

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – APRIL 28, 2011 – 9:00 A.M.**

- A. Date: April 28, 2011
- 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
William E. Emery, Vice President
Susan J. LaFerner, Secretary
Toni J. Minton, Assistant Secretary
Eddy Edwards, Treasurer
Fred Dakota (left 11:50 a.m. – 1:05 p.m.)
Michael F. LaFerner, Sr.
Gary F. Loonsfoot, Sr. (arrived at 9:41 a.m., left at 2:05 p.m.)
Elizabeth “Chiz” Matthews (arrived at 9:15 a.m.)
Elizabeth D. Mayo
- Absent: Jerry Lee Curtis
Isabelle Helene Welsh
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: April 28, 2011
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|------------|---------------|---|
| Additions: | New Business- | 3. President Swartz – b) Zeba Ball Field
c) KBIC Auction
d) Millionaire Greetings |
| | Old Business- | 2. Elizabeth Mayo – Schedule Finance Meeting
3. Mike LaFerner, Sr. - Pines |

Elizabeth Matthews arrived at 9:15 a.m.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

G. For Your Information:

1. Gaming Commission Meeting Minutes 3/2/11, 3/16/11
2. House Profit Report March 31, 2011 from Robert Mudd, Baraga Casino General Manager

[New Business]

3. President Swartz –

c) KBIC 2-Day Weekend Auction – May 7 and 8, 2011 with B. Patient Auctions

Mike LaFernier had concerns regarding several items (heavy equipment) listed in the advertisement for the auction. The Council would like a list of the items along with the pricing for each. Council did not see the flyer prior to today. The CEO will inquire with Bruce LaPointe.

Gary Loonsfoot, Sr. arrived at 9:41 a.m.

Break: 9:42 – 9:50 a.m.

H. Recognize Scheduled Delegation/Individuals:

1. Dorsey Seminar and Lunch – PACT Act Update/Tribal Records Retention Policy/and Tribally Owned Economic Development

Fred Dakota left at 11:50 a.m.

Lunch: 12:04 – 1:05 p.m.

Fred Dakota returned at 1:05 p.m.

I. Approval of Meeting Minutes:

1. September 16, 2010

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SEPTEMBER 16, 2010 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), FOUR ABSENT (Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

J. Old Business:

1. Larry Denomie III, CEO – Naming of the Early Childhood Education Center

Gary Loonsfoot, Sr. arrived after lunch at 1:14 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO NAME THE CENTER AFTER MARGARET ROSS AND CHANGE IT TO THE EARLY CHILDHOOD AND FAMILY EDUCATION CENTER. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (William E. Emery), THREE ABSTAINING (Susan J. LaFernier, Toni J. Minton, Gary F. Loonsfoot, Sr.), THREE ABSENT (Eddy Edwards, Jerry Lee Curtis, Isabelle H. Welsh), MOTION CARRIED.

Eddy Edwards arrived after lunch at 1:15 p.m.

2. Elizabeth Mayo – Schedule Finance Meeting – May 12, 2011 at 9:30 a.m.
3. Michael LaFernier, Sr. - Pines

Mike asked the Council why the Pines can advertise on the radio to have the lowest price in gas and states that it isn't true.

Larry Denomie stated that CITGO drops their price after Trish posts the Pines price, but they are not operating at a profit. He will instruct Trish Gerard to get the profit to its maximum.

K. New Business:

1. Larry Denomie III, CEO –
 - a) Non-Native Government/Enterprises Employee Listing – for review
 - b) Request to Demo Three Amigos Building/Bruce LaPointe, Projects Manager present

MOTION MADE BY EDDY EDWARDS TO APPROVE TABLE THE REQUEST FOR TWO WEEKS. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO DIRECT BRUCE LAPOINTE TO SCHEDULE A SITE VISIT FOR THE COUNCIL TO VIEW THE THREE AMIGOS BUILDING. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Isabelle H. Welsh), MOTION CARRIED.

The site visit was scheduled for May 10, 2011 at 11:00 a.m.

- c) Building/Electrical Permit Fee Schedules (Collected/Paid Analysis) – for review

Gary Loonsfoot, Sr. left at 2:05 p.m.

- d) Personnel Policy Proposed Amendments –

- i. 24.0 Cell Phone Policy

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE 24.0 CELL PHONE (USE) POLICY AS PRESENTED. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

- ii. 26.0 Computer Use Policy – see changes in “Appropriate Use” and Personal Cellular Telephones and Pagers Use

MOTION MADE BY EDDY EDWARDS TO APPROVE AMENDING THE COMPUTER USE POLICY WHICH ADDS THE LINE IN SECTION 6.6 d) “USE OF PERSONAL EMAIL ACCOUNTS FOR KBIC BUSINESS IS PROHIBITED.” SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

Break: 2:28 – 2:40 p.m.

- 2. Eddy Edwards, Treasurer/Charles Brumleve, Mining Specialist – Designate Lake Superior by EPA as an Aquatic Resource of National Importance (ARNI)
- 3. President Swartz/Michael LaFerner, Sr. –
 - a) 1st Reading Proposed Ordinance 2011-02 to Amend Tribal Code Title 10 to clarify the definition of the Home Territory 12.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO INTRODUCE PROPOSED ORDINANCE 2011-02 TO AMEND TRIBAL CODE 10.101 AND MOVES THAT IT BE ADOPTED. SUPPORTED BY WILLIAM E. EMERY.

President Swartz read the Legislative Process. Toni Minton read the proposed ordinance amendment.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO INTRODUCE PROPOSED ORDINANCE 2011-02 TO AMEND TRIBAL CODE 10.101 AND MOVES THAT IT BE ADOPTED. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY EDDY EDWARDS TO SCHEDULE THE 2ND READING OF PROPOSED ORDINANCE 2011-02 (HOME TERRITORY) FOR MAY 19, 2011 AT 1:00 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

- b) KBIC Auction – Bruce LaPointe present. He stated that on Thursday the Department Heads should pick what they want and a Tribal auction will be held on Friday.
- c) Zeba Ballfield – Amy Pittsley and Janet Rossi requested to use the field for (girls age 6-17 - women’s) fast-pitch softball.

The Council consensus was to allow the request provided they are responsible for the upkeep of the field and sign a liability waiver. The Council assigned the road/weatherization crew to repair the dugouts.

- d) Millionaire Greetings – Joe Gough stated to President Swartz that they are seeking the Tribe’s decision to invest two million by next Thursday, May 5, 2011. They plan to launch their operation in July of 2011.

L. Closed Session:

- 1. John Baker, Attorney/Heather Chapman, Assistant Tribal Attorney
- 2. David Haataja, Marquette Casino General Manager - Michael Joseph Services Agreement

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 3:32 P.M. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION AT 3:52 P.M. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

SORNA User Agreement –

MOTION MADE BY EDDY EDWARDS TO APPROVE THE USER AGREEMENT BETWEEN KBIC AND THE INSTITUTE FOR INTERGOVERNMENTAL RESEARCH REGARDING THE TRIBE AND TERRITORY SEX OFFENDER REGISTRY SYSTEM. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

MOU between Michigan State Police and KBIC for participation in the combined DNA Index System (CODIS) –

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MOU BETWEEN THE MICHIGAN STATE POLICE AND KBIC FOR PARTICIPATION IN THE COMBINED DNA INDEX SYSTEM. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

Michael Joseph Services Agreement – to provide Gaming Training Services to the employees of the Ojibwa Casinos in Baraga and Marquette and Gaming Commissioners and Staff June 6-11, 2011

MOTION MADE BY EDDY EDWARDS TO APPROVE THE SERVICES AGREEMENT BETWEEN KBIC AND MICHAEL JOSEPH, AN INDIVIDUAL, FOR \$10,000.00 PLUS EXPENSES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

M. Adjournment:

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO ADJOURN AT 4:00 P.M. SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist