

KEWEENAW BAY INDIAN COMMUNITY

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

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

ROBERT "R.D." CURTIS, JR.
FRED DAKOTA
EDDY EDWARDS
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, SR.
DONALD SHALIFOE, SR.

MINUTES KEWEENAW BAY INDIAN COMMUNITY SPECIAL COUNCIL MEETING OJIBWA CASINO RESORT CONFERENCE ROOM THURSDAY – FEBRUARY 4, 2016 – 9:00 A.M.

APPROVED
2-25-16

- A. Date: February 4, 2016
- B. Call to Order: President Swartz called the meeting to order at 9:07 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
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (arrived at 1:02 p.m.)
Doreen G. Blaker, Treasurer (arrived at 11:05 a.m., left 1:00 – 1:46 p.m.)
Robert R.D. Curtis, Jr. (arrived at 9:18 a.m., left at 2:45 p.m.)
Fred Dakota
Eddy Edwards (left at 2:47 p.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Donald Shalifoe, Sr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: February 4, 2016
- | | | |
|-----------|-----------------|---|
| Addition: | Closed Session- | 3. Donald Shalifoe, Sr. – a) Ojibwa Builders Employees |
| Deletion: | Closed Session- | 8. Waba Alakayak, Youth Program Director – Quarterly Report |

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

G. Approval of Meeting Minutes:

1. January 21, 2016

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE JANUARY 21, 2016 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), THREE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr.), MOTION CARRIED.

2. January 25, 2016

MOTION MADE BY EDDY EDWARDS TO APPROVE THE JANUARY 25, 2016 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ONE ABSTAINING (Randall R. Haataja), THREE ABSENT (Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr.), MOTION CARRIED.

3. January 28, 2016

Robert R.D. Curtis, Jr. arrived at 9:18 a.m.

MOTION MADE BY DONALD SHALIFOE, SR. TO APPROVE THE JANUARY 28, 2016 MEETING MINUTES. SUPPORTED BY RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.

H. Old Business:

1. Duane Misegan, Chief of Police/Dale Dakota, Police Commissioner – Police Vehicle Bids (3)
On January 28, 2016 the Council approved a bid from Fox Negaunee in the amount of \$28,214.00 for a 2016 Ford Police Interceptor but the bids did not include all of the options as requested and new bids were presented.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO RESCIND THE PREVIOUS MOTION AND APPROVE THE NEW BID FROM FOX NEGAUNEE IN THE AMOUNT OF \$29,619.00 FOR A 2016 FORD POLICE INTERCEPTOR SUV ALL-WHEEL DRIVE WITH THE 3.5 ECOBOOST ENGINE TO BE PAID FROM THE COPS GRANT. CO-SUPPORTED BY RANDALL R. HAATAJA AND DONALD SHALIFOE, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.

2. Larry Denomie III, CEO – Personnel Policy Amendments from the January 28, 2016 meeting
 - a) 6.10 Payroll Advances

Added: Payroll advances for other circumstances may be approved by the Chief Executive Officer.

MOTION MADE BY EDDY EDWARDS TO APPROVE 6.10 PAYROLL ADVANCES POLICY AS PRESENTED. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.

- b) 23.0 No Smoking, Chewing Tobacco, and E-Cigarette Policy
- c) Pre Primary Program Tobacco Use Policy
- d) 10.1 B. (11) Annual Leave Policy
- e) 11.1 B. (11) Sick Leave Policy
- f) 10.1 3. (a-d) Annual Leave Policy
- g) 11.1 3. (a-d) Sick Leave Policy
- h) 11.1 B. (6) Utilizing Sick Leave
- i) 17.1 Deaths
- j) 2.4 (A-F) Classification of Employees
- k) 16.1 (A-B) Holidays

Changes were discussed on Holiday and Closure pay for temporary and on-call employees and the effective date related to the annual and sick leave accrual time for said employees.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE POLICY AMENDMENTS PRESENTED BY THE CEO, B THROUGH K, WITH THE CHANGES AS DISCUSSED. CO-SUPPORTED BY RANDALL R. HAATAJA AND GARY F. LOONSFOOT, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.

I. New Business:

1. Jason Ayres, Real Estate Officer – Resolution KB-005-2016 Request for Fee to Trust Title Application for lands in Marquette Township (Ojibwa Express Gas Station)

MOTION MADE BY DONALD SHALIFOE, SR. TO APPROVE RESOLUTION KB-005-2016 MARQUETTE TOWNSHIP REQUEST FOR TRUST. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.

2. President Swartz –

- a) BIA Authorization for Secretarial Election/Appoint Secretarial Election Board Members (2)

On January 12, 2016, the authorization to conduct a Secretarial Election on a proposed amendment to Article VI 1(h) *“To appropriate for tribal use any available tribal funds, provided, that any appropriation in excess of \$500,000 at any one time shall be of no effect until approved by referendum vote”* was issued by the Regional Director, Diane Rosen. The regulations governing the conduct of Secretarial Elections are found in 25 CFR Part 81 and require the appointment of an Election Board; 25 CFR Part 81 – Subpart D, 81.19(c) which says, *“The Local Bureau Official will appoint a Bureau employee to serve as the Chair of the Secretarial Election Board and notify the Tribe of the need to appoint at least two tribal members, who are at least 18 years of age, to the Secretarial Election Board.”*

MOTION MADE BY JENNIFER MISEGAN TO APPOINT DIANA CHAUDIER, PEGGY LOONSFOOT, JEANNE EMERY, AND KIM KLOPSTEIN TO THE SECRETARIAL ELECTION BOARD. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), TWO OPPOSED (Robert R.D. Curtis, Jr., Eddy Edwards), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.

Robert R.D. Curtis, Jr. stated opposition: He would like to see others get involved and see it posted.

- b) Constitution/ICWA Committee Selection (3) year terms

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPOINT JOSEPH P. ECKERBERG TO THE CONSTITUTION COMMITTEE. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.

The ICWA Committee will be advertised.

3. Larry Denomie III, CEO –

- a) Jason Ayres, Real Estate Officer – Proposed RV Park Proposal one mile west of the Ojibwa II Casino

At this time the Tribe is not interested in granting the easement of our highway entrance for an RV Park.

J. Closed Session:

1. Larry Denomie III, CEO –

- a) Employee Request/Ojibwa Builders Employees

- b) Holding Company Financials
- c) Equipment Lease for Ojibwa Roads
- 2. Casino Employee Grievance Hearing Case #001-16

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 9:56 A.M. AND ALLOW KBIC MEMBERS FOR THE FIRST ITEM. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.

Doreen Blaker arrived at 11:05 a.m.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO GO INTO OPEN SESSION AT 11:44 A.M. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Casino Employee Grievance Hearing Case #001-16

MOTION MADE BY GARY F. LOONSFOOT, SR. TO OFFER THE EMPLOYEE IN CASE #001-16 A FULL-TIME POSITION. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), THREE OPPOSED (Jennifer Misegan, Doreen G. Blaker, Donald Shalifoe, Sr.), ABSTAINING - 0, ONE ABSENT (Toni J. Minton), MOTION CARRIED.

Jennifer Misegan stated her opposition: It isn't that she feels the employee does not deserve a full-time position; she feels it is not a question for the Council but a question for the Supervisor who offered the employee a position without handling it properly and should be disciplined.

Lunch: 11:46 a.m. – 1:00 p.m.

[Closed Session]

- 3. Jeffery Loman/Andrew Chosa, Aanikoosing CEO - GLUSC/GUSC Proposal
- 4. President Swartz – Employee Request
- 5. Hannah Beesley, Personnel Director – Quarterly Report [Rescheduled]
- 6. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Update
- 7. Larry Denomie III, CEO/Danielle Webb, Tribal Attorney/Tribal Prosecutor - Dorsey & Whitney Law Firm - New Casino Projects Conference Call
- 8. Lori Sherman, Natural Resources Director – Quarterly Report [Rescheduled]

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:01 P.M. AND ALLOW KBIC MEMBERS FOR ITEMS THREE AND FOUR. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Doreen G. Blaker, Eddy Edwards), MOTION CARRIED.

Toni Minton arrived at 1:02 p.m.

Eddy Edwards returned from lunch at 1:04 p.m.

Doreen Blaker returned from lunch at 1:46 p.m.

Break: 2:41 – 2:51 p.m. (Robert R.D. Curtis, Jr. and Eddy Edwards left)

Michael LaFerner, Sr. returned from break at 2:58 p.m.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO OPEN SESSION AT 4:37 P.M. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.

[New Business]

Larry Denomie III, CEO -

b) Weekly Update [Rescheduled]

K. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 4:39 P.M. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Robert R.D. Curtis, Jr., Eddy Edwards), MOTION CARRIED.

Respectfully submitted,


Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – FEBRUARY 4, 2016 – 9:00 A.M.

A. Date: February 4, 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: February 4, 2016

G. Approval of Meeting Minutes:

1. January 21, 2016
2. January 25, 2016
3. January 28, 2016

H. Old Business:

1. Duane Misegan, Chief of Police – Police Vehicle Bids (3)
2. Larry Denomie III, CEO – Policy Amendments
 - a) 6.10 Payroll Advances
 - b) 23.0 No Smoking/Chewing Tobacco/E-Cigarette
 - c) Pre Primary Program Tobacco Use Policy
 - d) 10.1 B. (11) Annual Leave
 - e) 11.1 B. (11) Sick Leave
 - f) 10.1 3. (a-d) Annual Leave
 - g) 11.1 3. (a-d) Sick Leave

- h) 11.1 B. (6) Utilizing Sick Leave
- i) 17.1 Deaths
- j) 2.4 (A-F) Classification of Employees
- k) 16.1 (A-B) Holidays

I. New Business:

1. Jason Ayres, Real Estate Officer – Resolution KB-005-2016 Marquette Township Request for Trust Title
2. President Swartz –
 - a) BIA Authorization for Secretarial Election/Appoint Secretarial Election Board Members (2)
 - b) Constitution/ICWA Committee Selection
3. Larry Denomie III, CEO –
 - a) Marquette Casino RV Park Proposal
 - b) Weekly Update

J. Closed Session:

1. Casino Employee Grievance Hearing Case #001-16 – **10:00 a.m.**
2. Jeffery Loman/Andrew Chosa, Aanikoosing CEO - GLUSC/GUSC Proposal – **11:00 a.m.**
3. Larry Denomie III, CEO –
 - a) Holding Company Financials
 - b) Equipment Lease for Ojibwa Roads
 - c) Employee Request
4. President Swartz – Employee Request
5. Hannah Beesley, Personnel Director – **1:00 p.m.**
6. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Update
7. Larry Denomie III, CEO/Danielle Webb, Tribal Attorney/Tribal Prosecutor - Dorsey & Whitney Law Firm - New Casino Projects Conference Call – **2:00 p.m.**
8. Waba Alakayak, Youth Program Director – Quarterly Report – **2:30 p.m.**
9. Lori Sherman, Natural Resources Director – Quarterly Report – **3:00 p.m.**

K. Adjournment: