

KEWEENAW BAY INDIAN COMMUNITY

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

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
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – MARCH 9, 2017 – 9:00 A.M.

APPROVED
3-23-17

- A. Date: March 9, 2017
- B. Call to Order: President Swartz called the meeting to order at 9:09 a.m.
- C. Invocation: Lord's Prayer and prayers for Dave Swartz and his family and prayers for Robert R.D. Curtis, Jr.
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:03 p.m.)
Doreen G. Blaker, Treasurer
Fred Dakota (arrived at 9:29 a.m., left at 12:03 p.m.)
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo
- Absent: Jennifer Misegan, Vice President
Robert R.D. Curtis, Jr.
Randall R. Haataja
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 9, 2017
- Additions: New Business- 5. Larry Denomie III, CEO –
c) 22.0 Drug Free Work Place Policy
d) Upgrade of Existing Verifone POS System at the Pines Convenience Center and Replacement of the POS System at The Rez Stop

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (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, FOUR ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

G. For Your Information:

1. Letter from Universal Forensics Corporation for a special discounted pricing program for DNA Paternity Testing
2. Lori Vaughan, MD Physicians Employment Agreement Scope of Services (Exclusions) after the Approval
3. Memorandum of Understanding for Renewal with BIA to participate in the Division of Fee to Trust Program FY2018 regarding costs to process the applications

H. Approval of Meeting Minutes:

1. February 23, 2017

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE FEBRUARY 23, 2017 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (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, FOUR ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

Fred Dakota arrived at 9:29 a.m.

I. Old Business:

1. Bobby Escobar, Assistant Tribal Attorney/Carole LaPointe, Health Administrator – Multi-Year Funding Agreement, Buyback/Withhold Agreement for FY2016 (Compact) between the Indian Health Service for the Secretary of the Department of Health and Human Services and KBIC for programs, functions, and activities (October 1, 2015 – September 30, 2019)

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE MULTI-YEAR FUNDING AGREEMENT, BUYBACK/WITHHOLD AGREEMENT FOR FY2016 (COMPACT) BETWEEN THE INDIAN HEALTH SERVICE FOR THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND KBIC FOR PROGRAMS, FUNCTIONS, AND ACTIVITIES. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Randall R. Haataja), MOTION CARRIED.

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney/Kathy Mayo, Assistant Health Administrator –

- a) 2017 Native American Behavior Risk Factor Survey - Memorandum of Understanding regarding Use of Behavioral Risk Factor Surveillance (BRFS) Data Agreement among: KBIC, Michigan Department of Health and Human Services, Inter-Tribal Council of Michigan, Great Lakes Inter-Tribal Epidemiology Center, and the Institute for Public Policy and Social Research

The telephone survey will begin in the Spring of 2017 to find out more about health and health behaviors among adults in Michigan. The Enrollment Department will provide the contact information of adult Tribal Members.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MOU REGARDING THE 2017 NATIVE AMERICAN BEHAVIOR RISK FACTOR SURVEY. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Randall R. Haataja), MOTION CARRIED.

- b) Dale Schmeisser, R.D., Ph.D., Registered Dietitian Tier III Services Agreement for the Community's Diabetes Program April 1, 2017 – December 31, 2017

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE REGISTERED DIETITIAN TIER III SERVICES AGREEMENT WITH DALE SCHMEISSER, R.D., Ph.D. FOR THE COMMUNITY'S DIABETES PROGRAM. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Randall R. Haataja), MOTION CARRIED.

2. Jason Ayres, Real Estate Officer –

- a) Resolution KB-012-2017 Cancels Residential Lease No. KB-1529-2007 to Michael G. Jokinen (Deceased) and Jean L. Jokinen on Johnson Road in L'Anse and grants Jade E. Chaudier a Residential Lease 2.5 acres

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE RESOLUTION KB-012-2017 JADE E. CHAUDIER RESIDENTIAL LEASE. SUPPORTED BY DOREEN G. BLAKER. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Randall R. Haataja), MOTION CARRIED.

- b) Resolution KB-013-2017 Cancels Residential Lease No. KB-686-98 to Betsy C. Robillard Ross and grants Jean L. Jokinen Residential Lease 0.57 acres on Marksman Road in L'Anse

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE RESOLUTION KB-013-2017 JEAN L. JOKINEN RESIDENTIAL LEASE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Randall R. Haataja), MOTION CARRIED.

3. Hannah Beesley, Personnel Director/Debra Picciano, TERO Director – They provided a list of Background Investigations-Positions approved by Council as of January 17, 2013 requiring Clearance through the Indian Child Protection and Family Violence Prevention Act, a list of current positions that require a background and a list of positions that don't require a background but may need to be added. [Review and Discussion]

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE UPDATED LIST OF POSITIONS REQUIRING BACKGROUND INVESTIGATION CLEARANCE.

President Swartz declared the motion out of order.

Break: 11:08 – 11:26 a.m.

4. Michael LaFernier, Sr. – Resolution KB-011-2017 Proclaim June as Men's Health Month developed by the Men's Health Network with Congress to help educate the importance of healthy lifestyles, positive health attitudes, and preventative health practices.

MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-011-2017 DESIGNATING JUNE AS MEN'S HEALTH MONTH. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Jennifer Misegan, Robert R.D. Curtis, Jr., Randall R. Haataja), MOTION CARRIED.

5. Larry Denomie III, CEO –

- a) Don Wren, Ojibwa Casinos General Manager – Replace Advertising, Inc., J&M Printing and Data Spade (\$19,693.00) with Red Circle (Ad) Agency for advertising, printing, and direct mail needs. Council will review the November 19, 2015 Tribal Council Minutes and an email from Red Circle when their services were discontinued. [Discussion]

Lunch: 12:03 – 1:00 p.m. (Toni Minton and Fred Dakota left)

K. Closed Session:

1. Government Employee Appeal of Dismissal Hearing Case #001-17
2. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Attorney Update
3. Bobby Escobar, Assistant Tribal Attorney/Don Wren, Ojibwa Casinos General Manager – James Orr Casino Marketing Director Employment Agreement

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:01 P.M. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

Break: 2:42 – 2:52 p.m.

Break: 3:30 – 3:35 p.m.

Rodney Loonsfoot left 3:38 – 3:45 p.m. per Danielle Webb request – case discussion

Break: 3:50 – 3:59 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 4:00 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

[New Business]

b) Weekly Update

The KBIC Tobacco Board had their first meeting and the officers were selected as:

Jennifer Misegan, Chair
Michael LaFernier, Sr., Vice Chair
Doreen Blaker, Secretary
Warren C. Swartz, Jr., Treasurer
Travis Heron, Board Member

c) 22.0 Drug Free Work Place Policy

Larry handed out a (14) page list of controlled substances describing Schedules 2-5 prescribed medications that employees may be required to report and would be considered part of the drug testing process. This would be a change in 22.1 Policy Purpose. Also see other changes for consideration.

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE POLICY 22.0 DRUG FREE WORK PLACE. SUPPORTED BY ELIZABETH D. MAYO. THREE IN FAVOR (Susan J. LaFernier, Rodney Loonsfoot, Elizabeth D. Mayo), FOUR OPPOSED (Warren C. Swartz, Jr., Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION DEFEATED.

MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE POLICY 22.0 DRUG FREE WORK PLACE EXCLUDING MARIJUANA.

Motion died for lack of support.

MOTION MADE BY ELIZABETH D. MAYO TO TABLE POLICY 22.0 DRUG FREE WORK PLACE EXCLUDING MARIJUANA. SUPPORTED BY RODNEY LOONSFOOT.

President Swartz declared the motion out of order.

- d) Upgrade of Existing Verifone Point-of-Sale (POS) System at the Pines Convenience Center and Replacement of the POS System at The Rez Stop

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE POS SYSTEM UPGRADE FOR THE PINES IN THE AMOUNT OF \$12,455.00 AND THE POS SYSTEM REPLACEMENT FOR THE REZ STOP IN THE AMOUNT OF \$14,355.00 WITH NORTHWEST PETROLEUM SERVICE, INC. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

Government Employee Appeal of Dismissal Hearing Case #001-17

MOTION MADE BY ELIZABETH D. MAYO TO ALLOW THE EMPLOYEE IN CASE #001-17 TO RESIGN FROM HIS POSITION. SUPPORTED BY GARY F. LOONSFOOT, JR. FIVE IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), ONE OPPOSED (Rodney Loonsfoot), ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

James Orr – (Cortez, CO) - Casino Marketing Director Employment Agreement 1 year

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE MARKETING DIRECTOR EMPLOYMENT AGREEMENT WITH JAMES ORR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Doreen G. Blaker, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), ONE OPPOSED (Susan J. LaFernier), ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

Susan LaFerner stated her opposition: She would have liked to have seen a list of all the applicants and their information packets, especially James Orr's.

Red Circle Ad Agency - \$23,500.00

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE RED CIRCLE AD AGENCY AS PRESENTED. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (Doreen G. Blaker, Michael F. LaFerner, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), TWO OPPOSED (Susan J. LaFerner, Gary F. Loonsfoot, Jr.), ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADJOURN AT 4:42 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. SIX IN FAVOR (Susan J. LaFerner, Doreen G. Blaker, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, 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 – MARCH 9, 2017 – 9:00 A.M.

A. Date: March 9, 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: March 9, 2017

G. For Your Information:

1. DNA Testing for Paternity by Universal Forensics
2. Lori Vaughan, MD Physicians Employment Agreement Exclusions after the Approval
3. Memorandum of Understanding for Renewal with BIA to participate in the Division of Fee to Trust Program FY2018

H. Approval of Meeting Minutes:

1. February 23, 2017

I. Old Business:

1. Bobby Escobar, Assistant Tribal Attorney/Carole LaPointe, Health Administrator – Multi-Year Funding Agreement, Buyback/Withhold Agreement for FY2016 (Compact) between the Indian Health Service for the Secretary of the Department of Health and Human Services and KBIC for programs, functions, and activities (October 1, 2016 – September 30, 2019)

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney/Kathy Mayo, Assistant Health Administrator -
 - a) Memorandum of Understanding regarding Use of Behavioral Risk Factor Surveillance (BRFS) Data Agreement among: KBIC, Michigan Department of Health and Human Services, Inter-Tribal Council of Michigan, Great Lakes Inter-Tribal Epidemiology Center, and the Institute for Public Policy and Social Research
 - b) Dale Schmeisser, R.D., Ph.D., Registered Dietitian Tier III Services Agreement for the Community's Diabetes Program
2. Jason Ayres, Real Estate Officer –
 - a) Resolution KB-012-2017 Jade E. Chaudier Residential Lease
 - b) Resolution KB-013-2017 Jean L. Jokinen Residential Lease
3. Hannah Beesley, Personnel Director/Debra Picciano, TERO Director – Updated List of Background Investigations-Positions requiring Clearance through the Indian Child Protection and Family Violence Prevention Act
4. Michael LaFernier, Sr. – Resolution KB-011-2017 June as Men's Health Month
5. Larry Denomie III, CEO –
 - a) Don Wren, Ojibwa Casinos General Manager – Red Circle Ad Agency
 - b) Weekly Update

K. Closed Session:

1. Bobby Escobar, Assistant Tribal Attorney/Don Wren, Ojibwa Casinos General Manager – James Orr Casino Marketing Director Employment Agreement
2. Danielle Webb, Tribal Attorney/Tribal Prosecutor – Attorney Update
3. Government Employee Appeal of Dismissal Hearing Case #001-17 – **1:00 p.m.**

L. Adjournment: