MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – MARCH 1, 2018 – 9:00 A.M.

A. Date: March 1, 2018

B. Call to Order: President Swartz called the meeting to order at 9:13 a.m.

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 12:03 p.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota (left at 10:55 a.m.)
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo

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

F. Approval of Agenda: March 1, 2018

Addition: Closed Session- 7. Larry Denomic III, CEO - Update

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE ADDITION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, 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, ABSENT - 0, MOTION CARRIED.

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS
"Home of the Midnight Two-Step Championship"
G. For Your Information:

1. KBIC Housing Department Tenant Grievance Policy for review
2. KBIC Housing Department Homeowner Assistance Policy for review
3. 7.2 Attendance C. Inclement Weather, Policy 7.3 Closures of Governmental Offices, 6.8 Exempt Employees Compensatory Time – Final Copy as approved on February 22, 2018
4. Sault Ste. Marie Tribe requests Input towards the future construction of a Tribally Operated Adult Correctional Treatment Facility within the State of Michigan by March 10, 2018
5. Michigan Gaming Control Board Final Inspection/Audit Report 2017-104 which is the result of their on-site compliance inspection August 14-18, 2017

H. Old Business:

1. Doreen Blaker, Treasurer - 3rd Reading for Motion to Amend Proposed Ordinance 2018-01 The Tobacco Ordinance of 2018 Amending Title 21B – The Tobacco Ordinance of 2008

[See Legislative File]


Substitute #1: Chapter 3.17 of Title 3 is re-named to “Offenses Involving Alcoholic Beverages, Tobacco Products, and Controlled Substances” and added 3.1707 – 3.1712


President Swartz concluded the 3rd Reading.

2. President Swartz – Letter from Honorable Bradley T. Dakota, Chief Judge regarding Joseph P. O’Leary’s Guardian Ad Litem/Other Services Retainer Agreement – Guaranteeing 144 hours at $100.00/hr each year and $175.00/hr for hours exceeding 144, term ending February 10, 2019 (from the February 22, 2018 meeting)

Break: 9:53 – 10:01 a.m.

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE GUARDIAN AD LITEM AND OTHER SERVICES RETAINER AGREEMENT WITH JOSEPH P. O’LEARY. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), ONE OPPOSED (Robert R.D. Curtis, Jr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

3. Doreen Blaker, KBIC Housing Department Director –
   a) Useful Life and Binding Policy (Commitment Affordability Period is to ensure availability of affordable housing units and housing related programs for qualified Tribal members)

MOTION MADE BY TONI J. MINTON TO APPROVE THE KBIC HOUSING DEPARTMENT USEFUL LIFE AND BINDING POLICY. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, 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, ABSENT - 0, MOTION CARRIED.

   b) Emergency Assistance Policy (Private Homeowner’s Emergency Assistance/Repair for low income members/families)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE KBIC HOUSING DEPARTMENT EMERGENCY ASSISTANCE POLICY AND TO INCLUDE LAND CONTRACT OWNED HOMES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, 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, ABSENT - 0, MOTION CARRIED.
4. Elizabeth Mayo – Resolution KB-008-2018 Ratifies the Enrollment Board’s Resolution (EB-2018-01) passed on February 2, 2018 to define descendant for the purposes of determining who is eligible for services that the Community provides

“Descendant” means a person who is the biological child of a Member of the Community.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-008-2018 RATIFYING ENROLLMENT BOARD DEFINITION OF A DESCENDANT. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), THREE OPPOSED (Toni J. Minton, Randall R. Haataja, Rodney Loonsfoot), ONE ABSTAINING (Jennifer Misegan), ABSENT - 0, MOTION CARRIED.

Rodney Loonsfoot stated his opposition: “Our elders and generations before us had never dreamed that they were going to have to deal with the white man constitution that was going to be placed upon us and I think our elders would be ashamed of us by not reconsidering our generations moving forward because that’s who we are supposed to be looking out for.”

5. Sarah Smith/Constitution Committee – Resolution KB-009-2018 Amendment to the Constitution Article IX Judicial Branch (Revises KB-042-2015)

The Tribal Council approved Resolution KB-042-2015 on September 24, 2015, and wishes to amend and restate its need for a secretarial election to add the Judicial Branch to its Constitution and therefore formally requests that the Secretary of the Interior call for an election for the purpose of voting on Article IX Judicial Branch to be added to the Constitution.

Sarah also gave a handout regarding the Constitution Convention which began on February 3, 2015 and continued until May 5, 2015.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE RESOLUTION KB-009-2018 AMENDMENT TO THE CONSTITUTION ARTICLE IX JUDICIAL BRANCH. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), TWO OPPOSED (Robert R.D. Curtis, Jr., Rodney Loonsfoot), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

A community meeting will be held on May 15th at the Senior Center at 5:00 p.m. and on June 18th at the Zeba Hall at 6:00 p.m. to discuss the amendment with the membership.

Robert R.D. Curtis, Jr. stated his opposition: If the Court were self-sustaining he would be in favor.

I. New Business:

Fred Dakota left at 10:55 a.m.

1. Bobby Escobar, Assistant Tribal Attorney –
a) Sarah Smith, Assistant CEO/Jeanne Hirzel, Substance Abuse Programs Director - Grand River Anishinaabeg, LLC (Manistee, MI) Tier III Services Agreement for Consulting Services to New Day Treatment Center for the Halfway House Project

The term agreement ending date is June 30, 2019 for a fee of $650.00 per day per consultant. If a consultant works less than eight hours, follow the rate of $81.25 per hour. The fee schedule includes travel reimbursement.

MOTION MADE BY RODNEY LOONSFoot TO APPROVE THE GRAND RIVER ANISHINAABEG, LLC TIER III SERVICES AGREEMENT AS PRESENTED. SUPPORTED BY DOREEN G. BLAKER. 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) Heather M. Wood-Paquet, Health Promotions Coordinator (not present) - Addendum to the Inter-Tribal Council of Michigan, Inc. (ITC) Memorandum of Cooperative Agreement for the Affordable Care Act, Tribal Home Visiting Grant Program, “Partnership for Anishinaabe Binoojiiyensag” adding an additional $43,800.00 to the original agreement for a total amount of $146,000.00 September 30, 2017 – September 29, 2018

MOTION MADE BY TONI J. MINTON TO APPROVE THE ADDENDUM TO THE ITC MEMORANDUM OF COOPERATIVE AGREEMENT FOR THE AFFORDABLE CARE ACT TRIBAL HOME VISITING GRANT PROGRAM. SUPPORTED BY RANDALL R. HAATAJA. 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.

2. Debra Picciano, TERO Director/Sarah Smith, Assistant CEO – Adjudication Public Law 101-630 Training Bids (3) for 30 people to be held in April

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE BID FROM PSC, INC. FOR $13,300.00 FOR THE ADJUDICATION PL 101-630 TRAINING WITH REIMBURSEMENT FROM THE BIA. SUPPORTED BY TONI J. MINTON. 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.

3. Cherie Dakota, Interim Keweenaw Bay Ojibwa Community College President - Candidates to the Board of Regents

a) Joanne Clement: Associate’s Degree
b) Debra Parrish: Elder Status/Bachelor’s Degree
MOTION MADE BY ELIZABETH D. MAYO TO APPROVE JOANNE CLEMENT AND DEBRA PARRISH TO BE CANDIDATES FOR THE KBOCC BOARD OF REGENTS SLATE. SUPPORTED BY TONI J. MINTON. 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), ONE OPPOSED (Rodney Loonsfoot), ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

The Council requested that the postings be included along with the credentials at the next Board of Regents Slate approval when advertising for the candidates. (L’Anse Sentinel, KBIC Newsletter, KBOCC Website)

4. Larry Denomie III, CEO – Weekly Update

Employee Reports for the Government and Casinos were handed out.

When a draft report is received by Klas Robinson regarding the Casino project market study, it will be forwarded to the bank financiers. The bank financiers will tour the Marquette site on March 6, 2018.

MOTION MADE BY RODNEY LOONSFOOT TO SUSPEND THE HIRING OF HANNAH BEESLEY TO THE H/R DIRECTOR POSITION.

President Swartz called the motion out of order because it is not on agenda.

J. Closed Session:

1. Hannah Beesley, Personnel Director (not present)/Larry Denomie III, CEO – Compensation Study Proposal Bids (4)
2. Doreen Blaker, KBIC Housing Department Director – Waiver Request #001-2018
3. Elizabeth Mayo - Director Job Descriptions: Fire Program/Human Resources; Applicants, Credentials, Selection Committee Concerns
5. Danielle Webb, Tribal Attorney – Update
6. Jennifer Misegan, Vice President – Tobacco Company Update
7. Larry Denomie III, CEO - Update

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:16 A.M. SUPPORTED BY RANDALL R. HAATAJA. 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.

Break: 11:17 - 11:34 a.m.
Lunch: 12:03 - 1:09 p.m. (Toni Minton left)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 2:55 P.M. SUPPORTED BY RANDALL R. HAATAJA. NINE 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., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

Ed Janisse/Eagle Radio Station Operations Plan

MOTION MADE BY RODNEY LOONSFOOT TO TERMINATE ED JANISSE’S CONTRACT EFFECTIVE APRIL 2, 2018. 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., Gary F. Loonsfoot, Jr.), ONE ABSTAINING (Elizabeth D. Mayo), TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION DEFEATED.

KBIC Housing Department Waiver Request (#001-2018) Pet Policy

MOTION MADE BY ELIZABETH D. MAYO TO DENY THE WAIVER REQUEST FROM THE KBIC HOUSING DEPARTMENT #001-2018. SUPPORTED BY GARY F. LOONSFOOT, JR. SEVEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Doreen G. Blaker, Rodney Loonsfoot), TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 2:57 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE 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., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Toni J. Minton, Fred Dakota), MOTION CARRIED.

Respectfully submitted,

Peggy Loonsfoot
Administrative Specialist
AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – MARCH 1, 2018 – 9:00 A.M.

A. Date: March 1, 2018

B. Call to Order:

C. Invocation: Lord’s Prayer

D. Roll Call:
   ____ Warren C. Swartz, Jr., President
   ____ Jennifer Misegans, 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 1, 2018

G. For Your Information:

   1. KBIC Housing Department Tenant Grievance Policy
   2. KBIC Housing Department Homeowner Repair Policy
   3. 7.2 Attendance C. Inclement Weather, 7.3 Closures of Governmental Offices, 6.8 Exempt
      Employees Compensatory Time – Final Copy as approved on February 22, 2018
   4. Sault Ste. Marie Tribe requests Input towards the future construction of a Tribally Operated
      Adult Correctional Treatment Facility within the State of Michigan
   5. Michigan Gaming Control Board Final Inspection/Audit Report 2017-104

H. Old Business:

   1. Doreen Blaker, Treasurer - 3rd Reading for Motion to Amend Proposed Ordinance 2018-01
      The Tobacco Ordinance of 2018 Amending Title 21B – The Tobacco Ordinance of 2008
   2. President Swartz – Joseph P. O’Leary Guardian Ad Litem/Other Services Retainer
      Agreement
3. Doreen Blaker, KBIC Housing Department Director –
   a) Useful Life and Binding Policy (Commitment of Affordability for Housing Units)
   b) Emergency Assistance Policy (Homeowner Emergency Repair)
4. Elizabeth Mayo – Resolution KB-008-2018 Certify Enrollment Board Definition of a Descendent (EB-2018-01)
5. Sarah Smith/Constitution Committee – Resolution KB-009-2018 Amendment to the Constitution Article IX Judicial Branch (Revises KB-042-2015)

I. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
   a) Sarah Smith, Assistant CEO/Jeannie Hirzel, Substance Abuse Programs Director - Grand River Anishinaabeg, LLC Tier III Services Agreement for Consulting Services to New Day Treatment Center for the Halfway House Project
   b) Heather M. Wood-Paquet, Health Promotions Coordinator - Addendum to the Inter-Tribal Council of Michigan, Inc. (ITC) Memorandum of Cooperative Agreement for the Affordable Care Act, Tribal Home Visiting Grant Program, “Partnership for Anishinaabe Binoojiiyensag”
2. Debra Picciano, TERO Director/Sarah Smith, Assistant CEO – Adjudication PL 101-630 Training Bids (3)
3. Cherie Dakota, Interim Keweenaw Bay Ojibwa Community College President - Candidates to the Board of Regents
   a) Joanne Clement: Associate’s Degree
   b) Debra Parrish: Elder Status
4. Larry Denomie III, CEO – Weekly Update

J. Closed Session:

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2. Doreen Blaker, KBIC Housing Department Director – Waiver Request
3. Elizabeth Mayo - Director Job Descriptions: Fire Program/Human Resources; Applicants, Credentials, Selection Committee Concerns
5. Danielle Webb, Tribal Attorney – Update
6. Jennifer Misegan, Vice President – Tobacco Company Update

K. Adjournment: