

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 – MAY 26, 2016 – 9:00 A.M.**

APPROVED
6-4-16

- A. Date: May 26, 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 (left at 2:51 p.m.)
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 1:08 p.m.)
Doreen G. Blaker, Treasurer (arrived at 10:44 a.m., left at 2:51 p.m.)
Robert R.D. Curtis, Jr.
Fred Dakota (left at 10:45 a.m.)
Eddy Edwards (arrived at 9:56 a.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: May 26, 2016
- Additions: New Business- 5. President Swartz – Donation Request
Closed Session- 3. Tribal Attorney Update

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

G. For Your Information:

1. Letter from Diane K. Rosen, Regional Director Midwest Regional Office, Bureau of Indian Affairs Certificate of Approval of the April 26, 2016 Secretarial Election on Proposed Amendment A to the Constitution 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”* now designated as **Amendment (Number) III** to the Constitution and By-Laws of the Keweenaw Bay Indian Community

H. Recognize Scheduled Delegation/Individuals:

1. Tashina Emery, Bemidji Area Leaders Acting for Change (BALAC) Grant Coordinator for the KBIC Health Clinic/Isaiah Brokenleg, MPH of the Great Lakes Inter-Tribal Council - Lac Du Flambeau Casino "Gambling with Our Health: Foundations for a Smoke Free Casino" PowerPoint Presentation
2. Lori Sherman, Director of Natural Resources/Stephanie Kozich, Air Quality Specialist - Air Quality Program PowerPoint Presentation for training and education in air pollution and to understand the air quality issues and develop activities to address those issues

Eddy Edwards arrived at 9:56 a.m.

Break: 9:57 – 10:06 a.m.

I. Old Business:

1. Gary Loonsfoot, Jr., Director of Cultural Resources – Midewin/Ceremony Assistance Funding Policy

The Cultural Committee submitted 2016 Guidelines for the funding policy. The Council removed the year 2016 from the guidelines presented.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE CULTURAL COMMITTEE GUIDELINES FOR THE MIDEWIN/CEREMONY ASSISTANCE FUNDING POLICY. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, 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 (Doreen G. Blaker), MOTION CARRIED.

2. President Swartz –

President Swartz read the Legislative Process. [See Legislative Files]

- a) 3rd Reading Proposed Ordinance 2016-01 Waste Management Ordinance (WMO)

The fines identified in the ordinance will apply to anyone within the reservation territory. Educational materials will be distributed throughout the community by the Natural Resources Department staff.

Susan LaFerner stated the next step is to begin the recycling program.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE WASTE MANAGEMENT ORDINANCE 2016-01 AS PRESENTED. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), TWO OPPOSED (Randall R. Haataja, Michael F. LaFerner, Sr.), ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

- b) 3rd Reading Proposed Ordinance 2016-02 Title Twenty Hazardous Substances Control

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE TITLE TWENTY HAZARDOUS SUBSTANCES CONTROL ORDINANCE 2016-02. CO-SUPPORTED BY JENNIFER MISEGAN AND DONALD SHALIFOE, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

J. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor –

- a) Michael Schrader, Ojibwa Casinos General Manager/Christopher Schofield, Slot Manager – Aristocrat Technologies, Inc. Gaming Device Order for 6 Lightning Link for the Baraga Casino

Order No. GOC136259-JB-mr(mz) 180 days lease term - automatically renews for additional 30 day periods unless terminated upon 30 days prior written notice – 20% of the Net Win payment terms

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE ARISTOCRAT TECHNOLOGIES, INC. GAMING DEVICE ORDER FOR THE ADDITION OF 6 LIGHTNING LINK. SUPPORTED BY RANDALL R. HAATAJA. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

- b) Laura Cladas, WIC Coordinator (not present)/Carole LaPointe, Health Administrator – Registered Dietitian Services Agreement for Hannahville Indian Community WIC Program July 1, 2016 – June 30, 2017

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE AGREEMENT BETWEEN THE KEWEENAW BAY INDIAN COMMUNITY AND THE HANNAHVILLE INDIAN COMMUNITY FOR REGISTERED DIETITIAN SERVICES THROUGH THE WIC PROGRAM. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, 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 (Doreen G. Blaker), MOTION CARRIED.

2. Bruce LaPointe, Director of Public Works – Zeba Pumphouse Improvements I.H.S. Project (BE-16-J79) Memorandum Of Agreement \$86,000.00

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE INDIAN HEALTH SERVICE AND THE KEWEENAW BAY INDIAN COMMUNITY FOR THE ZEB PUMPHOUSE IMPROVEMENTS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, 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 (Doreen G. Blaker), MOTION CARRIED.

Bruce LaPointe stated that his department will be erecting the 45 mile per hour signs on M-38 in Baraga.

Doreen Blaker arrived at 10:44 a.m.

Break: 10:45 – 10:56 a.m. (Fred Dakota left)

3. Martin Curtis, New Day Counselor/Manager – Walk-in Freezer/Cooler Bids (3) for the New Day Substance Abuse Services Facility

The Council consensus was to have Marty seek a bid form Eagle Refrigeration in Marquette (Tribal Member Owned Business) and consider for next week.

4. Larry Denomie III, CEO –

- a) John Gervais Lucky 7's Casino Restaurant Space Lease Agreement (Dated May 25, 2012) Second Amendment

June 1, 2016 – May 31, 2017 (the term will renew automatically for a period of one (1) year)

MOTION MADE BY TONI J. MINTON TO APPROVE THE SECOND AMENDMENT TO THE CASINO RESTAURANT SPACE LEASE AGREEMENT BETWEEN JOHN GERVAIS AND THE KEWEENAW BAY INDIAN COMMUNITY. SUPPORTED BY JENNIFER MISEGAN. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

b) Weekly Update – There was a Department Head meeting held yesterday with training on leadership and communication skills.

5. President Swartz – Donation Request from Alden Connor for the entry fee of the 20th Annual Matt Ahonen Memorial Men’s Slow Pitch Tournament in Wakefield, MI. June 24, 2016

MOTION MADE BY TONI J. MINTON TO APPROVE THE \$150.00 ENTRY FEE REQUESTED BY ALDEN CONNOR FOR THE MEN’S SLOW PITCH TOURNAMENT. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

K. Closed Session:

1. Government Employee Appeal of Dismissal Hearing Case #004-16
2. Larry Denomie III, CEO - Ed Janisse General Manager/Radio Stations Employment Agreement Renewal
3. Tribal Attorney Update

MOTION MADE BY GARY F. LOONSFOOT, SR. TO GO INTO CLOSED SESSION AT 11:07 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Lunch: 1:08 – 2:08 p.m. (Toni Minton left)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 2:47 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., 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, Fred Dakota), MOTION CARRIED.

Government Employee Appeal of Dismissal Hearing Case #004-16

MOTION MADE BY JENNIFER MISEGAN TO UPHOLD THE CEO’S DECISION IN CASE #004-16. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., 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, Fred Dakota), MOTION CARRIED.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:50 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., 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, Fred Dakota), MOTION CARRIED.

President Swartz and Doreen Blaker left at 2:51 p.m.

[Vice President Misegan is chairing]

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 3:27 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Doreen G. Blaker, Fred Dakota), MOTION CARRIED.

Ed Janisse General Manager/Radio Stations Employment Agreement Renewal – added additional terms to Attachment A

May 20, 2016 – May 19, 2019

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE EAGLE RADIO GENERAL MANAGER EMPLOYMENT AGREEMENT AS PRESENTED. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Doreen G. Blaker, Fred Dakota), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 3:28 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Eddy Edwards, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Donald Shalifoe, Sr.), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Doreen G. Blaker, Fred Dakota), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – MAY 26, 2016 – 9:00 A.M.

A. Date: May 26, 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: May 26, 2016

G. For Your Information:

1. Midwest Regional Office, Bureau of Indian Affairs Certificate of Approval of the April 26, 2016 Secretarial Election on Proposed Amendment A to the Constitution 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*" now designated as **Amendment III** to the Constitution and By-Laws of the Keweenaw Bay Indian Community

H. Recognize Scheduled Delegation/Individuals:

1. Tashina Emery, Bemidji Area Leaders Acting for Change (BALAC) Grant Coordinator for the KBIC Health Clinic/Isaiah Brokenleg, MPH of the Great Lakes Inter-Tribal Council - Lac Du Flambeau Casino "Gambling with Our Health: Foundations for a Smoke Free Casino" Presentation
2. Lori Sherman, Director of Natural Resources/Stephanie Kozich, Air Quality Specialist - Air Quality Presentation

I. Old Business:

1. Gary Loonsfoot, Jr., Director of Cultural Resources – Midewin/Ceremony Assistance Funding Policy
2. President Swartz –
 - a) 3rd Reading Proposed Ordinance 2016-01 Waste Management Ordinance (WMO)
 - b) 3rd Reading Proposed Ordinance 2016-02 Title Twenty Hazardous Substances Control

J. New Business:

1. Danielle Webb, Tribal Attorney/Tribal Prosecutor –
 - a) Michael Schrader, Ojibwa Casinos General Manager – Aristocrat Technologies, Inc. Gaming Device Order for 6 Lightning Link
 - b) Laura Cladas, WIC Coordinator – Registered Dietician Services Agreement for Hannahville Indian Community WIC Program
2. Bruce LaPointe, Director of Public Works – Zeba Pumphouse Improvements I.H.S. Project (BE-16-J79) Memorandum Of Agreement
3. Martin Curtis, New Day Counselor/Manager – Walk-in Freezer/Cooler Bids (3) for the New Day Substance Abuse Services Facility
4. Larry Denomie III, CEO –
 - a) John Gervais Lucky 7's Space Lease Agreement Amendment
 - b) Weekly Update

K. Closed Session:

1. Government Employee Appeal of Dismissal Hearing Case #004-16 - **11:00 a.m.**
2. Larry Denomie III, CEO - Ed Janisse Eagle Radio General Manager Employment Agreement

L. Adjournment: