

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
REGULAR TRIBAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
SATURDAY – JUNE 2, 2012 – 9:00 A.M.**

- A. Date: June 2, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:08 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Jerry Lee Curtis, Assistant Secretary
Toni J. Minton, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota
Eddy Edwards
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe
Elizabeth “Chiz” Matthews (arrived at 9:17 a.m.)
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: June 2, 2012
- Addition: Old Business- 2. President Swartz – Education Committee

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

G. Recognize Scheduled Delegation/Individuals:

1. Jeff Loman/Eric Eggan of Honigman, Miller, Schwartz & Cohn/Michelle Halley of National Wildlife Federation/Skip Durocher of Dorsey & Whitney (A follow up to the conference call held at the May 24, 2012 Council Meeting)

Elizabeth Matthews arrived at 9:17 a.m.

Mr. Loman's recommendation is to hire an entire new legal team. He believes what is needed is an Environmental Law Firm.

Mr. Eggan gave a power point presentation of the five-year strategy against the mining at Eagle Rock. His recommendations were to consider negotiations with Kennecott. He recommends against hiring an out of State firm.

Ms. Halley reminded the Council that we are presently in the Court of Appeals. She stated the Tribe should actively pursue at the Federal level, she does not believe we had to exhaust all State avenues. She handed out an excerpt from the Petitioners brief for review on the mining permit regarding the NPDES Permit.

Mr. Durocher stated Dorsey & Whitney's involvement was only to prepare two memos regarding treaty claims on tribal resources in February 2007 and to give an opinion on the probability of Federal Court abstentions before going to State Court.

Break: 11:03 – 11:15 a.m.

H. For Your Information:

1. A "Thank you" from the American Cancer Society
2. A "Thank you" from KBOCC Student Government
3. A "Thank you" from the L'Anse 6th Grade Students and Staff
4. A "Thank you" from Finlandia University
5. A "Thank you" from the Great Lakes Center for Youth Development
6. A "Thank you" from the Bailey for Congress Committee and the Return of the Contribution due to the Suspension of the Campaign
7. An Appreciation Letter from Derek Bailey
8. A Compliance Report from the National Indian Gaming Commission as of December 2011
9. A Letter of introduction from J. David Vlahos President of Keweenaw Financial Corporation
10. Commodity Foods Program Management Review Evaluation Closure from the Midwest Region USDA
11. A Letter from Adam Burley, President of Kennecott Eagle Minerals Rio Tinto
12. Notification of Approved Enrollment Applications May 4, 2012 (5)

I. President's Report/May 2012 – available for your review

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE MAY 2012 PRESIDENT’S REPORT. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

J. Secretary’s Report/May 2012 – available for your review

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MAY 2012 SECRETARY’S REPORT. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

K. CEO’s Report/May 2012 – available for your review [also available on ojibwa.com]

MOTION MADE BY TONI J. MINTON TO APPROVE THE MAY 2012 CEO’S REPORT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

L. Department Head Reports – April 2012

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE APRIL 2012 DEPARTMENT HEAD REPORTS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

M. Old Business:

1. Eddy Edwards – 3rd Reading Proposed Limited Liability Company Code 2011-03

MOTION MADE BY FRED DAKOTA TO ADOPT PROPOSED ORDINANCE LIMITED LIABILITY COMPANY CODE 2011-03. SUPPORTED BY EDDY EDWARDS.

President Swartz read recommendations submitted by the Attorneys. 1) In Section 1.13 change “Tribal Court” to “Tribal Council” and all references throughout, 2) The additional regulatory duties of the Office of Secretary will require additional staff, and 3) Extend the effective date six months from the date of approval.

The Council consensus is to have the Secretary as a full-time position.

MOTION MADE BY EDDY EDWARDS TO AMEND SECTION 1.13 OF PROPOSED ORDINANCE LIMITED LIABILITY COMPANY CODE 2011-03 TO READ: ANY PERSON WHO IS ADVERSELY AFFECTED BY THE FAILURE OR REFUSAL OF ANY PERSON TO EXECUTE AND FILE ANY ARTICLES OR OTHER DOCUMENT TO BE FILED UNDER THIS CODE MAY PETITION THE TRIBAL COUNCIL TO DIRECT THE EXECUTION AND FILING OF THE ARTICLES OR OTHER DOCUMENT. NOTHING IN THIS CODE, HOWEVER, SERVES TO WAIVE ANY ASPECT OF THE TRIBE'S SOVEREIGN IMMUNITY, AND ANY WAIVER THEROF MUST BE PROVIDED EXPLICITLY IN THE LLC'S ARTICLES OF ORGANIZATION AND/OR OPERATING AGREEMENT, AND CHANGE ALL REFERENCES FROM "TRIBAL COURT" TO "TRIBAL COUNCIL" TO PROTECT SOVEREIGN IMMUNITY WITH THE EFFECTIVE DATE TO BE SIX MONTHS FROM THE DATE OF APPROVAL AND THAT WE SERIOUSLY CONSIDER MAKING THE TRIBAL COUNCIL SECRETARY A FULL-TIME POSITION. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

MOTION MADE BY FRED DAKOTA TO ADOPT PROPOSED ORDINANCE LIMITED LIABILITY COMPANY CODE 2011-03. SUPPORTED BY EDDY EDWARDS. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

2. President Swartz – Education Committee (Reconsideration from May 31, 2012 Meeting) There are now (3) members on the committee that have children attending school (need 4). The advertisement was for (4) members from the May 31, 2012 meeting.

MOTION MADE BY EDDY EDWARDS TO RECONSIDER THE EDUCATION COMMITTEE NOMINATIONS. SUPPORTED BY ROBERT R.D. CURTIS, JR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

(These persons were on the list for consideration at the May 31, 2012 meeting)

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT TERRI DENOMIE, LYNN HAATAJA, AND CHARLES LOONSFOOT, JR. TO THE EDUCATION COMMITTEE AND TO POST ONE SEAT OF A PARENT. SUPPORTED BY EDDY EDWARDS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

N. New Business:

1. Elizabeth Mayo, Vice President – Press Coverage for Tribal Council Meetings Policy

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE POLICY FOR PRESS COVERAGE OF COUNCIL MEETINGS. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Eddy Edwards), THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), ABSENT - 0, MOTION CARRIED.

2. Toni Minton, Treasurer – June 2012 Donations - \$935.00

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE JUNE 2012 DONATIONS AS THE FOLLOWING: L’ANSE EAGLE’S CLUB WOMEN’S FISHING TOURNAMENT \$500.00, KBOCC STUDENT GOVERNMENT AND AISES FIRST ANNUAL HOOPS LAKE SUPERIOR BASKETBALL TOURNAMENT \$250.00, AND VICTORIA EMERY REQUEST FOR SYDNI VOAKES TO ATTEND BAND CAMP \$185.00. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

O. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 12:20 P.M. SUPPORTED BY JERRY LEE CURTIS. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist