MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – APRIL 11, 2019 – 9:00 A.M.

A. Date: April 11, 2019

B. Call to Order: Vice President Loonsfoot called the meeting to order at 9:07 a.m.

C. Invocation: Prayer by Gary Loonsfoot, Jr., Vice President

D. Roll Call: Present: Gary F. Loonsfoot, Jr., Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (left at 12:42 p.m.)
Doreen G. Blaker, Treasurer (left 2:07 – 2:21 p.m.)
Robert R.D. Curtis, Jr.
Dale F. Goodreau
Randall R. Haataja
Kim Klopstein
Michael F. LaFernier, Sr.
Rodney Loonsfoot
Elizabeth D. Mayo

Absent: Warren C. Swartz, Jr., President

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

F. Approval of Agenda: April 11, 2019

Additions: FYI-

Closed Session-

1. Susan LaFernier, Secretary – Independent Appeals Officer Discussion
2. Sarah Smith, CEO – b) Health Board Update

2. President Swartz and Jeffery Loman present KBIC Opposition to the Summit Lake Wind Project at NMU on April 15, 2019 at 2:00 p.m.
MOTION MADE BY TONI J. MINTON TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

G. For Your Information:
   1. EPA Public Comment Period: April 8 to May 23, 2019 on KBIC’s Water Quality Standards Application for Treatment as a State (TAS)
   2. President Swartz and Jeffery Loman present KBIC Opposition to the Summit Lake Wind Project at NMU on April 15, 2019 at 2:00 p.m.

H. Approval of Meeting Minutes:

   1. April 4, 2019

   MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE APRIL 4, 2019 MEETING MINUTES. SUPPORTED BY RANDALL R. HAATAJA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

   2. April 6, 2019

   MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE APRIL 6, 2019 MEETING MINUTES. SUPPORTED BY KIM KLOPSTEIN. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

I. New Business:

   1. Larry Denomic III, Ojibwa Casinos General Manager –

      a) Food & Beverage Director Budget $27,068.00 (to begin June 2019) for both casinos

      MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE FOOD & BEVERAGE DIRECTOR BUDGET AS PRESENTED. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr.), ONE OPPOSED (Rodney Loonsfoot), ONE ABSTAINING (Elizabeth D. Mayo), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

      b) Enterprise Manual Policy Amendments: O. Gambling by Employees/P. Rules Concerning Use of Facilities During Off-Duty Hours (regarding lending to or borrowing from - money from guests or other employees)
MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE ENTERPRISE MANUAL POLICY AMENDMENTS. SUPPORTED BY SUSAN J. LAFERNIER. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

c) Weekly Update available for your review

Break: 10:15 - 10:28 a.m.

2. Paul Mooney, Assistant Tribal Attorney –

   a) Heather Wood-Paquet, Health Promotions Coordinator - Inter-Tribal Council of Michigan, Inc. (ITC) Subcontractual Agreement for the 2019-20 Healthy Start Program

April 1, 2019 – March 31, 2020 $85,000.00

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE HEALTHY START INITIATIVE PROGRAM SUBCONTRACTUAL AGREEMENT WITH ITC. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

   b) Joe Schutte, NRD - Great Lakes Indian Fish & Wildlife Commission (GLIFWC) Biological Services Subcontract for 2019 Fishery Resource Lake Trout Assessments in Lake Superior (MI-4) $73,400.00

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE BIOLOGICAL SERVICES SUBCONTRACT WITH GLIFWC. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

   c) Troy A. LaFernier Business License Renewal for Troy’s Tires and Auto Repair
April 6, 2019 – April 5, 2020

MOTION MADE BY DOREEN G. BLAKER TO APPROVE TROY LAFERNIER’S BUSINESS LICENSE RENEWAL FOR TROY’S TIRES AND REPAIR. CO-SUPPORTED BY KIM KLOPSTEIN AND RODNEY LOONSFOOT. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.
d) Tina Murray and Beth Koski (Superior Clean Team) Business License (New) for Cleaning Services  March 21, 2019 – March 20, 2020

MOTION MADE BY TONI J. MINTON TO APPROVE THE NEW BUSINESS LICENSE WITH TINA MURRAY AND BETH KOSKI FOR SUPERIOR CLEAN TEAM. SUPPORTED BY RANDALL R. HAATAJA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

e) Sheila and Russell Royal (Royal Lawn Care) Business License (New) for Lawn Care Services  April 4, 2019 – April 3, 2020

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE NEW BUSINESS LICENSE WITH SHEILA AND RUSSELL ROYAL FOR ROYAL LAWN CARE. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

3. Vice President Loonsfoot –
   a) Christy Miron, Principal Sacred Heart School Donation Request of $9,000.00 due to grant funding shortfall from the Black and Indian Mission organization. 20% of the students are Native American.

MOTION MADE BY ELIZABETH D. MAYO TO DENY THE DONATION REQUEST. Motion died for lack of support.

MOTION MADE BY TONI J. MINTON TO APPROVE A DONATION OF $1,800.00 TO THE SACRED HEART SCHOOL. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot), TWO OPPOSED (Randall R. Haataja, Elizabeth D. Mayo), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

b) Health Board Selection (1) Seat 3-year term ending October 2021 (4 applicants)

MOTION MADE BY ELIZABETH D. MAYO TO APPOINT HEATHER STIEBE TO THE HEALTH BOARD TO FULFILL THE VACATED SEAT. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Elizabeth D. Mayo), ONE OPPOSED (Rodney Loonsfoot), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Rodney Loonsfoot stated his opposition: He believes every person applying deserves a chance and he would have liked to draw a name from a hat.
c) Constitution Committee (3) Seats and (2) Alternates (0 applicants)

The Council consensus was to re-advertise without a deadline and seek out Tribal Government students from Violet Ayres’ class.

4. Sarah Smith, CEO – Weekly Update available for your review

J. Recognize Scheduled Delegation/Individuals:

1. Joe Derocha/Derek Parker – Business Proposal Presentation on a medical marijuana facility in Humboldt Township.

PowerPoint Presentation of the growing project.

Break: 11:35 - 1146 a.m.

Lunch: 12:42 - 1:35 p.m. (Toni Minton left)

Council members are invited to tour the facility this coming Sunday, April 14.

Doreen Blaker left at 2:07 p.m.

K. Closed Session:

1. Susan LaFernier, Secretary – Independent Appeals Officer Discussion
2. Paul Mooney, Assistant Tribal Attorney/Sarah Smith, CEO/Evelyn Ravindran, Natural Resources Director/Dione Price, NRD Environmental Specialist/Jason Ayres, Real Estate Officer – Non-Disclosure Agreement [Reschedule]
3. Sarah Smith, CEO –
   a) Employee Reclassification
   b) Health Board Update
4. Vice President Loonsfoot – Quadrant Consulting Group, LLC

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:14 P.M. SUPPORTED BY RANDALL R. HAATAJA. EIGHT IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Toni J. Minton, Doreen G. Blaker), MOTION CARRIED.

Doreen Blaker returned at 2:21 p.m.

Break: 2:55 - 3:04 p.m.
MOTION MADE BY RANDALL R. HAATAJA TO GO INTO OPEN SESSION AT 4:51 P.M. CO-SUPPORTED BY DALE F. GOODREAU AND RODNEY LOONSFOOT. NINE IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Toni J. Minton), MOTION CARRIED.

Reclassification Waiver

MOTION MADE BY KIM KLOPSTEIN TO APPROVE THE WAIVER FOR THE SIXTY-DAY TIME LIMIT FOR A RECLASSIFICATION WITH BACK PAY TO THE DATE OF SUBMISSION (OCTOBER 10, 2018). SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFernier, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Doreen G. Blaker), TWO ABSENT (Warren C. Swartz, Jr., Toni J. Minton), MOTION CARRIED.

Health Administrator Employment Agreement

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO TERMINATE SOUMIT PENDHARKAR’S CONTRACT FOR CAUSE. SUPPORTED BY RANDALL R. HAATAJA. FOUR IN FAVOR (Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Michael F. LaFernier, Sr.), FIVE OPPOSED (Susan J. LaFernier, Doreen G. Blaker, Kim Klopstein, Rodney Loonsfoot, Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Toni J. Minton), VICE PRESIDENT LOONSFOOT VOTES IN FAVOR, TIE VOTE.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 4:55 P.M. SUPPORTED BY KIM KLOPSTEIN. NINE IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Dale F. Goodreau, Randall R. Haataja, Kim Klopstein, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Loonsfoot
Administrative Specialist
AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
BIG BUCKS BINGO HALL
THURSDAY – APRIL 11, 2019 – 9:00 A.M.

A. Date: April 11, 2019

B. Call to Order:

C. Invocation: Lord’s Prayer

D. Roll Call:
   __ Warren C. Swartz, Jr., President
   __ Gary F. Loonsfoot, Jr., Vice President
   __ Susan J. LaFernier, Secretary
   __ Toni J. Minton, Assistant Secretary
   __ Doreen G. Blaker, Treasurer
   __ Robert R.D. Curtis, Jr.
   __ Dale F. Goodreau
   __ Randall R. Haataja
   __ Kim Klopstein
   __ Michael F. LaFernier, Sr.
   __ Rodney Loonsfoot
   __ Elizabeth D. Mayo

E. Declaration of Quorum:

F. Approval of Agenda: April 11, 2019

G. For Your Information:
   1. EPA Public Comment Period: April 8 to May 23, 2019 on KBIC’s Water Quality Standards Application for Treatment as a State (TAS)

H. Approval of Meeting Minutes:
   1. April 4, 2019
   2. April 6, 2019

I. New Business:
   1. Larry Denomie III, Ojibwa Casinos General Manager -
      a) Food & Beverage Director Budget
      c) Weekly Update
2. Paul Mooney, Assistant Tribal Attorney –
   a) Heather Wood-Paquet, Health Promotions Coordinator - Inter-Tribal Council of Michigan, Inc. Subcontractual Agreement for the 2019-20 Healthy Start Program
   b) Joe Schutte, NRD - Great Lakes Indian Fish & Wildlife Commission (GLIFWC) Biological Services Agreement for 2019 Fishery Resource Assessments
   c) Troy A. LaFernier Business License Renewal for Troy’s Tires and Auto Repair
   d) Tina Murray and Beth Koski (Superior Clean Team) Business License (New) for Cleaning Services
   e) Sheila and Russell Royal (Royal Lawn Care) Business License (New) for Lawn Care Services
3. Vice President Loonsfoot –
   a) Christy Miron, Principal Sacred Heart School Donation Request
   b) Health Board Selection (1) Seat 3-year term (4 applicants)
   c) Constitution Committee (3) Seats and (2) Alternates (0 applicants)
4. Sarah Smith, CEO – Weekly Update

J. Recognize Scheduled Delegation/Individuals:

1. Joe Derocha/Derek Parker – Business Proposal Presentation

K. Closed Session:

1. Paul Mooney, Assistant Tribal Attorney/Sarah Smith, CEO/Evelyn Ravindran, Natural Resources Director Director/Dione Price, NRD Environmental Specialist/Jason Ayres, Real Estate Officer – Non-Disclosure Agreement
2. Sarah Smith, CEO – Employee Reclassification
3. Vice President Loonsfoot – Consulting

L. Adjournment:
Tribal Council Updates:
Through 4-10-19

- The appeal of termination hearing I attended and reported in my last update was upheld by Appeals Officer, Chad DePetro. Part of the hearing included a discussion regarding our policy related to employee gambling. Although practice has been that no employees are allowed to borrow or lend money to/from customers or employees, the policy isn’t clear on that point and is why I have the proposed amendment on your agenda today.

- We have received pay request #27 from Gundlach Champion for the casino projects. The total KBIC will have paid with this payment is just under $24.5 million.

- I have received a number of reports regarding over pouring of liquor by our bartenders. To address the issue, I have required that training be provided to all bar staff on the proper technique and amount that is allowable. To ensure the staff understands the implications of continued over pouring, it has been clear that it continued over pouring could be viewed as a form of theft as noted in the employee manual. Staff will sign an acknowledgement once trained. To assist with the issue, stoppers that pour the allowable amount will be put into place as well.

- We have met internally to integrate the Ojibwa Campground into the hotel. Mark is onboard and is working on site markers for each campsite. Registration and collection of fees will be handled by hotel staff. The site markers will hold a card which indicates the paid through date. Mark will verify and report to the hotel any unregistered campers and handle departures.

- The testing and resetting of the backup generator took place. If you recall, the generator failed during a recent power outage. The first test resulted in the same result as the power outage that occurred in that the generator fired up but quickly defaulted and shutdown. Those present for the test, which included those responsible for the sale and installation of the generator, determined that the settings that were programmed at the factory during testing, weren’t changed to match our needs once installed. After the initial test failed, the settings were changed and a second test was performed which did pass and the generator worked as it should have.

- Hosh and I met with our attorneys to review the documents associated with the loans for the casino projects. We are hoping that the timing of the execution of the documents coincides with the balance of our funds being depleted. There is still work to be done to get to point of approving/signing. I also believe it is important that we have a conversation, perhaps at your next meeting, to discuss the stringent terms associated with the financing.

- I will be traveling to Marquette today to meet with Gundlach Champion, Cunningham and Dave Anderson continue work on finalizing the engineering and design of the new restaurant space. The overall project timeline remains on schedule for a December opening and completing the restaurant details is one of the last items that needs to be finished to keep that schedule.

- HR staff has received data related to the wage analysis we are working on. We will be meeting tomorrow to review it to begin developing recommendations for your consideration.

- A quick reminder that the Baraga Renovation Celebration event is scheduled for Saturday, April 27. Food will be provided in the conference rooms beginning at 4 p.m. with a ceremony on the casino floor at apx. 6 p.m. which will include a ribbon cutting ceremony followed by a champagne toast.
TO: Tribal Council
FROM: Sarah L. Smith, CEO
RE: Weekly Report
DATE: April 11, 2019

1. MISSION STATEMENT: To provide exceptional services for our membership; a safe, positive work environment for employees and sustained economic prosperity, while protecting our sovereignty and preserving our culture and natural resources for future generations.

VISION STATEMENT: A Tribe that preserves the Anishinaabe culture, advances economic diversity, provides opportunities to enhance independence, and promotes the health and well-being of our Community.

2. Updates: Looked at insurance question for insurability of employees regarding their driving records. M3 provided the attached guideline from Tribal First and statement about it. Question was brought to my attention on whether or not policy should be changed to reflect these guidelines.

3. Meetings/Conferences: Attended a Defined Benefit Plan meeting. There were no recommended changes. Met with Baraga Schools, Copper Country Intermediate School District, and Housing for a potential project. Attended a health board meeting. The Board wants to move forward with applying for a small ambulatory grant that includes a feasibility study. The feasibility expense is approximately $50,000 that would be reimbursable if the grant is awarded. With this, I began reviewing budget changes within the Health department that were sent by Health Administrator. Still needs some further work.

4. Employee Changes: There are no direct reporting changes. The government currently has 307 employees, with 222 Native American. This list is provided as requested.

5. Statistical Data/Case Load Information: Met with Housing Director on 1 reclassification. Drafted up a guideline to follow for contractual employees being hired at the Health Department so that all are in agreement of how the procedure is to be followed. Starting looking at the Background Investigation-Positions list. List provided was last updated by Council 1/17/13. It may need to be updated again.

6. Financial Update: Defined Benefit Plan meeting occurred and Julie Riolo from Wells Fargo recommended no changes to the current strategy at this time. This may change at the next six month meeting.

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