

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – NOVEMBER 4, 2010 – 9:00 A.M.**

- A. Date: November 4, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:15 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFernier, Secretary
Elizabeth “Chiz” Matthews, Assistant Secretary
Eddy Edwards, Treasurer (left at 2:58 p.m.)
Jerry Lee Curtis (arrived at 9:23 a.m., left 1:15–1:31, left 1:57-2:57 p.m.)
Fred Dakota
Michael F. LaFernier, Sr. (arrived at 11:16 a.m., left 1:15 – 1:54 p.m.,
left at 4:13 p.m.)
Elizabeth D. Mayo (left 3:12 – 3:30 p.m.)
Toni J. Minton
Isabelle Helene Welsh (arrived at 9:18 a.m.)
Absent: Gary F. Loonsfoot, Sr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: November 4, 2010
- Additions: FYI- 4. Bay Mills Tribe Opens Casino in Vanderbilt, MI
Old Business- 4. President Swartz – KBOCC MOA Review

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

G. For Your Information:

1. Random Drug Testing Report – Government and Enterprises July 12, 2010 and September 29, 2010
2. Robert Mudd, General Manager Baraga Casino – September 2010 Financial Report
3. Gaming Commission Meeting Minutes 9/1/10, 9/15/10, 9/22/10, 9/29/10
4. Bay Mills Tribe Opens Casino in Vanderbilt, MI

Isabelle Welsh arrived at 9:18 a.m.

Jerry Lee Curtis arrived at 9:23 a.m.

H. Old Business:

1. Larry Denomie III, CEO –
 - a) Proposed Amendment to KBIC Youth Program Activity Fund Guidelines – (delete sentence #2 and on #4 replace the second word of that sentence, *must* with *may*).

MOTION MADE BY EDDY EDWARDS TO APPROVE THE YOUTH ACTIVITY FUND POLICY WITH THE TWO CHANGES. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- b) Early Head Start/Head Start Update/Sarah Smith, Assistant CEO
Terri Denomie/Amy St. Arnold/Debra Picciano present

MOTION MADE BY ELIZABETH D. MAYO TO NOT APPLY FOR DIRECT GRANTEE FUNDING FROM THE OFFICE OF HEAD START (OHS) AND TO RELINQUISH RESOLUTION KB-1726-2010. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- c) Terri Denomie, Head Start Director – Head Start Director Bachelor Degree Clarification – The Head Start Director is required to have an Associate’s Degree in Early Childhood Education or Child Development or a Bachelor’s Degree is preferred.

[Terri requested to cancel this item]

Break: 10:16 – 10:35 a.m.

2. Amy St. Arnold, Education Director – Sovereign Student Fund Amendment Regarding OCC

[Will return to this item later in the day, after the KBOCC MOA Review, because it is related to that topic]

3. Todd Warner, NRD/Sarah Smith, Assistant CEO - Resolution KB-1785-2010 FY2011 Forest Management Deduction (10%) Account Expenditure Plan - [David Osmak is not available]

MOTION MADE BY FRED DAKOTA TO APPROVE RESOLUTION KB-1785-2010 FY2011 FOREST MANAGEMENT DEDUCTION (10%) ACCOUNT EXPENDITURE PLAN. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

(Jerry Lee Curtis is out of the room)

I. New Business:

1. Todd Warner, NRD – Commodity Foods Underground Storage Tanks (2) to empty them and remove from the ground. Total cost: \$5,550.00. His program has \$2,000.00 available.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE BID FROM OSI ENVIRONMENTAL, INC. IN THE AMOUNT OF \$3,550.00 FOR THE DISPOSAL OF THE COMMODITY FOODS UNDERGROUND STORAGE TANKS OUT OF GENERAL FUNDS. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

[Return to Old Business]

4. President Swartz – KBOCC MOA Review

Present: Debbie Parrish/Sarah Smith/Liz Julio/Amy St. Arnold/Dawn Richards/Robin Chosa

Mike LaFerner, Sr. arrived at 11:16 a.m.

Lunch: 12:00 – 1:15 p.m.

William Emery returned from lunch at 1:22 p.m.

Jerry Lee Curtis returned from lunch at 1:31 p.m.

Mike LaFerner, Sr. returned from lunch at 1:54 p.m.

Break: 1:57 – 2:12 p.m.

Jerry Lee Curtis left 1:57 – 2:57 p.m.

Amy St. Arnold, Education Director – Sovereign Student Fund Amendments (including OCC)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SOVEREIGN STUDENT FUND CHANGES, EFFECTIVE FALL SEMESTER 2010. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Jerry Lee Curtis), ONE ABSENT (Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Eddy Edwards left at 2:58 p.m.

[Return to New Business]

2. Diana Chaudier, Election Board Chair –

- a) Certify Results of KBIC Primary Election October 30, 2010 – Tribal Council Baraga District

MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE RESULTS OF THE BARAGA DISTRICT PRIMARY ELECTION 2010. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- b) Certify Nominees for General Election – December 11, 2010. The Election Board recommended all nominations for candidacy in the L’Anse District. Tribal Council (4) and Associate Judge (2).

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE NOMINEES FOR THE UPCOMING GENERAL ELECTION. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, THREE ABSTAINING (Susan J. LaFernier, Michael F. LaFernier, Sr., Toni J. Minton), TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

- c) Election Board Alternate – Diana recommended Beth Dix who has the experience as she is a former Election Board member.

MOTION MADE BY FRED DAKOTA TO APPOINT BETH DIX AS THE ELECTION BOARD ALTERNATE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), TWO OPPOSED (William E. Emery, Susan J. LaFerner), ABSTAINING - 0, TWO ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Susan LaFerner stated her opposition: She feels the position should have been advertised.

William Emery concurs.

Elizabeth Mayo left at 3:12 p.m.

- 3. Sarah Smith, Assistant CEO – Resolution KB-1789-2010 BIA Contracts January 1, 2011 – December 31, 2013

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1789-2010 BIA CONTRACTS. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

- 4. John Baker, Attorney – (Not present)

- a) New Business License Application – John Hebert – H&H Café

MOTION MADE BY TONI J. MINTON TO APPROVE THE NEW BUSINESS LICENSE FOR JOHN HEBERT FOR H&H CAFE. SUPPORTED BY ISABELLE H. WELSH. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

- b) New Business License Application – Fadil Ibraimi – Red Apple Family Restaurant

MOTION MADE BY FRED DAKOTA TO APPROVE THE NEW BUSINESS LICENSE FOR FADIL IBRAIMI FOR THE RED APPLE FAMILY RESTAURANT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Toni J. Minton), ONE OPPOSED (Isabelle H. Welsh), ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

J. Closed Session:

1. John Baker, Attorney

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 3:18 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Michael F. LaFernier, Sr., Toni J. Minton, Isabelle H. Welsh), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), MOTION CARRIED.

Break: 3:19 – 3:30 p.m.

Elizabeth Mayo returned at 3:30 p.m.

Mike LaFernier, Sr. left at 4:13 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 4:30 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

No meeting next week due to Veteran’s Day.

K. Adjournment:

MOTION MADE BY FRED DAKOTA TO ADJOURN AT 4:33 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jerry Lee Curtis, Fred Dakota, Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist