

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
THURSDAY – DECEMBER 6, 2018 – 9:00 A.M.

APPROVED

FEB 21 2019

KBIC PRESIDENT'S OFFICE
SIGNATURE: pl

- A. Date: December 6, 2018
- B. Call to Order: President Swartz called the meeting to order at 11:32 a.m. (late start due to US-41 closure from Baraga to L'Anse after an accident this morning)
- C. Invocation: 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 12:02 p.m.)
Doreen G. Blaker, Treasurer (arrived at 11:37 a.m.)
Robert R.D. Curtis, Jr.
Randall R. Haataja
Michael F. LaFernier, Sr. (arrived at 11:41 a.m., left at 3:52 p.m.)
Gary F. Loonsfoot, Jr. (left at 12:02 p.m.)
Rodney Loonsfoot
Elizabeth D. Mayo
Absent: Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: December 6, 2018
- Additions: FYI- 3. Larry Denomie III, CEO – a) Accounting Manual Travel Policy Amendment
b) 4.0 G. Job Descriptions/GED Requirement
- Old Business- 4. Larry Denomie III, CEO – e) 6.8 – 7.11 Amendments and Section 8 – End
f) Lease Agreement with Kirk R. Schott, O.D. (Bay View Vision)

- | | | |
|------------|-----------------|---|
| | New Business- | 2. Elizabeth Mayo – Late Start for L’Anse Area Employees due to the accident that occurred this morning |
| | Closed Session- | 2. Elizabeth Mayo – Independent Appeals Officer Susanna Peters |
| Deletions: | Old Business- | 1. Paul Mooney, Assistant Tribal Attorney/Gary Loonsfoot, Jr., Director of Cultural Resources – SEMCO Energy Gas Company Assessment Agreement |
| | | 4. Larry Denomie III, CEO – b) 19.0 Employee Conduct and Corrective Action Plan/20.0 Grievance Procedure with Instruction Forms |
| | Closed Session- | 1. Danielle Webb, Tribal Attorney – Update |
| Change: | Old Business- | 3. Jennifer Misegan, Vice President change to Beth Fish, Personnel Director – Job Description Restructuring/Organizational Chart |
| Move: | | 4. Larry Denomie III, CEO – Policies a) - f) to the end of the agenda |

Doreen Blaker arrived at 11:37 a.m.

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

G. For Your Information:

1. KBIC Tobacco Company Financials through October 31, 2018
2. Shakopee Mdewakanton Sioux Community letter dated November 21, 2018 - donation request declined for the Non-Motorized Trail Phase I
3. Larry Denomie III, CEO –
 - a) Accounting Manual Travel Policy Amendment for review (local travel, meals for an extended period of time)
 - b) 4.0 G. Job Descriptions/GED Requirement Amendment for review

Michael LaFernier, Sr. arrived at 11:41 a.m.

H. Old Business:

1. Elizabeth Mayo – Casino Employees Wage Adjustments (Grades 1-2)

MOTION MADE BY JENNIFER MISEGAN TO MOVE ALL GRADES UP TO \$10 AN HOUR WITH THE TIP GUARANTEE EFFECTIVE OCTOBER 1, 2018 TO COINCIDE WITH THE PREVIOUS MOTION (10-25-18). 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., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

I. New Business:

1. Paul Mooney, Assistant Tribal Attorney –
 - a) Bally Gaming, Inc. MD3 Batch Shufflers (3) - (2) Leases for Ojibwa Casinos I&II

MOTION MADE BY JENNIFER MISEGAN TO TABLE THE BALLY GAMING BATCH SHUFFLER LEASES UNTIL THE CASINO MANAGERS ARE PRESENT. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

- b) Dave Zasadnyj, I.T. Director (not present) - Enterprise Systems Group Quotation and Sales Agreement for a new Tribal Center Telephone System \$36,496.55

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE ENTERPRISE SYSTEMS GROUP QUOTATION AND SALES 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., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Rodney Loonsfoot), ONE ABSENT (Fred Dakota), MOTION CARRIED.

2. Elizabeth Mayo - Late Start Coverage for Employees Affected by the US-41 Road Closure from Baraga to L'Anse, Michigan. A head-on collision occurred at the Head of the Bay early in the morning on this day, December 6, 2018, at approximately 6:00 a.m. (Employees do not have to utilize any leave time during the closure)

MOTION MADE BY ELIZABETH D. MAYO TO COMPENSATE ANY EMPLOYEE AFFECTED BY THE ROAD CLOSURE TODAY FOR TIME MISSED AT THEIR PLACE OF WORK FROM SIX O'CLOCK IN THE MORNING UNTIL NOON. SUPPORTED BY RODNEY LOONSFOOT. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Lunch: 12:02 -1:13 p.m. (Toni Minton and Gary Loonsfoot, Jr. left)

[Old Business]

2. Beth Fish, Personnel Director – (2) Draft Job Descriptions/CEO Office Restructuring:

Administration of Government Operations and Administration of Budgets, Grants, Training, and Project Management

Proposed Organizational Chart (Possible promotion of Sarah Smith to one proposed description and post the other)

Beth has contacted other tribes but they could not release much information.

MOTION MADE BY RODNEY LOONSFOOT TO TABLE THE JOB DESCRIPTION RESTRUCTURING AND ORGANIZATIONAL CHART. SUPPORTED BY ROBERT R.D. CURTIS, JR. TWO IN FAVOR (Robert R.D. Curtis, Jr., Rodney Loonsfoot), SIX OPPOSED (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Elizabeth D. Mayo), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Jr.), MOTION DEFEATED.

Discussion: Salary in Closed Session

[Return to Paul Mooney, Assistant Tribal Attorney - Bally Gaming, Inc. MD3 Batch Shufflers (3) - (2) Leases for Ojibwa Casinos I&II] Don Messer, Baraga Casino Manager present

Don Messer stated there have not been shufflers since 2006 and there is no data available for the shufflers. (He will do an analysis within the 60 day time frame of the lease).

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE BATCH SHUFFLER LEASE AGREEMENTS WITH BALLY GAMING, INC. AS PRESENTED. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Rodney Loonsfoot), TWO OPPOSED (Randall R. Haataja, Elizabeth D. Mayo), ONE ABSTAINING (Jennifer Misegan), THREE ABSENT (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Jr.), MOTION CARRIED.

3. Larry Denomie III, CEO – [Reschedule]

- a) KBIC Youth Programs Chaperone Policy
- b) 19.0 Employee Conduct and Corrective Action Plan/20.0 Grievance Procedure with Instructions and Forms
- c) Random Drug Testing Procedure/Drug Free Workplace Policy
- d) Mental Health Days Policy

- e) Personnel Policy Manual/6.8 – 7.11 Amendments/Section 8 – End
- f) Lease Agreement with Kirk R. Schott, O.D. (Bay View Vision)

J. Closed Session:

- 1. Elizabeth Mayo/Susan LaFernier, Secretary – Independent Appeals Officer Susanna Peters
- 2. Beth Fish, Personnel Director/Larry Denomie III, CEO – Salary Discussion for (2) proposed positions

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO CLOSED SESSION AT 2:22 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., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Jr.), MOTION CARRIED.

Break: 2:42 - 2:50 p.m.

Mike LaFernier, Sr. left at 3:52 p.m.

MOTION MADE BY JENNIFER MISEGAN TO GO INTO OPEN SESSION AT 4:01 P.M. SUPPORTED BY DOREEN G. BLAKER. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), MOTION CARRIED.

CEO Appointment (reclassify, promote, lateral move within)

MOTION MADE BY RODNEY LOONSFOOT TO APPOINT THE ASSISTANT CEO AS THE INTERIM CEO UNTIL THE POSITIONS ARE APPROVED BY THE COUNCIL. (This has already been done)

Sarah Smith as Interim CEO (add Court, College, Aanikoosing, Inc. in appropriate place on the organizational chart)

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE STRUCTURE CHANGES (ORGANIZATIONAL CHART). SUPPORTED BY ELIZABETH D. MAYO. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Elizabeth D. Mayo), ONE OPPOSED (Rodney Loonsfoot), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr.), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:05 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFerner, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Jr.), MOTION CARRIED.

Respectfully submitted,



Peggy Loonsfoot
Administrative Specialist

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- ___ 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:

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 - b) Dave Zasadnyj, I.T. Director - Enterprise Systems Group Quotation and Sales Agreement for a new Tribal Center Telephone System

J. Closed Session:

- 1. Danielle Webb, Tribal Attorney - Update

K. Adjournment: