

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MAY 20, 2010 – 9:00 A.M.

- A. Date: May 20, 2010
- B. Call to Order: President Swartz called the meeting to order at 9:12 a.m.
- C. Invocation: Lord’s Prayer and prayers for Jerry Swartz, Colleen DeRoche, the Military, and The Family of Alfred LaBeau
- 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
Jerry Lee Curtis (left at 3:30 p.m.)
Michael F. LaFernier, Sr. (arrived at 1:51 p.m.)
Gary F. Loonsfoot, Sr. (left at 2:30 p.m.)
Elizabeth D. Mayo (left at 12:07 p.m.)
Toni J. Minton (arrived at 9:40 a.m.)
Isabelle Helene Welsh (arrived at 9:37 a.m., left at 12:07 p.m.)
- Absent: Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 20, 2010
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| Additions: | FYI-
Old Business-
New Business- | 4. Gene Emery – Meeting Update with Larry Echohawk
2. Susan LaFernier – Cemetery Wells Update
1. President Swartz – f) PACT Act Consultation
g) NIGC Survey
h) Tentative Meeting with U.S. Attorneys |
| | Closed Session- | 8. President Swartz – a) Kennecott Update
b) Marquette Casino Issue |
| Deletions: | Old Business- | 1. Larry Denomie – Merit Compensation Policy
2. b) Eddy Edwards – Donation Policy |

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

G. For Your Information:

1. Superior National Bank KBIC Guaranteed Loan Program Account Summary, May 13, 2010
2. Invite from the Superiorland Soccer Association to Kaufman Sports Complex New Pavilion Dedication June 8, 2010 in Marquette
3. Environmental Health and Safety Survey Report for 4 Seasons Inn
4. William Emery, Vice President – Bay Mills Meeting Update with Assistant Secretary, Larry Echohawk that he and Fred Dakota attended

H. Old Business:

1. Eddy Edwards, Treasurer – Schedule 2nd Reading Amendment to Tribal Code Domestic Relations 2010-05

The 2nd Reading is scheduled for June 10, 2010 at 5:00 p.m. (following the Council Meeting)

2. Susan LaFerner, Secretary – Cemetery Wells Update – a meeting is scheduled with the Bureau and Jason Ayres on work to be done at the Pinery cemetery. Mike LaFerner is getting the well fixed at the Pinery Cemetery and he has an estimate from Larson Well Drilling, LLC for \$4,936.20 for the Assinins hand pump.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE WELL AT THE ASSININS CEMETERY IN THE AMOUNT OF \$4,936.20 OUT OF THE GENERAL FUND. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Michael F. LaFerner, Sr., Toni J. Minton, Isabelle H. Welsh), MOTION CARRIED.

I. New Business:

1. President Swartz –

- a) Committee Appointments – one application was received from Philomena Ekdahl for the Health Board. By Council consensus she was appointed.

Three applications were received for the Cultural Committee from Leo Durant, Cody Blue, and Toni Minton. By Council consensus all three were appointed.

Elizabeth Mayo inquired about the Ojibwa Housing Board’s By-laws. President Swartz and Gary Loonsfoot, Sr. will review.

Isabelle Welsh arrived at 9:37 a.m.

- b) Negaunee Township Fire Department Request for Use of Airport for Training on August 4, 2010. Elizabeth Mayo would like to see our Fire Departments attend this training.

Toni Minton arrived at 9:40 a.m.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE REQUEST FROM NEGAUNEE TOWNSHIP TO USE THE TARMAC AT THE AIRPORT FOR THE PROPANE EMERGENCY PROGRAM TRAINING. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

- c) Joseph O’Leary 2% Revenue Request – The Council considers it a 2% distribution, not a payment in lieu of taxes. The 2% comes from the compact (consent agreement) not the property tax case.

Break: 10:38 – 10:55 a.m.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE LIST OF 2% DISTRIBUTIONS FOR BARAGA FOR GENERAL PURPOSES ONLY AND TO DRAFT A RESOLUTION. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), THREE OPPOSED (Susan J. LaFernier, Elizabeth D. Mayo, Toni J. Minton), ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She does not feel it was right to give more than what was requested and she feels it needed more review.

Susan LaFernier stated her opposition: She does not believe the amounts given are fair.

It was suggested by the President to do an assessment on value to comply with the consent judgment.

MOTION MADE BY TONI J. MINTON TO APPROVE KEN MARSHALL TO MAKE AN ASSESSMENT OF THE BARAGA AND MARQUETTE CASINOS. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), THREE OPPOSED (Susan J. LaFernier, Elizabeth D. Mayo, Isabelle H. Welsh), ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She feels it can eventually hurt the Tribe.

- d) FYI Lakeside Issue – Bob Ross is offering to sell the Lakeside to the Tribe for \$4 million. The Casino Task Force will review the proposal.
- e) Resolution KB-1754-2010 Transfer Balances of Proceeds of Labor Trust Funds to KBIC from the Office of Special Trustee for American Indians

MOTION MADE BY GARY F. LOONSFOT, SR. TO APPROVE RESOLUTION KB-1754-2010 TRANSFER PROCEEDS OF LABOR FUNDS TO KBIC. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Resolution KB-1756-2010 Baraga 2% -

MOTION MADE BY WILLIAM E. EMERY TO APPROVE RESOLUTION KB-1756-2010 BARAGA 2% DISTRIBUTION IN THE AMOUNT OF \$133,126.00. SUPPORTED BY EDDY EDWARDS. SEVEN IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), TWO OPPOSED (Susan J. LaFernier, Toni J. Minton), ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

- f) PACT Act Consultation – President Swartz and Fred Dakota will travel to Washington D.C. on June 8, 2010 after meeting with the attorneys and discussing Lance Morgan’s strategy regarding the cigarette issue.
- g) NIGC Survey of Tribal Compliance Reports January–December 31, 2009 - KBIC is in full compliance with the requirements of the law.
- h) Tentative Meeting with U.S. Attorneys – President Swartz will notify the Council of the annual meeting date.

2. Larry Denomie III, CEO –

- a) Emergency Fund Amendment – Immediate Family Members

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE KBIC REVISED EMERGENCY FUNDING POLICY PRESENTED TO ADD GREAT AND GREAT-GREAT RELATIONS TO UNCLE/AUNT, GRANDMOTHER/GRANDFATHER AND GRANDCHILDREN, NIECES/NEPHEWS, INCLUDING SPOUSE’S RELATIONS AND FOSTER PARENTS AND ADD MEDICAL EMERGENCY/HOSPITALIZATION/CRITICAL ILLNESS AND LIMITED LOCAL MEDICAL TRAVEL MAXIMUM IS \$400.00 PER TRIBAL MEMBER, INCLUDING EXCEPTION 1 ABOVE, REGARDLESS OF HOUSEHOLD SIZE. SUPPORTED BY WILLIAM E. EMERY. FIVE IN FAVOR (William E. Emery, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Isabelle H. Welsh), THREE OPPOSED (Susan J. LaFernier, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), ONE ABSTAINING (Toni J. Minton), TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Susan LaFernier stated her opposition: She is opposed because she feels this is going to be included in the donation policy review.

- b) Section 7.8 Attendances at Meetings Policy Amendment. This would provide the Beartown Firefighters the ability to attend trainings related to developing their skills and abilities. They requested 80 hours.

MOTION MADE BY EDDY EDWARDS TO ADOPT THE PROPOSED POLICY AMENDMENT AND CHANGE TO 40 HOURS. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Toni J. Minton, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Lunch: 12:07 – 1:20 p.m.

Elizabeth Mayo and Isabelle Welsh left at 12:07 p.m.

3. Bruce LaPointe, Project Manager –

- a) Request for Removal of Barn and two Outbuildings behind the Even Start House

MOTION MADE BY EDDY EDWARDS TO TABLE THE DECISION ON THE REMOVAL AND SALVAGE OF THE OUTBUILDINGS UNTIL NEXT WEEK. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

- b) Clinic Update: Eddy Edwards, Treasurer - Request to Release the Line of Credit \$310,000.00 with SNB for Ojibwa Builders

MOTION MADE BY EDDY EDWARDS TO RELEASE THE LINE OF CREDIT FROM SUPERIOR NATIONAL BANK WITH THE OJIBWA BUILDERS ON THE HEALTH CLINIC RENOVATION PROJECT. SUPPORTED BY WILLIAM E. EMERY.

Discussion:

Toni Minton stated: She feels this is a direct conflict of interest for Eddy Edwards and William Emery to make this motion as both are members of the Ojibwa Housing Authority Board and Eddy is also the Housing Director.

Susan LaFernier stated: She is opposed because she does not have the information.

MOTION MADE BY SUSAN J. LAFERNIER TO TABLE UNTIL THE COUNCIL RECEIVES ALL OF THE INFORMATION ON THE CONTRACT AND IF THIS REQUEST IS ALLOWABLE. SUPPORTED BY TONI J. MINTON. THREE IN FAVOR (Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Toni J. Minton), FOUR OPPOSED (William E. Emery, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION DEFEATED.

MOTION MADE BY EDDY EDWARDS TO AMEND HIS MOTION, TO RELEASE HALF THE LINE OF CREDIT FROM SUPERIOR NATIONAL BANK TO MAKE IT HELPFUL FOR THE OJIBWA HOUSING AUTHORITY AND OJIBWA BUILDERS CASH FLOW. SUPPORTED BY WILLIAM E. EMERY. FOUR IN FAVOR (William E. Emery, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr.), THREE OPPOSED (Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Toni J. Minton), ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

4. John Baker, Attorney – Business License Renewal Timothy Mayo All Purpose Dry Wall

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE RENEWAL BUSINESS LICENSE FOR TIMOTHY MAYO’S ALL PURPOSE DRYWALL. SUPPORTED BY EDDY EDWARDS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFERNIER, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

J. Closed Session:

1. Derek “Deve” Sever, Radio Station Manager – Staff Reconfiguration and GM Commission
2. Eddy Edwards, Treasurer –
 - a) Baraga 2% [Done earlier in the day]
 - b) Accounting for Tribal Construction Company
3. Christoph Geiger, Attorney/Jim Nardi, Human Resources – Approval of Procedures Regarding Qualified Domestic Relation Orders
4. Kathy Mayo, Community Health Director – Dale Schmeisser Registered Dietician Services Agreement
5. John Baker, Attorney
6. Larry Denomie III, CEO –
 - a) New Baraga Casino General Manager Contract/Jim Nardi, Human Resources
 - b) Department/Personnel Issue
7. Economic Development Committee, Paul DesRochers, Jr., Chair/Gregg Nominelli, Economic Developer – Evaluation of Business Opportunity with GreenSand Corporation, Domenic Popko, President & CEO/Ralph Hodek, COO/Tiffany Popko, Vice President
8. President Swartz –
 - a) Kennecott
 - b) Marquette Casino Issue

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 1:45 P.M. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Fred Dakota, Michael F. LaFerner, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Mike LaFerner, Sr. arrived at 1:51 p.m.

Break: 2:30 – 2:42 p.m.

Gary Loonsfoot, Sr. left at 2:30 p.m.

Jerry Lee Curtis left at 3:30 p.m.

Break: 4:04 – 4:15 p.m.

MOTION MADE BY WILLIAM E. EMERY TO GO INTO OPEN SESSION AT 4:48 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFerner, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Procedures Regarding Qualified Domestic Relation Orders –

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PROCEDURES FOR PROCESSING A DOMESTIC RELATIONS ORDER AND DELEGATING THAT PROCESS TO THE TRIBAL PRESIDENT. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFerner, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Dale Schmeisser, Registered Dietician, PhD Services Agreement – April 1, 2010 – March 31, 2011

MOTION MADE BY EDDY EDWARDS TO APPROVE THE SERVICES AGREEMENT WITH DALE SCHMEISSER. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFerner, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADJOURN AT 4:50 P.M. SUPPORTED BY TONI J. MINTON. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Elizabeth “Chiz” Matthews, Eddy Edwards, Michael F. LaFerner, Sr., Toni J. Minton), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist