

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
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2018 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
BIG BUCKS BINGO HALL
MONDAY – APRIL 2, 2018 – 10:00 A.M.**

APPROVED

MAY 17 2018

KBIC PRESIDENT'S OFFICE

SIGNATURE: 

- A. Date: April 2, 2018
- B. Call to Order: President Swartz called the meeting to order at 10:07 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
Robert R.D. Curtis, Jr.
Fred Dakota (left at 10:47 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot (left at 10:47 a.m.)
Elizabeth D. Mayo
Absent: Toni J. Minton, Assistant Secretary
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: April 2, 2018
- Addition: FYI- 3. Grand Opening Celebration of the KBIC Tobacco Company, LLC and Asemaa Wholesale & Distribution Company
April 17, 2018 at 2:00 p.m.

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

G. For Your Information:

1. Letter to the Environmental Protection Agency (EPA) regarding Treatment As a State (TAS) Status under the Clean Air Act (CAA)
2. KBIC Purchase and Procurement Policy – Final Copy
3. Grand Opening Celebration of the KBIC Tobacco Company, LLC and Asemaa Wholesale & Distribution Company on April 17, 2018 at 2:00 p.m.

H. Old Business:

1. Doreen Blaker, Housing Director - KBIC Housing Department Operations Policy (Review)

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

2. Francis J. LaPointe, Jr., CFO/Danielle Webb, Tribal Attorney - KBIC Financial Management Policy and Procedures (Review) The work group reviewed the policy last week.

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

Break: 10:47 – 11:03 a.m. (Fred Dakota and Rodney Loonsfoot left)

3. Larry Denomie III, CEO - Drug-Free Workplace Policy Random Testing (Government) List that includes employees who carry firearms, motor vehicle operators carrying passengers, certain health and safety positions, front line law enforcement personnel, drug rehabilitation employees, health care professionals responsible for exercising care, control or custody of children or adults.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE LIST OF INDIVIDUAL POSITIONS REGARDING THE RANDOM DRUG TESTING BASED ON THE PARAMETERS SET FORTH BY THE ASSISTANT TRIBAL ATTORNEY. SUPPORTED BY DOREEN G. BLAKER. TWO IN FAVOR (Jennifer Misegan, Doreen G. Blaker), SIX OPPOSED (Susan J. LaFernier, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION DEFEATED.

Lunch: 12:02 – 1:02 p.m.

I. Closed Session:

1. Reverse Voluntary Request of a Self-Ban Hearing
2. TERO Complaint Hearing Case #001-18
3. Larry Denomie III, CEO –
 - a) Director of Fire and Emergency Management Posting
 - b) Casino Projects GMP Proposal Update/SNB Priority List

MOTION MADE BY GARY F. LOONSFOOT, JR. TO GO INTO CLOSED SESSION AT 1:04 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Robert R.D. Curtis, Jr. returned from lunch at 1:08 p.m.

Break: 2:42 – 2:52 p.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 4:11 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Director of Fire and Emergency Management Posting – change Incident Commander Type 4 to Type 5 (size of a fire) classification

MOTION MADE BY JENNIFER MISEGAN TO CHANGE THE QUALIFICATIONS FOR THE DIRECTOR OF FIRE AND EMERGENCY MANAGEMENT, IN THE FIRST BULLET, TO HIGH SCHOOL DIPLOMA OR GED IS REQUIRED WITH AN FF-I CERTIFICATION AND AN INCIDENT COMMANDER TYPE 5 CLASSIFICATION AND AT LEAST FIVE (5) YEARS OF EMERGENCY MANAGEMENT SERVICES EXPERIENCE AND TO RE-POST THE POSITION. SUPPORTED BY DOREEN G. BLAKER. FIVE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr.), THREE OPPOSED (Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Reverse Voluntary Request of a Self-Ban Hearing

MOTION MADE BY JENNIFER MISEGAN TO DISCONTINUE SELF-BANS AT THE ENTERPRISE PROPERTIES. CO-SUPPORTED BY DOREEN G. BLAKER AND GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

TERO Complaint Hearing Case #001-18

MOTION MADE BY JENNIFER MISEGAN TO UPHOLD THE TERO OFFICER'S DECISION REGARDING THE HEARING. SUPPORTED BY RANDALL R. HAATAJA. THREE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja), FIVE OPPOSED (Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION DEFEATED.

MOTION MADE BY GARY F. LOONSFOOT, JR. TO OFFER THE KBIC PERSONNEL DIRECTOR POSITION TO THE APPLICANT IN CASE #001-18 IF THERE ARE NO OTHER QUALIFIED TRIBAL MEMBERS THAT HAVE APPLIED. SUPPORTED BY ROBERT R.D. CURTIS, JR. THREE IN FAVOR (Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), FOUR OPPOSED (Jennifer Misegan, Susan J. LaFernier, Randall R. Haataja, Michael F. LaFernier, Sr.), ONE ABSTAINING (Doreen G. Blaker), THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION DEFEATED.

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 4:20 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. Jennifer Misegan and Michael LaFernier rescinded the motion.

Drug-Free Workplace Policy Random Testing List (prior motion)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DRUG FREE WORKPLACE POLICY. SUPPORTED BY ROBERT R.D. CURTIS, JR.

President Swartz called the motion out of order because the test list was questioned from this morning.

MOTION MADE BY GARY F. LOONSFOOT, JR. TO RECONSIDER THE LIST OF POSITIONS REGARDING THE RANDOM DRUG TESTING. SUPPORTED BY RANDALL R. HAATAJA. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), TWO OPPOSED (Randall R. Haataja, Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

(Gary Loonsfoot cited the 4th amendment which protects against unreasonable searches and seizures)

Reconsider Jennifer Misegan's motion:

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE LIST OF INDIVIDUAL POSITIONS REGARDING THE RANDOM DRUG TESTING BASED ON THE PARAMETERS SET FORTH BY THE ASSISTANT TRIBAL ATTORNEY. SUPPORTED BY DOREEN G. BLAKER. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), TWO OPPOSED (Robert R.D. Curtis, Jr., Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

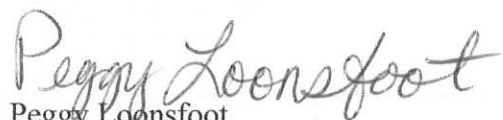
MOTION MADE BY GARY F. LOONSFOOT, JR. TO APPROVE THE DRUG FREE WORKPLACE POLICY WITH THE CHANGES AS DISCUSSED INCLUDING THE LIST. SUPPORTED BY JENNIFER MISEGAN. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), ONE OPPOSED (Robert R.D. Curtis, Jr.), ONE ABSTAINING (Elizabeth D. Mayo), THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Robert R.D. Curtis, Jr. stated his opposition: He feels it is unfair and everyone should be randomly tested.

J. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 4:35 P.M. CO-SUPPORTED BY MICHAEL F. LAFERNIER, SR. AND GARY F. LOONSFOOT, JR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Rodney Loonsfoot), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
MONDAY – APRIL 2, 2018 – 10:00 A.M.

A. Date: April 2, 2018

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Jennifer Misegan, Vice President
- ___ Susan J. LaFerner, Secretary
- ___ Toni J. Minton, Assistant Secretary
- ___ Doreen G. Blaker, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Randall R. Haataja
- ___ Michael F. LaFerner, Sr.
- ___ Gary F. Loonsfoot, Jr.
- ___ Rodney Loonsfoot
- ___ Elizabeth D. Mayo

E. Declaration of Quorum:

F. Approval of Agenda: April 2, 2018

G. For Your Information:

1. Letter to the Environmental Protection Agency (EPA) regarding Treatment As a State (TAS) for the Clean Air Act (CAA)
2. Purchase and Procurement Policy

H. Old Business:

1. Doreen Blaker, Housing Director - KBIC Housing Department Operations Policy
2. Francis J. LaPointe, Jr., CFO - KBIC Financial Management Policy and Procedures
3. Larry Denomie III, CEO - Drug-Free Workplace Policy Random Testing List

I. Closed Session:

1. TERO Complaint Hearing Case #001-18 – **1:00 p.m.**
2. Reverse Voluntary Request of a Self-Ban Hearing – **2:00 p.m.**

3. Larry Denomie III, CEO –
 - a) Director of Fire and Emergency Management Posting
 - b) Casino Projects GMP Proposal Update/SNB Priority List

J. Adjournment: