

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
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ROBERT "R.D." CURTIS, JR.
FRED DAKOTA
RANDALL R. HAATAJA
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, JR.
RODNEY LOONSFOOT
ELIZABETH D. MAYO

2017 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
JENNIFER MISEGAN, Vice President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
DOREEN G. BLAKER, Treasurer

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JANUARY 12, 2017 – 9:00 A.M.

APPROVED
2-4-17

- A. Date: January 12, 2017
- B. Call to Order: President Swartz called the meeting to order at 9:02 a.m.
- C. Invocation: Ojibwa Prayer by President Swartz/Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 3:42 p.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr. (left at 3:04 p.m.)
Fred Dakota (left at 11:36 a.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo
- Absent: Randall R. Haataja
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 12, 2017

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

G. Old Business:

1. Bobby Escobar, Assistant Tribal Attorney/Sarah Maki, Assistant CEO - Michigan Economic Development Corporation Grant with KBIC Agreement for a 1.5 mile Non-Motorized Trail from Sand Point Lighthouse to the Baraga Municipal Marina

September 15, 2016 – September 29, 2017 \$377,192.50

\$50,000 KBIC match, \$50,000 Village of Baraga match, \$50,000 Village of Baraga Downtown Development Authority match, DNR land match Total: \$527,192.50

Jeff Loman made a recommendation to add the cultural and historic aspect of the trail being within the boundaries of the reservation. The other parties should agree to that simple fact. If they don't, then the Tribe needs to reconsider who they are partnering with. The agreement addresses Cultural and Historic Preservation XIX.

Break: 9:19 – 9:23 a.m.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION GRANT WITH KBIC AGREEMENT FOR A NON-MOTORIZED TRAIL FROM SAND POINT LIGHTHOUSE TO THE BARAGA MUNICIPAL MARINA. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, ONE ABSENT (Randall R. Haataja), MOTION CARRIED.

H. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
 - a) Carole LaPointe, Health Administrator –
 - i. National Indian Health Board and KBIC Memorandum of Agreement (Tribal Accreditation Support Initiative) \$10,500.00 to apply for or achieve public health accreditation

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE NATIONAL INDIAN HEALTH BOARD MEMORANDUM OF AGREEMENT. CO-SUPPORTED BY ROBERT R.D. CURTIS, JR. AND RODNEY LOONSFOOT. NINE IN FAVOR (Susan J. LaFerner, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), ONE ABSENT (Randall R. Haataja), MOTION CARRIED.

Jennifer Misegan stated she would have liked to see the Work Plan attached with the agreement. (Carole LaPointe will have Kathy Mayo send it)

- ii. Exhibit A-Irc to the Prime Therapeutics LLC Pharmacy Participation Agreement Independent Agreement Pharmacy Credentialing and Model QHP Addendum for Indian Health Care Providers

MOTION MADE BY DOREEN G. BLAKER TO APPROVE EXHIBIT A-LRC TO THE PRIME THERAPEUTICS LLC PHARMACY PARTICIPATION AGREEMENT INDEPENDENT AGREEMENT PHARMACY CREDENTIALING AND MODEL QHP ADDENDUM FOR INDIAN HEALTH CARE PROVIDERS. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Randall R. Haataja), MOTION CARRIED.

- b) Jeanne Hirzel, Substance Abuse Programs Director - Memorandum of Understanding between Nottawaseppi Huron Band of the Potawatomi and New Day Treatment Center to maximize access to residential treatment care for NHBP members and descendants to address substance abuse disorder

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN NOTTAWASEPPI HURON BAND OF THE POTAWATOMI AND THE NEW DAY TREATMENT CENTER. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Randall R. Haataja), MOTION CARRIED.

- c) Jody L. Pittsley – J.P. Transport (New) Business License (Logging Timber Harvest) January 3, 2017 – January 2, 2018

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE NEW BUSINESS LICENSE FOR JODY L. PITTSLEY AS J.P. TRANSPORT FOR LOGGING TIMBER HARVEST. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Randall R. Haataja), MOTION CARRIED.

2. Don Wren, Ojibwa Casinos General Manager – GM Update

Mr. Wren has recently completed his 90 day probationary period. He believes in treating the top and bottom the same. He assured the Council that everything he does it is with our \$40 million investment in the casino projects in mind. He feels the biggest issue is re-hiring the same person over and over again per policy. He stated a group from Chicago may come to train the employees on leadership modules. He would like to create an environment where the employees know what is expected of them. He has been working with Hannah Beesley and Debra Picciano. The cost is approximately \$100,000 and is being reviewed. Don believes Marketing is important and it needs to be re-developed. He would like to add another Marketing person. He is also working to further develop the internal controls.

Break: 10:19 – 10:30 a.m.

3. Lyndon Ekdahl, NRD Systems and Facilities Coordinator – Vehicle Purchase Bids (3) for a truck to haul the Great Lakes Research vessel

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE BID FROM FOX NEGAUNEE IN THE AMOUNT OF \$37,783.00 FOR THE 2016 DODGE RAM CREW CAB. SUPPORTED BY RODNEY LOONSFOOT.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO TABLE UNTIL COMPARABLE BIDS HAVE BEEN RECEIVED.

Motion died for lack of support.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE BID FROM FOX NEGAUNEE IN THE AMOUNT OF \$37,783.00 FOR THE 2016 DODGE RAM CREW CAB. SUPPORTED BY RODNEY LOONSFOOT. EIGHT IN FAVOR (Jennifer Misegan, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), TWO OPPOSED (Susan J. LaFernier, Michael F. LaFernier, Sr.), ABSTAINING - 0, ONE ABSENT (Randall R. Haataja), MOTION CARRIED.

4. Matthew C. Eliason, Eliason Law P.C. –

- a) Carole LaPointe, Health Administrator - Upper Peninsula Health Care Solutions Participation and Data Sharing Agreement and Modified Agreement that was approved in December to add the service of Active Care Relationship Services file system for patient information

MOTION MADE BY TONI J. MINTON TO APPROVE THE UPPER PENINSULA HEALTH CARE SOLUTIONS PARTICIPATION AND DATA SHARING AGREEMENT AND THE MODIFIED AGREEMENT. SUPPORTED BY GARY F. LOONSFOOT, JR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Randall R. Haataja), MOTION CARRIED.

(Fred Dakota is out of the room)

- b) Tom Chosa, I.T. Director - Peninsula Fiber Network, LLC Services Agreement with the Baraga Casino – Telecommunication Services for the Ojibwa Casinos to provide affordable broadband services in Michigan's Upper Peninsula

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE PENINSULA FIBER NETWORK, LLC SERVICES AGREEMENT FOR TELECOMMUNICATION SERVICES FOR THE OJIBWA CASINOS. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Doreen G. Blaker, Randall R. Haataja), MOTION CARRIED.

(Doreen Blaker is out of the room)

5. Sarah Maki, Assistant CEO - BIA Budget Formulation Ranking FY2019

The Council prioritized the top ten budget funds in the event the BIA Budget was increased by 8%.

6. Dale Dakota, Police Commissioner/Duane Misegan, Chief of Police - Tribal Police Proposed Policy 135 In-Car Cameras and Body Worn Cameras Review

Fred Dakota left at 11:36 a.m.

MOTION MADE BY DOREEN G. BLAKER TO TABLE THE TRIBAL POLICE CAR AND BODY CAM POLICIES UNTIL MID-FEBRUARY GIVING THE TRIBAL ATTORNEY AN OPPORTUNITY TO REVIEW IT. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Randall R. Haataja), MOTION CARRIED.

7. Larry Denomie III, CEO –

- a) U.S. Oil Retailer Supply Proposal for Pines Convenience Center Renewal
The Council consensus is to move forward.
- b) Weekly Update

A meeting was held with Chocolay Township Board regarding our land into trust application for 64 acres near the Ojibwa II Casino. They decided not to oppose the request but will provide comments to the Interior asking them not to formally put the land into trust until after the casino project expansion completion. They will accept our 2% funds for the casino project. A meeting was also held with the Tobacco Board. They are planning a tour of the factory and will look at the accounting practices.

Lunch: 12:03 – 1:02 p.m.

I. Closed Session:

1. Barb J. Luke and Chris Gaviepy, Vice Presidents/Trust Superior National Bank & Trust Co.
– Review of Assets/Signature Cards [Open to KBIC Members]

2. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Attorney Update
3. President Swartz – Chocoday Downs Golf Course

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:03 P.M. CO-SUPPORTED BY GARY F. LOONSFOOT, JR. AND RODNEY LOONSFOOT. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Elizabeth D. Mayo), MOTION CARRIED.

Elizabeth Mayo returned from lunch at 1:06 p.m.

Robert R.D. Curtis, Jr. returned from lunch at 1:07 p.m.

Robert R.D. Curtis, Jr. and Rodney Loonsfoot left the room at 3:04 p.m.

Rodney Loonsfoot returned at 3:33 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 3:41 P.M. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

Break: 3:42 – 3:50 p.m. (Toni Minton left)

[Larry Denomie III, CEO]

- c) State of MI Minimum Wage Analysis Review and three options to meet or exceed Michigan's current and last increase (2018) to its minimum wage

Hourly Wage Rate Increase Grade 2 Non-Tipped Positions – Option #3

MOTION MADE BY ELIZABETH D. MAYO TO MOVE THE NON-TIPPED POSITIONS CURRENTLY MAKING LESS THAN MICHIGAN'S MINIMUM WAGE FROM GRADE 2 AT \$8.61 AN HOUR TO GRADE 3 AT \$9.80 AN HOUR AND ADJUST HIGHER IF THE TRIBE WIDE WAGE SURVEY INDICATES IT. THIS OPTION WILL ALSO COVER THE INCREASE SCHEDULED IN MICHIGAN'S MINIMUM WAGE EFFECTIVE JANUARY 1, 2018. IF THE TRIBE WIDE WAGE SURVEY INDICATES A DIFFERENT HOURLY WAGE WHEN IT'S COMPLETE, THE POSITIONS CAN BE LOOKED AT AGAIN AT THAT TIME. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

Human Resources and Personnel are working on the wage survey proposals and they may be ready in a few weeks.

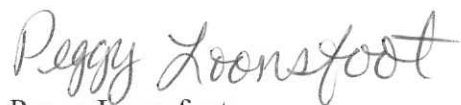
Donation to the Francois Family Members Traveling for their Dad's (Richard Francois) Funeral –

MOTION MADE BY JENNIFER MISEGAN TO APPROVE A DONATION OF \$750.00 TO THE TRIBAL MEMBERS TRAVELING HERE TO ATTEND THE FRANCOIS FUNERAL. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

J. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 4:13 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – JANUARY 12, 2017 – 9:00 A.M.

A. Date: January 12, 2017

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: January 12, 2017

G. Old Business:

1. Bobby Escobar, Assistant Tribal Attorney/Sarah Maki, Assistant CEO - Michigan Economic Development Corporation and KBIC Grant Agreement for a Non-Motorized Trail from Sand Point Lighthouse to the Baraga Municipal Marina

H. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
 - a) Carole LaPointe, Health Administrator –
 - i. National Indian Health Board Memorandum of Agreement
 - ii. Exhibit A-Irc to the Prime Therapeutics LLC Pharmacy Participation Agreement Independent Agreement Pharmacy Credentialing and Model QHP Addendum for Indian Health Care Providers
 - b) Jeanne Hirzel, Substance Abuse Programs Director - Memorandum of Understanding between Nottawaseppi Huron Band of the Potawatomi and New Day Treatment Center

- c) Jody L. Pittsley – J.P. Transport Business License (New)
2. Don Wren, Ojibwa Casinos General Manager – GM Update
3. Lyndon Ekdahl, NRD Systems and Facilities Coordinator – Vehicle Purchase Bids (3)
4. Dale Dakota, Police Commissioner - Tribal Police Car and Body Cams Proposed Policy 135 In-Car Cameras and Body Worn Cameras
5. Matthew C. Eliason, Eliason Law P.C. – **10:30 a.m.**
 - a) Upper Peninsula Health Care Solutions Participation and Data Sharing Agreement and Modified Agreement
 - b) Tom Chosa, I.T. Director - Peninsula Fiber Network, LLC Services Agreement – Telecommunication Services for Ojibwa Casinos
6. Sarah Maki, Assistant CEO - BIA Budget Formulation Ranking FY2019
7. Larry Denomie III, CEO –
 - a) US Oil Proposal for Pines Convenience Center
 - b) State of MI Minimum Wage Analysis
 - c) Weekly Update

I. Closed Session:

1. Barb J. Luke, Vice President/Trust Superior National Bank & Trust Co. – Review of Assets/Signature Cards – **1:00 p.m.** [Open to KBIC Members]
2. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Attorney Update
3. President Swartz – Chocoday Downs Golf Course

J. Adjournment: