

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – MARCH 22, 2012 – 9:00 A.M.**

- A. Date: March 22, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:11 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Elizabeth D. Mayo, Vice President (left 3:20 – 3:34 p.m.)  
Susan J. LaFernier, Secretary  
Toni J. Minton, Treasurer (left 1:14 – 1:50 p.m.)  
Robert R.D. Curtis, Jr. (left 9:20 – 9:45 a.m.)  
Fred Dakota (left 11:44 a.m. – 1:14 p.m., left at 5:02 p.m.)  
Eddy Edwards  
Jean Jokinen  
Michael F. LaFernier, Sr.  
Carole L. LaPointe (arrived at 9:14 a.m.)  
Elizabeth “Chiz” Matthews (left at 5:18 p.m.)
- Absent: Jerry Lee Curtis, Assistant Secretary
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 22, 2012
- |            |                 |   |
|------------|-----------------|---|
| Additions: | Closed Session- | 5. John Baker, Attorney –<br>a) Litigation Report<br>b) Red Apple Restaurant Update               |
|            | Old Business-   | 1. Robert R.D. Curtis, Jr. –<br>a) Rescind His Vote on Motion for the<br>American Legion Donation |

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Eddy Edwards, Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

Eddy Edwards stated his opposition: He believes the Articles of Incorporation were tabled in order to hold a public meeting. (Closed Session item 1.)

G. For Your Information:

1. SNB KBIC Guaranteed Loan Program Account Summary March 19, 2012

H. Old Business:

1. Robert R.D. Curtis, Jr. –

- a) Rescind His Vote on Motion for the American Legion Donation - (Motion on 3/15/12 approved a \$10,000 Donation)

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO RESCIND THE AMERICAN LEGION DONATION MOTION. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr.), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION DEFEATED.**

President Swartz declared the motion defeated. To rescind, repeal, or annul; a motion requires a 2/3 vote of the Council. (Roberts Rules of Order page 27)

**MOTION MADE BY EDDY EDWARDS TO OVERTURN THE PRESIDENT’S DETERMINATION THAT A TWO-THIRDS VOTE IS REQUIRED.**

A vote required for adoption with *notice* requires a majority vote. (Not a 2/3 vote) (Per John Baker)

Robert R.D. Curtis, Jr. gave notice when he added it to the agenda for approval.

**MOTION MADE BY ROBERT R.D. CURTIS, JR. TO RESCIND THE AMERICAN LEGION DONATION MOTION. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr.), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

**Robert R.D. Curtis, Jr. left at 9:20 a.m.**

2. Jean Jokinen – KBIC Veterans Trailer Request (3) Bids (Tabled on 3/8/12) – The low bid is Ojibwa Building Supply \$2,780.00 and \$720.00 available for the Detailing by Christopher Voakes.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE KBIC VETERANS REQUEST IN THE AMOUNT OF \$3,500.00. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Robert R.D. Curtis, Jr.), MOTION CARRIED.**

3. Larry Denomie III, CEO – Health Insurance BC/BS April 2012 Renewal Option Selection

**MOTION MADE BY EDDY EDWARDS TO HAVE THE RETIREMENT COMMITTEE MEET AGAIN WITH FRANCIS LAPOINTE AND CAROLE LAPOINTE AND GIVE A RECOMMENDATION FOR THE BEST OPTION BASED ON FINANCES/EXPERIENCE AT NEXT THURSDAY’S MEETING. SUPPORTED BY CAROLE L. LAPOINTE. FIVE IN FAVOR (Toni J. Minton, Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Elizabeth D. Mayo, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr.), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Robert R.D. Curtis, Jr.), MOTION CARRIED.**

I. New Business:

1. Evelyn Ravindran/Jeanne Kauppila – 2012-2013 Commercial Fishing Applications

**Robert R.D. Curtis, Jr. returned at 9:45 a.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO TABLE THE APPROVAL OF THE COMMERCIAL FISHING APPLICATIONS UNTIL NEXT WEEK SO STAFF CAN LOOK INTO ANY PENDING VIOLATIONS. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

[Old Business]

1. Robert R.D. Curtis, Jr. – b) Agenda/Meeting Packet Deadline

R.D. would like to have the Council meeting packets available earlier so the Council has time to review the information beforehand.

The Council consensus is to have the deadline on Tuesday at 1:00 p.m. and packets available at 3:00 p.m. (Before the Thursday meeting is held).

[New Business]

2. Carole LaPointe, Health Administrator/Larry Denomie III, CEO – Proposed Amendment to Personnel Policy 4.3 Selection Procedure and Health Board By-Laws Article II regarding Hiring of DHHS Employees

Selection Procedure - A. and B. – The Hire of Professional Staff by the Health Board, Health Director, and Chief Executive Officer.

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE PROPOSED AMENDMENT TO THE PERSONNEL POLICY SECTION 4.3 RELATING TO THE HIRE OF CONTRACTED PROFESSIONAL STAFF AND TO AMEND THE HEALTH BOARD BY-LAWS AS PRESENTED. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

**Break: 10:09 – 10:20 a.m.**

J. Closed Session:

1. Dorsey & Whitney - Skip Durocher/Economic Development Committee/John Baker
2. Enterprise Employee Appeal of Termination Hearing Case #004-12
3. Employee Appeal of Termination Hearing Case #005-12
4. David Haataja, Casinos General Manager – IGT Participation Agreement
5. John Baker, Attorney
  - a) Litigation Report
  - b) Red Apple Restaurant Update
6. Carole LaPointe, Health Director –
  - a) Site Manager Interim Wage
  - b) ITC of Michigan, Inc. Head Start Agreement
  - c) Family Nurse Practitioner Contract
  - d) Dale Schmeisser Registered Dietician Services Agreement Renewal
7. Bruce LaPointe, Projects Manager – OVW Security System South Shore Services Agreement

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:21 A.M. AND TO ALLOW TRIBAL MEMBERS TO ATTEND. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Elizabeth D. Mayo, Jerry Lee Curtis), MOTION CARRIED.**

(Elizabeth Mayo is out of the room)

**Fred Dakota left at 11:44 a.m.**

**Lunch: 12:22 – 1:14 p.m.**

**Eddy Edwards left 1:14 – 1:21 p.m.**

**Toni Minton left 1:14 – 1:50 p.m.**

**Break: 2:00 – 2:10 p.m.**

**Break: 2:50 – 2:55 p.m.**

**Elizabeth Mayo left 3:20 – 3:34 p.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 3:38 P.M. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

Employee Appeal of Termination Hearing Case #005-12 – (Back pay from February 29, 2012)

**MOTION MADE BY ELIZABETH D. MAYO TO OVERTURN THE EMPLOYEE TERMINATION IN CASE #005-12 WITH FULL BACK PAY. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Jean Jokinen), ONE ABSTAINING (Toni J. Minton), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

Enterprise Employee Appeal of Termination Hearing Case #004-12 –

**MOTION MADE BY FRED DAKOTA TO OVERTURN THE EMPLOYEE TERMINATION IN CASE #004-12. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Susan J. LaFERNIER), ONE ABSTAINING (Toni J. Minton), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

IGT Participation Agreement – (Revised Lease Agreement)

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE IGT REVISED LEASE PARTICIPATION AGREEMENT AND AUTHORIZE THE CHAIRMAN TO SIGN THE IGT MICROSOFT END-USER LICENSE AGREEMENT. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

ITC of Michigan, Inc. Head Start Agreement – (MOA) and Business Associate Agreement

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE INTER-TRIBAL COUNCIL OF MICHIGAN AND KBIC AND THE BUSINESS ASSOCIATE AGREEMENT WITH THE INTER-TRIBAL COUNCIL OF MICHIGAN FOR THE HEAD START SCREENING. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

Dale Schmeisser Registered Dietician Services Agreement Renewal – for one year Diabetes Program

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND DALE SCHMEISSER R.D., Ph.D. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

Employment Agreement Nurse Practitioner – (Kristine Mary Nyquist, RN, FNP) Three years for the provision of medical services

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE FAMILY NURSE PRACTITIONER EMPLOYMENT AGREEMENT WITH KRISTINE MARY NYQUIST. SUPPORTED BY JEAN JOKINEN. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Elizabeth D. Mayo), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

Red Apple Restaurant – (Lease Termination)

**MOTION MADE BY ELIZABETH D. MAYO TO RATIFY THE TERMINATION OF THE CASINO RESTAURANT SPACE LEASE AGREEMENT WITH THE RED APPLE RESTAURANT. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

South Shore Services, Inc. Services Agreement – OVW Security System

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE SOUTH SHORE SERVICES, INC. SERVICES AGREEMENT FOR THE SECURITY SYSTEM AT THE OVW TRANSITIONAL HOME IN THE AMOUNT OF \$13,692.70. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Eddy Edwards), MOTION CARRIED.**

(Eddy Edwards is out of the room)

DHHS Wage Increase – Clinical Applications Coordinator (CAC)

**MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE CLINICAL APPLICATIONS COORDINATOR (CAC) WAGE INCREASE OF \$2.00 UNTIL AN INTERIM RPMS SITE MANAGER IS TEMPORARILY HIRED AT THE HEALTH CENTER. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Eddy Edwards), ONE ABSTAINING (Elizabeth D. Mayo), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

[New Business]

3. Larry Denomie III, CEO –

- a) Weekly Update (See handout)
- b) Director of Fire Management Position Announcement

**MOTION MADE BY ELIZABETH D. MAYO TO TABLE THE DIRECTOR OF FIRE MANAGEMENT JOB DESCRIPTION FOR FURTHER REVIEW. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

K. Recognize Scheduled Delegation/Individuals:

- 1. Jeff Loman – Experience with Mining Issues

Present: Jessica Koski, Chuck Brumleve, Bruce LaPointe, Gary Loonsfoot, Jr., Allen Gauthier, Jerry Jondreau, Tom Verboczki.

Jeff Loman stated that the Tribe does not have to exhaust all avenues through State Court before getting into Federal Court and we should let the other groups carry the State litigation forward and we should not pay our lawyers another penny.

Jeff suggests the Tribe send a letter to the EPA regarding permits and is willing to draft the letter. He will also be filing a citizens complaint to the EPA under the Clean Water Act regarding discharge of water at the Eagle Mine.

Jessica Koski handed a copy of her UN Letter for review.

**Fred Dakota left at 5:02 p.m.**

**Elizabeth Matthews left at 5:18 p.m.**

L. Adjournment:

**MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 5:20 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Fred Dakota, Elizabeth “Chiz” Matthews), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist