENINSULA HEALTH INFORMATION EXCHANGE BUSINESS ASSOCIATE AGREEMENT. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFERNIER, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFERNIER, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- 3. Jason Ayres, Real Estates Officer – Resolution KB-065-2016 Tribal Transportation Improvement Plan (TTIP) 2017-2020 and Inventory Review

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE RESOLUTION KB-065-2016 TRIBAL TRANSPORTATION IMPROVEMENT PLAN 2017-2020. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFERNIER, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFERNIER, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- 4. Sarah Maki, Assistant CEO - Halfway House Proposed Location (On Brewery Road across from the New Day Treatment Facility) There was discussion on various locations.

MOTION MADE BY TONI J. MINTON TO APPROVE THE PROPOSED LOCATION OF THE KBIC HALFWAY HOUSE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFERNIER, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFERNIER, Sr., Donald Shalifoe, Sr.), ONE OPPOSED (Robert R.D. Curtis, Jr.), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

5. President Swartz - Appellate Justice Appointment (2) applicants – William “Bill” Jondreau and Ms. Sarah Henderson

MOTION MADE BY TONI J. MINTON TO APPOINT WILLIAM “BILL” JONDREAU AS AN APPELLATE JUSTICE. CO-SUPPORTED BY MICHAEL F. LAFERNIER, SR. AND DONALD SHALIFOE, SR.

MOTION MADE BY JENNIFER MISEGAN TO TABLE THE APPOINTMENT UNTIL IT IS DISCUSSED IN CLOSED SESSION. SUPPORTED BY SUSAN J. LAFERNIER. FOUR IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Randall R. Haataja), FIVE OPPOSED (Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION DEFEATED.

MOTION MADE BY TONI J. MINTON TO APPOINT WILLIAM “BILL” JONDREAU AS AN APPELLATE JUSTICE. CO-SUPPORTED BY MICHAEL F. LAFERNIER, SR. AND DONALD SHALIFOE, SR. SIX IN FAVOR (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), TWO OPPOSED (Jennifer Misegan, Susan J. LaFernier), ONE ABSTAINING (Randall R. Haataja), TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Jennifer Misegan stated her opposition: She believes there was information that the Council should have heard prior to making a decision.

6. Larry Denomie III, CEO – Weekly Update

A meeting was held with the Chocolay Township Board and they have agreed to be the pass-through agent for the funding of the elevated water tank in Harvey, Michigan. (Marquette Casino location)

J. Closed Session:

1. Gerald (Mayo) Magnant/John Davis Requests
2. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Attorney Update
3. Susan LaFernier, Secretary - Government Employee Appeal of Dismissal Case #008-16 [Reschedule]
4. Government Employee Grievance Hearing Case #009-16 (Resolved)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO GO INTO CLOSED SESSION AT 10:35 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Break: 10:36 – 10:45 a.m.

Gary Loonsfoot, Sr. arrived at 10:44 a.m.

Robert R.D. Curtis, Jr. and Fred Dakota left at 11:03 a.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 11:32 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY TONI J. MINTON TO ADJOURN AT 11:33 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
FRIDAY – DECEMBER 9, 2016 – 9:00 A.M.

A. Date: December 9, 2016

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- Warren C. Swartz, Jr., President
- Jennifer Misegan, Vice President
- Susan J. LaFernier, Secretary
- Toni J. Minton, Assistant Secretary
- Doreen G. Blaker, Treasurer
- Robert R.D. Curtis, Jr.
- Fred Dakota
- Eddy Edwards
- Randall R. Haataja
- Michael F. LaFernier, Sr.
- Gary F. Loonsfoot, Sr.
- Donald Shalifoe, Sr.

E. Declaration of Quorum:

F. Approval of Agenda: December 9, 2016

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4. State of Michigan/DHHS letter regarding the General Welfare Support Program Checks
5. Grand Traverse Band of Ottawa and Chippewa Indians letter to the President regarding the Dakota Access Pipeline
6. NCAI Policy Research Center Survey
7. GLIFWC letter regarding the Health of Wisconsin's Deer Herd
8. BIA acceptance of FY2017 Funding Appropriations for Attorney Fees and Litigation Support

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2. Matt Eliason, Eliason Law Office/Carole LaPointe, Health Administrator -
 - a) Upper Peninsula Health Plan, LLC - Maternal Infant Health Program Provider and Medicaid Health Plan Care Coordination Agreement
 - b) Upper Peninsula Health Care Solutions – UPHIE Business Associate Agreement
3. Jason Ayres, Real Estates Officer – Resolution KB-065-2016 Tribal Transportation Improvement Plan (TTIP) 2017-2020
4. Sarah Maki, Assistant CEO - Halfway House Proposed Location
5. President Swartz - Appellate Justice Appointment
6. Larry Denomie III, CEO – Weekly Update

J. Closed Session:

1. Jerry Mayo/John Davis
2. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Attorney Update
3. Susan LaFernier, Secretary - Government Employee Appeal of Dismissal Case #008-16
4. Government Employee Grievance Hearing Case #009-16 – **11:00 a.m.**

K. Adjournment: