December 7, 2013

President Swartz called the meeting to order at 9:01 a.m.

Lord’s Prayer

Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary (left 10:43 – 11:33 a.m.)
Toni J. Minton, Assistant Secretary
Jennifer Misegan, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota
Jean Jokinen (arrived at 9:07 a.m.)
Michael F. LaFernier, Sr. (left 10:43 – 11:33 a.m.)
Carole L. LaPointe
Elizabeth “Chiz” Matthews
Don Messer, Jr. (left 10:43 – 11:33 a.m.)

E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

F. Approval of Agenda: December 7, 2013

Deletion: Closed Session- 1. OHA Board of Commissioners/CDC Board

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE DELETION. SUPPORTED BY MICHAEL F. LA FERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Jean Jokinen arrived at 9:07 a.m.
G. For Your Information:

1. A “Thank you” from the Family of Carlota Beauprey
2. A “Thank you” from the 2013 L’Anse Purple Hornet Varsity Football Team
3. VOIGT Intertribal Task Force Meeting Minutes October 10, 2013 Crandon, Wisconsin
4. Notification of Approved Enrollment Applications October 30, 2013 (3)

H. Secretary’s Report/November 2013 – available for your review

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE NOVEMBER 2013 SECRETARY’S REPORT. SUPPORTED BY ELIZABETH D. MAYO. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

I. Treasurer’s Report/November 2013 – available for your review

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE NOVEMBER 2013 TREASURER’S REPORT. SUPPORTED BY ELIZABETH D. MAYO. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

J. CEO’s Report/November 2013 – available for your review [also available on ojibwa.com]

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE NOVEMBER 2013 CEO’S REPORT. CO-SUPPORTED BY MICHAEL F. LAFERNIER, SR. AND ELIZABETH “CHIZ” MATTHEWS. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

K. Department Head Reports – October 2013

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE OCTOBER 2013 DEPARTMENT HEAD REPORTS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Michael F. LaFernier, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Mike LaFernier, Sr. stated his opposition: He is opposed because not all reports were handed in.
MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE FIRST AMENDMENT TO CONTRACTOR AGREEMENT WITH LARSON PUMP COMPANY LLC. SUPPORTED BY ELIZABETH D. MAYO. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

b) Morin & Johnson Well Drilling & Pump Tier II Services Agreement for hydrofracturing in assistance to Larson Well Drilling and Pump Company for the walleye ponds wells

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE SERVICES AGREEMENT WITH MORIN & JOHNSON WELL DRILLING & PUMP TIER II WITH THE SUBSTITUTED PAGE 7. SUPPORTED BY DON MESSER, JR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

N. Recognize Scheduled Delegation/Individuals:

1. Hannah Misegan, RICC President – Baraga County RICC Program/Christmas Party (Regional Inclusive Community and Coalition) A donation was given in a prior motion.

Hannah read her campaign speech for RICC President to the Council and she will give the same speech in Lansing. The RICC Christmas party is December 17th at KBOCC.

O. Closed Session:

1. Heather Chapman, Tribal Attorney – Reminder I.H.S. CSC Settlement Conference December 10th at 9:30 a.m.

2. Enterprise Employee Grievance Hearing Case #007-13

3. Carole LaPointe, Health Director – DHHS Contracts (2)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 10:05 A.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Susan LaFernier, Mike LaFernier, Sr., and Don Messer, Jr. left 10:43 – 11:33 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 11:38 A.M. SUPPORTED BY DON MESSER, JR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.
Enterprise Employee Grievance Hearing Case #007-13

MOTION MADE BY CAROLE L. LAPOINTE TO UPHOLD THE DECISION OF THE CASINO GENERAL MANAGER REGARDING GRIEVANCE HEARING CASE #007-13. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Susan J. LaFernier, Michael F. LaFernier, Sr., Don Messer, Jr.), ABSENT - 0, MOTION CARRIED.

Humana (operates Pharmacy businesses) Pharmacy Provider Agreement –

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE PHARMACY PROVIDER AGREEMENT BY AND BETWEEN HUMANA HEALTH PLAN INC., HUMANA INSURANCE COMPANY, AND HUMANA PHARMACY SOLUTIONS, INC. AND THEIR AFFILIATES. SUPPORTED BY DON MESSER, JR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Concordia University Wisconsin MOA – (effective December 7, 2013 through December 7, 2015)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE MEMORANDUM OF AGREEMENT WITH THE DONALD A. LAPOINTE HEALTH AND EDUCATION CENTER AND THE CONCORDIA UNIVERSITY OF WISCONSIN TO PROVIDE A PRECEPTORSHIP EXPERIENCE FOR THE NURSE PRACTITIONER STUDENT OF THE UNIVERSITY. SUPPORTED BY ELIZABETH D. MAYO. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

P. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 11:46 A.M. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Respectfully submitted,

Peggy Loonsfoot
Administrative Specialist
AGENDA
KEWEENAW BAY INDIAN COMMUNITY
REGULAR TRIBAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
SATURDAY – DECEMBER 7, 2013 – 9:00 A.M.

A. Date: December 7, 2013

B. Call to Order:

C. Invocation: Lord’s Prayer

D. Roll Call: Warren C. Swartz, Jr., President
   Elizabeth D. Mayo, Vice President
   Susan J. LaFernier, Secretary
   Toni J. Minton, Assistant Secretary
   Jennifer Misegan, Treasurer
   Robert R.D. Curtis, Jr.
   Fred Dakota
   Jean Jokinen
   Michael F. LaFernier, Sr.
   Carole L. LaPointe
   Elizabeth “Chiz” Matthews
   Don Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: December 7, 2013

G. For Your Information:

   1. A “Thank you” from the Family of Carlota Beauprey
   2. A “Thank you” from the 2013 L’Anse Purple Hornet Varsity Football Team
   3. VOIGT Intertribal Task Force Meeting Minutes October 10, 2013 Crandon, Wisconsin
   4. Notification of Approved Enrollment Applications October 30, 2013 (3)

H. Recognize Scheduled Delegation/Individuals:

   1. Hannah Misegan, RICC President – Baraga County RICC Program/Christmas Party

I. Secretary’s Report/November 2013

J. Treasurer’s Report/November 2013

K. CEO’s Report/November 2013
L. Department Head Reports – October 2013

M. Old Business:

1. Jennifer Misegan, Treasurer – Christmas Check Deadline

N. New Business:

1. Bruce LaPointe, Projects Manager – Transfer Station High Capacity Shredder Bids (3)
2. Lori Sherman, NRD Director –
   a) Larson Pump Company LLC First Amendment to Contractor Agreement
   b) Morin & Johnson Well Drilling & Pump Tier II Services Agreement
3. Susan LaFernier, Secretary – Schedule Government Employee Grievance Hearing Case #008-13

O. Closed Session:

1. OHA Board of Commissioners/Community Development Corporation – 9:00 a.m.
2. Enterprise Employee Grievance Hearing Case #007-13 – 11:00 a.m.
3. Heather Chapman, Tribal Attorney – Reminder I.H.S. CSC Settlement Conference December 10th at 9:30 a.m.
4. Carole LaPointe, Health Director – DHHS Contracts

P. Adjournment:
KBIC flipped the switch on what is believed to be the largest solar panel system in the U.P. on November 6th at the Commodity Foods Warehouse in Zeba. The system was also dedicated on this day. Congratulations to the Committee for Alternative and Renewable Energy (CARE) for all their work for years of study and determination for the best choice for green energy. We are hoping this is just the beginning for our entire Community to go green.

I had the unique opportunity and was honored to attend the White House Tribal Nations Conference (516 U.S. Federally Recognized Tribes) on November 13, 2013 and the U.S. Department of Justice, Violence Against Women Government-to-Government Consultation (with Cherie Dakota) November 14, 2013 in Washington, D.C. We heard many interesting White House speakers (I could write a book) and attended breakout sessions. The highlight of the day, of course, was when President Obama spoke to the Tribes. We also heard from the new White House Council on Native American Affairs that was appointed by President Obama. I was also impressed with our Department of the Interior, Secretary Sally Jewell. I learned much about our neighboring Tribes in the United States. At Keweenaw Bay, we are very fortunate compared to other Tribes, especially those in Alaska and we should count our blessings and thank our Tribal Councils for their continued leadership and care for our Tribe through the years. I heard an interesting comment from a leader: he said that much of what has happened to Native people ends in "ion" such as: termination, relocation, consultation (we want collaboration), sequestration, and formulation. I also heard from other leaders that they have visited the White House and have attended these conferences for many years and the same issues and statements are made and heard year after year but we will
continue...regarding trust responsibility and sovereignty. I am intending to follow up with a letter to the White House Council on Native American Affairs and to the President. I hope to report more information on this visit in January.

It is never too late to encourage and begin positive lifestyle changes that will help us live longer, healthier, happier lives. Mino-Bimaadizin “Live Well”. Remember everyone should participate in at least 30 minutes of physical activity 5 times a week to stay fit.

NATIVE VOTE 2013 (every vote and voice counts). We have not reached our goal for Keweenaw Bay to have 100% of our registered/eligible members vote! We have 818 eligible voters.

Remember to continue to pray for each other, to honor, and remember all of our veterans and service men and women and their families. Also every day remember those who are ill, our economy struggles, and all who have lost loved ones during the past year. We pray that we and the world will be graced with the gifts of peace, love and joy...

Thank you for all that you do to keep our land the beautiful place it is and we thank you God and Creator for the great blessings of our land!

“Who does the land belong to?
Some to those that have walked on, a little to those still living,
But most to those yet to be born.”

-Unknown

We wish everyone a blessed, Merry Christmas!
The Tribal Council held the Regular Saturday Meeting on November 9, 2013 at the Community Center in Harvey. This meeting is reported in the December Tribal newsletter. Special Council meetings were also held. Following are the unapproved motions for November.

November 7, 2013:

- Approved to certify the results of the (November 2, 2013) Primary Election
- Approved to certify the top vote getters for the General Election (December 14, 2013) Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Popcorn” Mayo, Donald Shalifoe, Sr., George DeCota, Eddy Edwards, Michael F. LaFernier, Sr., Toni Minton
- Approved to certify the two judicial candidates for the General Election: Violet Friisvall Ayres, John Davis
- Approved MD Contracting, Inc. for the Balance Dirt bid for $24,570.00 for the transfer station
- Approved MD Contracting, Inc. for the Place Gravel bid for $24,570.00 for the transfer station
- Approved Resolution KB 1960-2013 3 year grant to provide supportive, nutritional, and caregiver services to older Tribal members
- Approved Resolution KB 1958-2013 Edward W. Maki recreational lease
- Approved Resolution KB 1959-2013 James D. Cadeau recreational lease
- Approved Resolution KB 1961-2013 Tina M. Owens recreational lease
- Approved Resolution KB 1962-2013 Everett L. Ekdahl, Sr. recreational lease
- Approved the Appellate Justices Contract with James R. Bittorf, Attorney at Law for 3 years
- Approved the Sub Recipient Agreement between KBIC and Aanikoosing, Inc. (Indian Community Development Block Grant)

November 14, 2013:

- Approved the November 1, 8, 10, 15, 29, and December 1, 6, 2012 Tribal Council meeting minutes
• Approved the bid from J.E. Hendrickson Excavating, Inc. to install a septic system in Hancock for $19,650.00 (Public Works Department)

• Approved Resolution KB 1963-2013 Baraga County 2% in the amount of $132,779.93

• Approved Resolution KB 1964-2013 Marquette County 2% funds in the amount of $161,261.03

• Defeated a motion to appoint Robin Roe to the Hiring Committee (1 seat-4 applicants)

• Approved to draw the 4 Hiring Committee applicants from a hat (Peggy Loonsfoot’s name was drawn)

• Defeated a motion to suspend both Enterprise General Managers for 3 days (Closed Session)

• Approved to give written reprimands to both Enterprise General Managers

• Approved to separate the surveillance department from the Casino management and place them under the Gaming Commission and have the Commission come forward with a plan, effective date, and policies and procedures

November 21, 2013

• Approved the Services Agreement with J.E. Hendrickson Excavating, Inc. to install a Septic System (mound) service for $19,650.00 (Public Works Department)

• Approved the Services Agreement with ALK Contracting, Inc. to provide installation of a gas line and hook-up upgrade for the Press Box Sports Bar & Grill for $1,950.00

• Motion to acknowledge Courtney Swartz’s grievance (Enterprise) and that the Tribal Council regretfully already made a decision to hire another candidate that was interviewed and her ideas will be taken into consideration for future hiring decisions and the Council apologizes

November 26, 2013

• Approved the new Business License for Mitch Bolo and Levi Tadgerson “Bolo Productions”

• Approved the renewal Business License/Food Service with Jeff Lamson “Cue Master”
- Approved to remove “and meal” from the CAP Policy Required Receipts
- Approved to amend Resolution KB 1964-2013 Marquette 2% Funds for $167,076.03 and allocate $5,815.00 to the Marquette County Health Department Dental Outreach Program
- Approved the U.S. Oil Retailer (U.S. Venture, Inc.) Supply Agreement and to include Addendum A and the “Open Roads Rewards Dealer Agreement” for the Pines Convenience Center for 5 years
- Approved to have the Ojibwa Housing Authority Board and the Keweenaw Bay Ojibwa Housing and Community Development Corporation meet with the Council on December 5, 2013 to review the questions related to today’s closed session (OHA Audit Report)
- Motion defeated that based on the professional recommendation of the accounting firm, Schechter Dokken Kanter, Council does not pursue conducting a forensic audit on the Ojibwa Housing Authority. This accounting firm has done a thorough investigation and reports it sees no reason to perform a forensic audit; and to keep the lines of communication open and to get the Council’s questions answered
Treasurer’s Report

November 2013

Donations approved for the month of November were as follows:

- $5,000.00 TOYS FOR TOTS
- $200.00 BETHEL UNITED PENTECOSTAL CHURCH (Thanksgiving Dinner)
- $350.00 BARAGA/L’ANSE ALUMNI BASKETBALL GAME
- $1,000.00 THE SALVATION ARMY IN ISHPEMING
- $500.00 BARAGA FIRE DEPARTMENT CHILDREN’S CHRISTMAS PARTY
- $1,000.00 JOHN HELLYER’S CELL PHONE SERVICE.

Much of my time this past month was spent working on the Christmas Gift/Sovereignty Check disbursement. 1,168 Checks were drafted for this year’s distribution. A lot of our staff helped with this colossal project and I want to thank them all for their hard work.

I had the opportunity to attend this year’s Gala held by Grand River Enterprises, the manufacturer of many of the tobacco products we currently sell, along with Don Messer, Jr. and Suzanne Kahkonen. We were given a copy of their Annual Presentation of Recent Legal Developments Affecting the Tobacco Industry and Native American Businesses. I have enclosed a copy of this presentation for Council’s review. At the event we met several owners and operators of similar enterprises. We are currently working with some that we met to obtain price information in the hope that we may be able to do businesses with them soon. We also met with Executives of HCI Distribution and Seneca Enterprises regarding an advertising opportunity. The travel to get to the Gala was very long, but if these opportunities work out, it will be well worth it. At the Gala there is an elaborate prize drawing. We weren’t lucky enough to win one of those prizes but we did come away with $1,000, which was donated to the Youth Department for food costs at the upcoming Christmas parties.

The Tribal Council reviewed a report that was prepared by the auditing firm Schetcher, Dokken, Kanter regarding the Ojibwa Housing Authority. We were informed that an actual forensic audit was not done. What was done was a review of their financial reports and questions asked of some of the staff. Out of that report, the Tribal Council now has additional questions to be answered. We are looking forward to meeting with the OHA Board as well as the Non-Profit Board to get the answers.

As always if anyone has any questions or comments, please feel free to contact me.

Respectfully,

Jennifer Misegan
Tribal Council Treasurer
TO: TRIBAL COUNCIL.
FROM: LARRY J. DENOMIE III, CEO
Date: December 6, 2013
SUBJECT: NOVEMBER 2013 MONTHLY REPORT

The month of November 2013 included the following activities and reportable items:

- The Tribe has contracted with U.S. Oil Company for supply of its fuel at the Pines Convenience Center. Through the contract, a new rewards program will be instituted. The Open Roads Rewards program will provide “cents off” of fuel for purchases made when buying qualifying items within the store. Products will be marked throughout the store showing the total cents off that will be accumulated for purchasing the item. There is no limit to the dollar amount you can earn but the least amount you can pay for a gallon of gasoline is one cent. The program also offers the ability to acquire 3 cents off per gallon for every $10 spent in the store on any product. The program will be a win-win for the Pines and its patrons. U.S. Oil will be installing the programming next week with training for employees in early January and roll out to customers shortly after.

- George DeCota, KBIC’s Director of Fire Management, organized and hosted an Active Shooter Training on the 21st at the Niwin Akeaa Center. Instances related to the training are occurring across the country more often than we’d like; the training provided attendees with ways to not only protect against instances of entry by an active shooter but also how to react in the event it were to occur. Staff from the Tribes Pre-primary program, Headstart program along with staff from the L’Anse and Baraga schools, Ojibwa Community College and their daycare program attended the training. Following the classroom training a mock drill was conducted at the Pre-primary program facility, which was closed for the drill. George reported that the training was well perceived and will be planning a similar training for other departments and businesses of the Tribe.

My report is quite short this month, due to annual and funeral leave time I had taken, the Veteran’s and Thanksgiving holidays, and the short period of time since my last report. As always, if anyone has questions, concerns, comments, or issues they need assistance with, feel free to contact our office at anytime.