KEWEENAW BAY INDIAN COMMUNITY

2017 TRIBAL COUNCIL.
WARREN C. SWARTZ, JR., President
JENNIFER MISSEGAN, Vice President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
DOREEN G. BLAKER, Treasurer

KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – NOVEMBER 16, 2017 – 9:00 A.M.

A. Date: November 16, 2017

B. Call to Order: President Swartz called the meeting to order at 9:05 a.m.

C. Invocation: Lord’s Prayer

D. Roll Call: Present: Warren C. Swartz, Jr., President
Jennifer Missegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:23 p.m.)
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota (arrived at 9:12 a.m., left 9:57 – 10:34 a.m., left at 11:12 a.m.)
Randall R. Haataja
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo

Absent: Michael F. LaFernier, Sr.

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

F. Approval of Agenda: November 16, 2017

Old Business- 1. Don Wren, Ojibwa Casinos General Manager –
Attendance Procedure Amendment

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY RANDALL R. HAATAJA. NINE IN FAVOR (Jennifer Missegan, 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.

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

1. Independent Appeals Officer Letter of Interest and Resume from Susanna Peters, Hancock, MI Interview: November 30, 2017 at 11:00 a.m.

H. Approval of Meeting Minutes:

Fred Dakota arrived at 9:12 a.m.

1. November 2, 2017

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE NOVEMBER 2, 2017 MEETING MINUTES. SUPPORTED BY GARY F. LOONSFoot, JR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Robert R.D. Curtis, Jr.), ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

2. November 3, 2017


I. Old Business:

1. Don Wren, Ojibwa Casinos General Manager – Attendance Procedure changes related to point system (accrual) for the casinos/enterprise Employee Manual Section III

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE ATTENDANCE PROCEDURE AND CHANGES AND ADD TO SECTION III ATTENDANCE POLICY AMENDMENTS. SUPPORTED BY ELIZABETH D. MAYO. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Rodney Loonsfoot, Elizabeth D. Mayo), TWO OPPOSED (Robert R.D. Curtis, Jr., Gary F. Loonsfoot, Jr.), ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

J. New Business:

1. Bobby Escobar, Assistant Tribal Attorney –
a) Paul W. Stark, Applicant/M. Koray Inal, Co-Applicant (not present) – Baraga Telephone Company (Communications and Data Services) Business License Renewal December 6, 2017 – December 5, 2018

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BUSINESS LICENSE RENEWAL FOR THE BARAGA TELEPHONE COMPANY. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

b) Jeanne Hirzel, Substance Abuse Programs Director – Memorandum Of Agreement (MOA) with Great Lakes Recovery Centers where KBIC is the vendor for Substance Abuse Services for U.S. District Court Offenders October 1, 2017 – September 30, 2018


c) Kathy Mayo, Interim Health Administrator - Pharmacist’s Employment Agreements (2) for on-call/fill-in pharmaceutical services
  i. Heidi J. Peterson
  ii. Janet R. Moran

Both agreements are for a one-year term and shall automatically renew annually.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE ON-CALL PHARMACIST’S EMPLOYMENT AGREEMENTS WITH HEIDI J. PETERSON AND JANET R. MORAN. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

d) Lauri Denomie (not present) - Independent Contractor Agreement as Editor for the Community’s Monthly Newsletter

The services are to provide the publication, editing, and distribution of the Newsletter for the Keweenaw Bay Indian Community. October 23, 2017 – October 23, 2018 for a monthly compensation of $1,600.00
MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT WITH LAURI DENOMIE FOR THE MONTHLY NEWSLETTER. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

e) Lori Sherman, Natural Resources Director/Erin Johnston, NRD Wildlife Biologist - Luis Verissimo Tier III Services Agreement Amendment to replace fee schedule not to exceed $50,000.00 upon satisfactory completion of the work

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

2. Lori Sherman, Natural Resources Director – Bid for Slab and Roof over Outdoor Fish Tanks (Building) at the Natural Resources Department Fish Hatchery $17,219.40

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BID FROM DAVE WHITMAN IN THE AMOUNT OF $17,219.40 FOR THE OUTDOOR FISH TANKS BUILDING ROOF AND SLAB. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

3. Doreen Blaker, Treasurer – 2% Worksheets

   a) Baraga $129,291.03 (Resolution KB-056-2017)

Fred Dakota left at 9:57 a.m.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE BARAGA 2% DISTRIBUTIONS AS DISCUSSED. SUPPORTED BY ELIZABETH D. MAYO. 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.
b) Marquette $159,247.78 (Resolution KB-057-2017)

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE MARQUETTE 2% DISTRIBUTIONS AS DISCUSSED. SUPPORTED BY ELIZABETH D. MAYO. 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.

Break: 10:20 – 10:27 a.m.

4. Sarah Smith, Assistant CEO –


   MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTION KB-053-2017 BIA CONSOLIDATED TRIBAL GOVERNMENT PROGRAM CONTRACT. 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, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.


   MOTION MADE BY DOREEN G. BLAKER TO APPROVE RESOLUTION KB-054-2017 BIA LAW ENFORCEMENT SERVICES CONTRACT. SUPPORTED BY ROBERT R.D. CURTIS, JR. 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.

   c) BIA Budget Ranking to prioritize the top ten programs for possible funding increases for FY2020

Fred Dakota returned at 10:34 a.m.

The Council consensus approved the following: 1) Social Services, 2) Welfare Assistance, 3) Criminal Investigations and Police Services, 4) Tribal Courts, 5) Scholarships and Adult Education, 6) Wildlife and Parks Program, 7) Real Estate Program, 8) Tribal Climate Resilience, 9) Fish, Wildlife, and Parks Projects, and 10) Invasive Species
5. President Swartz –

a) Committee/Board Selections

i. Health Board (2) Seats for 3-year terms (3 applicants, one was moved to the employee seat, 1 late applicant) and (1) DHHS Employee 3-year term (2 applicants)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPOINT KATHY LANCZCY AND RODNEY LOONSEFOOT TO THE HEALTH BOARD AND MICHELLE ST. GEORGE AS THE EMPLOYEE BOARD MEMBER FOR THREE YEAR TERMS. SUPPORTED BY GARY F. LOONSEFOOT, JR. SIX IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr.), THREE OPPOSED (Doreen G. Blaker, Fred Dakota, Elizabeth D. Mayo), ONE ABSTAINING (Rodney Loonsfoot), ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

Elizabeth Mayo stated her opposition: She feels Rodney Loonsfoot sits on the board as a Council Representative and he should allow a community member to have the seat.

ii. Youth Committee (6) Seats for 2-year terms (5 applicants)

MOTION MADE BY JENNIFER MISEGAN TO APPOINT ALL FIVE APPLICANTS, RODNEY LOONSEFOOT, ELIZABETH CONNOR, DANIEL CONNOR, JADE CHAUDIER, AND MICHAEL LAHTI, TO THE YOUTH COMMITTEE AND RE-ADVERTISE FOR THE REMAINING VACANT SEAT. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Rodney Loonsfoot), ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.

President Swartz appointed Dale Goodreau to the Baraga Joint Waste Water Management Board to fill the vacancy that was previously held by Jeff Lamson.

b) GWSP Check Benefit for Christmas Gifts

The Council discussed the original intent of the Christmas Gift check and the Court Orders that are affecting individuals that have a withholding judgement against them. The Court does work with those who are making progress towards paying fines, court costs, child support, etc. The deadline passed and the withholding forms are processed for this year. It was recommended that possible changes be made for next year.

Fred Dakota left at 11:12 a.m.
[Old Business]

2. Thomas Chosa – PowerPoint Presentation on the KBIC Wildland Fire Engine Program Development Plan Proposal with a focus on Engine Crews

Tom was invited to attend a meeting with BIA representatives who will be coming to discuss the fire program in December.

Toni Minton left at 12:23 p.m.

Lunch: 12:34 – 1:22 p.m.

K. Closed Session:

1. Richard Geroux – Jimaganish Wadokaged Tax Issue
2. Larry Denomie III, CEO - Ojibwa Building Supply Employee Transfers
3. Gary Loonsfoot, Jr. – Darrell Kingbird, Ojibwa Language Instructor Services Agreement (Re-Negotiate)

MOTION MADE BY RODNEY LOONSFOOT TO GO INTO CLOSED SESSION AT 1:23 P.M. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Break: 2:34 - 2:39 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 3:32 P.M. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

[New Business]

6. Larry Denomie III, CEO

a) Gundlach Champion, Inc. request for Bacco Construction to begin Baraga Site Work on Monday and hire B&B Electric for the power for an approximate total cost of $350,000.00
$40 million is what the Tribal President is willing to sign off on for the Baraga and Marquette Casino projects. $2 million was moved from the budget into a separate contract with Gundlach Champion, Inc. A new rendering will be presented within two weeks.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE WORK TO BE DONE BY B&B ELECTRIC AND BACCO CONSTRUCTION FOR THE BARAGA SITE PRIOR TO THE REST OF THE CONTRACT BEING APPROVED. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

b) Use of Ojibwa Building Supply (OBS) Do It Best Center Facility

The OBS will officially close on November 30, 2017. The Housing Department will identify inventory and equipment that they will utilize and it will be transferred to them. The Public Works Department will then identify inventory they can utilize and it will be sold to them at cost. All remaining inventory will be placed on sale at 90% off. Any remaining inventory will be stored until spring and auctioned off.

Larry recommended that the Housing Department be authorized to use the facility to manage their inventory and the mod program until another use is developed/requested.

c) Weekly Update

Larry attended the HIPAA training held this week. The Youth Christmas Party is on hold and a sign-up sheet for gift cards will be available during the GWSP check disbursements. Although there are applicants for the Youth Director Position there may not be enough time to plan a party for the youth.

Jennifer Misegan stated an increased surety bond is needed for the next step in obtaining the TTB license.

Ojibwa Building Supply Employee Transfers

MOTION MADE BY RODNEY LOONSFoot TO TRANSFER LILY MARCOTTE TO THE OFFICE OF VIOLENCE AGAINST WOMEN (OVW) AND JOHN HEBERT AND TAYLOR MAYO TO THE DEPARTMENT OF PUBLIC WORKS (DPW) AS DISCUSSED. SUPPORTED BY ROBERT R.D. CURTIS, JR. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.
L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:19 P.M. CO-SUPPORTED BY DOREEN G. BLAKER AND JENNIFER MISEGAN. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Respectfully submitted,

[Signature]
Peggy Loonsfoot
Administrative Specialist
AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – NOVEMBER 16, 2017 – 9:00 A.M.

A. Date: November 16, 2017

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: November 16, 2017

G. For Your Information:

   1. Independent Appeals Officer Letter of Interest and Resume

H. Approval of Meeting Minutes:

   1. November 2, 2017
   2. November 3, 2017

I. New Business:

   1. Bobby Escobar, Assistant Tribal Attorney –
      a) Paul Stark - Business Renewal Application for Baraga Telephone Company
      b) Jeanne Hirzel, Substance Abuse Programs Director - MOA with Great Lakes
         Recovery Centers for Substance Abuse Services for U.S. District Court Offenders
      c) Kathy Mayo, Interim Health Administrator - On-Call Pharmacist’s Employment
         Agreements (2)
i. Heidi J. Peterson
   ii. Janet R. Moran
d) Lauri Denomie - Independent Contractor Agreement as Editor for the Community’s Monthly Newsletter
e) Lori Sherman, Natural Resources Director/Erin Johnston, NRD Wildlife Biologist - Luis Verissimo Tier III Services Agreement Amendment

2. Lori Sherman, Natural Resources Director – Bid for Outdoor Fish Tank Building Pavilion/Slab
3. Sarah Smith, Assistant CEO –
   a) Resolution KB-053-2017 BIA Consolidated Tribal Government Program (CTGP) Contract
   b) Resolution KB-054-2017 BIA Law Enforcement Services (LES) Contract
4. Doreen Blaker, Treasurer – 2% Worksheets
   a) Baraga $129,291.03 (Resolution KB-056-2017)
   b) Marquette $159,247.78 (Resolution KB-057-2017)
5. President Swartz –
   a) Committee/Board Selections
      i. Youth Committee (6) Seats for 2-year terms
      ii. Health Board (2) Seats for 3-year terms and (1) DHHS Employee 3-year term
   b) GWSP Check Benefit for Christmas Gifts
6. Larry Denomie III, CEO –
   a) Gundlach Champion, Inc. request for Bacco Construction to begin Baraga Site Work
   b) Use of Ojibwa Building Supply Facility
   c) Weekly Update

J. Old Business:

   1. Thomas Chosa – Fire Program Proposal – 10:00 a.m.

K. Closed Session:

   1. Richard Geroux – Jimaganish Wadokaged Tax Issue – 11:00 a.m.
   2. Larry Denomie III, CEO - Ojibwa Building Supply Employee Transfers
   3. Gary Loonsfoot, Jr. – Darrell Kingbird, Ojibwa Language Instructor Services Agreement

L. Adjournment: