

KEWEENAW BAY INDIAN COMMUNITY

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

2018 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
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, JR.
RODNEY LOONSFOOT
ELIZABETH D. MAYO

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – FEBRUARY 22, 2018 – 9:00 A.M.

APPROVED

MAR 15 2018

KBIC PRESIDENT'S OFFICE

SIGNATURE: 

- A. Date: February 22, 2018
- B. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President (left at 4:00 p.m.)
Jennifer Misegan, Vice President (arrived at 1:12 p.m.)
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 11:52 a.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota (left at 10:55 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: February 22, 2018
- Move New Business 3. Hannah Beesley, Personnel Director – Compensation Study Proposal Bids (4) to Closed Session 5. (Remove Don Wren, Ojibwa Casinos General Manager)
- Move New Business 3. Elizabeth Mayo b) Director Job Descriptions: Fire Program/Human Resources; Applicants, Credentials, Selection Committee Concerns to Closed Session 6.

- Additions:
- | | |
|-----------------|--|
| Old Business- | 5. President Swartz – Resolution KB-004-2018 KBIC
2018-2022 Five Year Recreational Plan |
| Closed Session- | 6. President Swartz – b) BIA Letter regarding Fire Fighters
Program |

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY RANDALL R. HAATAJA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

G. For Your Information:

1. Government/Ojibwa Casinos Employee 02/12/18 Reports and Employment Opportunities 02/21/18

H. Closed Session:

1. Lundin Mining Corporation – [Open to KBIC Members]
 - a) Working Partnership between Eagle Mine subsidiary of Lundin Mining and KBIC
 - b) Mine Closure Planning – possibly 2023
 - c) KBIC Participation in Mine Closure Activities
 - d) Local Business Development
 - e) Agreement on the Next Steps

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 9:16 A.M. CO-SUPPORTED BY ROBERT R.D. CURTIS, JR. AND RANDALL R. HAATAJA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

Break: 10:30 – 10:52 a.m.

MOTION MADE BY RANDALL R. HAATAJA TO GO INTO OPEN SESSION AT 10:53 A.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jennifer Misegan), MOTION CARRIED.

I. Old Business:

1. Lori Sherman, Natural Resources Director –
 - a) KBIC/NRD Name Selection for the 16th Annual Kids Fishing Derby

Lori proposed holding the Kids Fishing Derby every other year due to the extreme amount of work involved and the number of staff that is required.

Fred Dakota left at 10:55 a.m.

The Council consensus was to cancel the event for this year and hold it again in 2019 and every other year thereafter.

The list of Commercial Fishermen provided by the Licensing/Motor Vehicle Department was incomplete and the Council would like it updated for next year's name selection.

b) Naming of NRD's New Research Vessel

The Council consensus was for Lori to conduct a community survey for the naming of the vessel.

2. Julie Raby, Payroll Supervisor – Tribal Center Closure Policy and Inclement Weather Policy (final review)

7.2 C. Inclement Weather Policy, 7.3 Closures of Governmental Offices, and 6.8 Exempt Employees Compensatory Time Policy –

7.3 1. A full day closure is a 24-hour period

7.3 1. c. Delete

7.3 3. c. Replace sentence with the wording from 1. d. (copy and paste)

MOTION MADE BY TONI J. MINTON TO APPROVE THE POLICY WITH CHANGES AS DISCUSSED. SUPPORTED BY RANDALL R. HAATAJA. FOUR IN FAVOR (Susan J. LaFernier, Toni J. Minton, Randall R. Haataja, Michael F. LaFernier, Sr.), TWO OPPOSED (Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), THREE ABSTAINING (Doreen G. Blaker, Robert R.D. Curtis, Jr., Rodney Loonsfoot), TWO ABSENT (Jennifer Misegan, Fred Dakota), MOTION CARRIED.

3. Elizabeth Mayo – Enrollment Board Resolution EB-2018-01 approved February 2, 2018
Definition of Who is Eligible to be a Descendant of a Member

The Council would like more information from the Enrollment Director on how their department determines a descendant for hiring purposes and other programs. A Tribal Council resolution will be brought back next week for approval to certify the Enrollment Board's definition.

4. President Swartz - Resolution KB-004-2018 KBIC 2018-2022 Five Year Recreation Plan.
The NRD and Public Works Department has developed the plan as a guideline for improving recreation and enhancing natural resource conservation for KBIC.

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE RESOLUTION KB-004-2018 KBIC 2018-2022 FIVE YEAR RECREATION PLAN. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), TWO ABSENT (Jennifer Misegan, Fred Dakota), MOTION CARRIED.

Lunch: 11:52 a.m. – 1:11 p.m. (Toni Minton left)

Jennifer Misegan arrived at 1:12 p.m.

5. Doreen Blaker, Treasurer – 2nd Reading for Motion to Amend Proposed Ordinance 2018-01 The Tobacco Ordinance of 2018 Amending Title 21B – The Tobacco Ordinance of 2008

[See Legislative File]

President Swartz read the Legislative Process and Public Hearing Procedures and opened for written and verbal comments.

No written or verbal comments were received from the public.

Susan LaFerner had questions and clarifications. It was stated that a work session/review will be held on Monday, February 26th with a tour of the business and the 3rd Reading for amendments.

Elizabeth Mayo would like a small percentage of the proceeds to go to the Health Department for smoking cessation programs or Public Service Announcements related to health risks.

President Swartz concluded the 2nd Reading at 1:29 p.m.

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney - Glenn Sarka, PLLC Guardian Ad Litem/Other Services assigned by the Tribal Court Chief Judge Tier III Services Agreement November 1, 2017 – December 31, 2018 \$75/hr.

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE GUARDIAN AD LITEM TIER III SERVICES AGREEMENT WITH GLENN SARKA, PLLC. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

2. Sarah Smith - Constitution Committee Response to BIA Technical Comment Letter regarding the Amendment to the Constitution Article IX Judicial Branch

KBIC sent a resolution approved on September 24, 2015 to the BIA requesting a Secretarial Election to amend the Constitution adding a Judicial Branch. January 12, 2018 the BIA sent a letter to KBIC with Technical Comments (7) with proposed suggestions. The Constitution Committee reviewed the comments and gave their response and will return next week with a new resolution.

MOTION MADE BY RODNEY LOONSFOOT TO TABLE UNTIL CHANGES ARE BROUGHT BACK FOR REVIEW. (The motion was called out of order; agreed with the Committee's recommendations)

3. President Swartz – Committee/Board Selections

- a) Election Board (3) Seats for 3-year terms (5 applicants). One was not recommended because of health issues.

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT PEGGY LOONSFOOT, JEANNE EMERY, AND CLAYTON EKDAHL TO THE ELECTION BOARD. SUPPORTED BY RANDALL R. HAATAJA. FOUR IN FAVOR (Jennifer Misegan, Randall R. Haataja, Michael F. LaFernier, Sr., Elizabeth D. Mayo), TWO OPPOSED (Susan J. LaFernier, Rodney Loonsfoot), THREE ABSTAINING (Doreen G. Blaker, Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Jr.), TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

Susan LaFernier stated her opposition: The two alternates' names should have been drawn.

- b) Youth Committee (1) Seat to fulfill a vacancy term ending April 2019 (1 applicant)

MOTION MADE BY JENNIFER MISEGAN TO APPOINT TASHINA EMERY TO THE YOUTH COMMITTEE. CO-SUPPORTED BY DOREEN G. BLAKER AND RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

4. Danielle Webb, Tribal Attorney - Joseph P. O'Leary Guardian Ad Litem/Other Services assigned by the Tribal Court Chief Judge Retainer Agreement

Term ending February 10, 2019 for a non-refundable monthly retainer of \$1,200.00

MOTION MADE BY JENNIFER MISEGAN TO DENY THE CONTRACT WITH JOSEPH P. O'LEARY AND RE-NEGOTIATE THE COMPENSATION AND EXPENSES. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Jennifer Misegan, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr.), THREE OPPOSED (Susan J. LaFernier, Michael F. LaFernier, Sr., Elizabeth D. Mayo), ONE ABSTAINING (Rodney Loonsfoot), TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

K. Closed Session:

2. Rick Geroux – Jimaganish Wadokaged License/Property Tax Exemption
3. Danielle Webb, Tribal Attorney – Update
4. Jennifer Misegan, Vice President - Tobacco Company Update
5. Hannah Beesley, Personnel Director – Compensation Study Proposal Bids (4)
6. Elizabeth Mayo - Director Job Descriptions: Fire Program/Human Resources; Applicants, Credentials, Selection Committee Concerns
7. President Swartz – BIA Letter regarding Fire Fighters Program

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:14 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

George Howard Kimewon was introduced to Council. (new Language Instructor)

Break: 3:12 – 3:22 p.m.

President Swartz left at 4:00 p.m.

Vice President Misegan is chairing

MOTION MADE BY RANDALL R. HAATAJA TO GO INTO OPEN SESSION AT 4:19 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

MOTION MADE BY RODNEY LOONSFOOT TO SUSPEND THE STATUS CHANGE ON HANNAH BEESLEY UNTIL FURTHER INVESTIGATION. (The motion was called out of order; more information is coming back)

L. Adjournment:

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADJOURN AT 4:23 P.M. SUPPORTED BY RANDALL R. HAATAJA. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Elizabeth D. Mayo), THREE OPPOSED (Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – FEBRUARY 22, 2018 – 9:00 A.M.

A. Date: February 22, 2018

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
- Randall R. Haataja
- Michael F. LaFernier, Sr.
- Gary F. Loonsfoot, Jr.
- Rodney Loonsfoot
- Elizabeth D. Mayo

E. Declaration of Quorum:

F. Approval of Agenda: February 22, 2018

G. For Your Information:

1. Government/Ojibwa Casinos Employee Report and Employment Opportunities

H. Closed Session:

1. Lundin Mining Company – **9:00 a.m.** [Open to KBIC Members]
 - a) Working Partnership between Eagle Mine and KBIC
 - b) Mine Closure Planning
 - c) KBIC Participation in Mine Closure Activities
 - d) Local Business Development
 - e) Agreement on the Next Steps

I. Old Business:

1. Lori Sherman, Natural Resources Director –
 - a) KBIC/NRD Name Selection for the 16th Annual Kids Fishing Derby

- b) Naming of NRD's New Research Vessel
- 2. Julie Raby, Payroll Supervisor – 7.3 of the Tribal Center Closure Policy and Inclement Weather Policy
- 3. Elizabeth Mayo –
 - a) Enrollment Board Resolution EB-2018-01 Definition of Who is Eligible to be a Descendant of a Member
 - b) Director Job Descriptions: Fire Program/HR; Applicants, Credentials, Selection Committee
- 4. Doreen Blaker, Treasurer – 2nd Reading for Motion to Amend Proposed Ordinance 2018-01 The Tobacco Ordinance of 2018 Amending Title 21B – The Tobacco Ordinance of 2008 –
1:00 p.m.

J. New Business:

- 1. Bobby Escobar, Assistant Tribal Attorney - Glenn Sarka, PLLC Guardian Ad Litem Tier III Services Agreement
- 2. Sarah Smith - Constitution Committee Response to BIA Technical Comment Letter regarding the Amendment to the Constitution Article IX Judicial Branch
- 3. Don Wren, Ojibwa Casinos General Manager/Hannah Beesley, Personnel Director – Compensation Study Proposal Bids (4)
- 4. President Swartz – Committee/Board Selections
 - a) Election Board (3)
 - b) Youth Committee (1)
- 5. Danielle Webb, Tribal Attorney - Joseph P. O'Leary Guardian Ad Litem/Other Services Retainer Agreement

K. Closed Session:

- 2. Rick Geroux – Jimaganish Wadokaged License/Property Tax Exemption
- 3. Danielle Webb, Tribal Attorney – Update
- 4. Jennifer Misegan, Vice President - Tobacco Company Update

L. Adjournment: