

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

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
TRIBAL CENTER CONFERENCE ROOM
MONDAY – MAY 1, 2017 – 9:00 A.M.

APPROVED
5-26-17

- A. Date: May 1, 2017
- B. Call to Order: President Swartz called the meeting to order at 9:09 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Doreen G. Blaker, Treasurer
Fred Dakota (left at 11:11 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo
Absent: Toni J. Minton, Assistant Secretary
Robert R.D. Curtis, Jr.
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: May 1, 2017
- | | | |
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| Move: | New Business- | 2. Jennifer Misegan, Vice President/Kevin Carlisle, Assistant Tribal Attorney to No. 3 |
| Addition: | New Business- | 4. Rodney Loonsfoot – Government Vehicle Policy |

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE CHANGES. CO-SUPPORTED BY DOREEN G. BLAKER AND RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

G. For Your Information:

1. The BIA Agency reassigns Delegated Authorities related to the processing of Off-Reservation Land-Into-Trust Acquisitions (approval by Assistant Secretary – Indian Affairs rather than the Director) and off-reservation land-into-trust acquisitions for gaming (approval by Deputy Secretary for the Department of Interior)
2. The U.S. Food and Drug Administration is initiating consultation with Federally Recognized Indian Tribes on the proposed rule, *Tobacco Product Standard for N-nitrosornicotine Level in Finished Smokeless Tobacco Products*
3. Council Poll April 21, 2017 regarding 2.4 Classification of Employees C. Temporary/On-Call Add: *Temporary Appointments having a duration of less than thirty (30) days and possess the other qualifications required for the job may be granted a waiver of the minimum education requirement of a High School Diploma, General Education Development (GED), or High School Certificate of Completion. (7 for)*

H. Old Business:

1. Duane Misegan, Chief of Police/Dale Dakota, Police Commissioner/Danielle Webb, Tribal Attorney – Proposed Policies
 - a) Chapter 135 Tribal Police In-Car/Personal Digital Video (to enhance safety and reporting accuracy) In-Car Cameras and Body Worn Cameras Policy Review

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE CHAPTER 135 TRIBAL POLICE IN-CAR PERSONAL DIGITAL VIDEO POLICY WITH THE CHANGES. SUPPORTED BY RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

A clean copy will be provided as an FYI for the next meeting and will also be in the Newsletter.

- b) Carrying/Administering Intranasal Naloxone (Narcan) Keweenaw Bay Tribal Police Policy and Procedure (to reduce fatal opioid overdose)

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE NARCAN POLICY AS PRESENTED. SUPPORTED BY GARY F. LOONSFOOT, JR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Break: 10:00 – 10:17 a.m.

I. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
 - a) Lori Sherman, Natural Resources Director - Biological Services Subcontracts with the Great Lakes Indian Fish and Wildlife Commission
 - i. Adult Sea Lamprey Assessments (trap) at the Silver River, near Skanee \$3,500.00 April – July 2017
 - ii. Lake Trout and Fishery Resource Assessments in Lake Superior \$46,500.00 for the 2017 calendar year
 - iii. Great Lakes Indian Fish and Wildlife Commission Judicial Services Subcontract 2017 \$42,679.00 January 1, 2017 – December 31, 2017
 - iv. Great Lakes Indian Fish and Wildlife Commission Tribal Permit Registration Station Services Subcontract FY2017 \$22,923.00 January 1, 2017 – December 31, 2017

MOTION MADE BY JENNIFER MISEGAN TO APPROVE ALL FOUR SUBCONTRACTS WITH THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION WHICH INCLUDE THE SEA LAMPREY AND LAKE TROUT ASSESSMENTS, AND THE JUDICIAL AND REGISTRATION STATION SERVICES. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

- b) Diana Chaudier (Jason Chaudier not present) – Woodland Firearms and Supply, LLC Business License Renewal (adding the sale of bait) May 15, 2017 – May 14, 2018

Diana has a Tribal bait license and Jason has a State license.

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE BUSINESS LICENSE RENEWAL OF DIANA AND JASON CHAUDIER FOR WOODLAND FIREARMS AND SUPPLY, LLC. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

- c) Larry Denomie III, CEO – Letter of Intent to enter into Agreement with the Village of Baraga for Power Supply Facilities related to the Baraga Casino Project [Rescheduled]

2. Rodney Loonsfoot – Government Vehicle Policy related to the use of the van for the Veterans

Rodney stated that Virgil Loonsfoot drives the van for the Veterans and his concern is regarding the insurance requirements.

The policy states that a driver must be an employee or have written permission from the President or CEO. Larry Denomie III, CEO will review the policy.

d) Carole LaPointe, Health Administrator –

- i. UpToDate, Inc. online one year subscription Contract Addendum with the Donald A. LaPointe Health and Education Center for authorization to use licensed materials for the management of clinical issues May 1, 2017 – April 30, 2018 \$8,000.00

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE CONTRACT ADDENDUM WITH UPTODATE, INC. SUPPORTED BY RODNEY LOONSFOOT. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

- ii. Registered Dietitian Services Agreement for Hannahville Indian Community WIC Program 2017-18 July 1, 2017 – June 30, 2018 \$2,160.00

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE REGISTERED DIETITIAN SERVICES AGREEMENT FOR THE HANNAHVILLE INDIAN COMMUNITY WIC PROGRAM. SUPPORTED BY GARY F. LOONSFOOT, JR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

3. Larry Denomie III, CEO –

- a) Lynn Haataja, Executive Director Gaming Commission/Francis J. LaPointe, Jr., CFO - Tribal Internal Control Standards(TICS)/Written Internal Control System (WICS)
 - i. Joseph Eve Proposal for Professional Services (KBIC Gaming Commission)
 - ii. Gaming Laboratories International Proposal for Policy and Procedure Review (KBIC Gaming Commission)
 - iii. Non-Disclosure Agreement – Joseph Eve

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE PROPOSAL FROM JOSEPH EVE FOR PROFESSIONAL SERVICES AND INCLUDE THE NON-DISCLOSURE AGREEMENT. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr.), MOTION CARRIED.

Fred Dakota left at 11:11 a.m.

- b) 11.0 Sick Leave/12.0 Request for Leave/12.2 Leave Sharing Review with changes
[The revised version will be added to 05/06/17 agenda]

Lunch: 11:56 a.m. - 1:06 p.m.

- c) Travel Policy/Procedure Review with changes [The revised version will be added to 05/11/17 agenda]

Break: 2:07 - 2:25 p.m.

Break: 2:57 - 3:06 p.m.

- 4. Jennifer Misegan, Vice President/Kevin Carlisle, Assistant Tribal Attorney – KBIC Tribal Code Review and Legislation (prioritize code/ordinance amendments and establish new codes)

Tobacco Ordinance of 2008 (Title 21B)
Criminal Offenses and Penalties Code (Title 3) 1) Controlled Substances 2) Assaults, Larcenies, Concealed Weapons
Burial Code (new)
Food Code (new)
Title 10 (Visitor permits)
Probate (new)
U.C.C. (new)
HEARTH (new)
Ethics Code (new)
Juvenile Division (Title 4)
Uniform Traffic Code (Title 13) (Safety)
Enrollment Ordinance (Descendant definition)
Mortgage Lending (new)
Boat Titles (new)
Motor Vehicles (Title 16) (Veterans definition, No expiration of municipal plates)
Mining Code (new)
Statute of Limitations
Appellate Court Rule (new) Title 1 (present)
Tribal Court Rules (Title 1 (present))
Clean Air and Water (new)
TERO Ordinance
Medical Marijuana

J. Closed Session:

1. Larry Denomie III, CEO – Casino Projects Update
2. Francis J. LaPointe, Jr., CFO - Defined Benefit Plan – Service Changes

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO CLOSED SESSION AT 4:08 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 4:20 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.


Defined Benefit Plan

MOTION MADE BY ELIZABETH D. MAYO TO MOVE FORWARD WITH THE DEFINED BENEFIT PLAN CHANGES AS PRESENTED. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADJOURN AT 4:23 P.M. SUPPORTED BY GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
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SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
MONDAY – MAY 1, 2017 – 9:00 A.M.

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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: May 1, 2017

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1. The BIA Agency reassigns Delegated Authorities related to the processing of Off-Reservation Land-Into-Trust Acquisitions
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H. Old Business:

1. Duane Misegan, Chief of Police/Dale Dakota, Police Commissioner/Danielle Webb, Tribal Attorney – Proposed Policies

- a) Policy 135 Tribal Police In-Car/Body Worn Cameras
- b) Narcan Policy

I. New Business:

- 1. Bobby Escobar, Assistant Tribal Attorney –
 - a) Lori Sherman, Natural Resources Director - Biological Services Subcontracts with the Great Lakes Indian Fish and Wildlife Commission
 - i. Sea Lamprey Assessments at the Silver River, near Skanee
 - ii. Lake Trout Assessments in Lake Superior
 - iii. Great Lakes Indian Fish and Wildlife Commission Judicial Services Subcontract 2017
 - iv. Great Lakes Indian Fish and Wildlife Commission Registration Station Services Subcontract FY2017
 - b) Carole LaPointe, Health Administrator –
 - i. UpToDate, Inc. Contract Addendum with the Donald A. LaPointe Health and Education Center for Licenses Material for the Management of Clinical Issues
 - ii. Registered Dietitian Services Agreement for Hannahville Indian Community WIC Program 2017-18
 - c) Diana and Jason Chaudier – Woodland Firearms and Supply, LLC Business License Renewal
 - d) Larry Denomie III, CEO – Letter of Intent to enter into Agreement with the Village of Baraga for Power Supply Facilities related to the Baraga Casino Project
- 2. Jennifer Misegan, Vice President/Kevin Carlisle, Assistant Tribal Attorney – KBIC Tribal Code Review and Legislation
- 3. Larry Denomie III, CEO –
 - a) Tribal Internal Control Standards(TICS)/Written Internal Control System (WICS)
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 - ii. Gaming Laboratories International Proposal for Policy and Procedure Review
 - iii. Non-Disclosure Agreement
 - b) Travel Policy/Procedure
 - c) 11.0 Sick Leave/12.0 Request for Leave/12.2 Leave Sharing

J. Closed Session:

- 1. Larry Denomie III, CEO – Casino Projects Update
- 2. Francis J. LaPointe, Jr., CFO - Defined Benefit Plan

K. Adjournment: