

KEWEENAW BAY INDIAN COMMUNITY

Keweenaw Bay Tribal Center
107 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

2006 TRIBAL COUNCIL

SUSAN J. LAFERNIER, President
WARREN C. SWARTZ, JR., Vice-President
LARRY J. DENOMIE III, Secretary
DOREEN G. BLAKER, Asst. Secretary
TONI J. MINTON, Treasurer

FRED DAKOTA
WILLIAM E. EMERY
MICHAEL F. LAFERNIER, SR.
GARY F. LOONSFOOT, SR.
ELIZABETH "CHIZ" MATTHEWS
ELIZABETH D. MAYO
SHAWANUNG

MINUTES KEWEENAW BAY INDIAN COMMUNITY REGULAR COUNCIL MEETING OJIBWA CASINO CONFERENCE ROOM SATURDAY – DECEMBER 2, 2006 AT 9:00 A.M.

APPROVED
1-18-07

- A. Date: December 2, 2006
- B. Call to Order: President LaFernier called the meeting to order at 9:15 a.m.
- C. Invocation: The Lord's Prayer
Opening Prayer in Ojibwa by Shawanung.
- D. Roll Call: Present: Susan J. LaFernier, President
Warren C. Swartz, Jr., Vice-President
Larry J. Denomie III, Secretary
Doreen G. Blaker, Assistant Secretary (left at 11:16 a.m.)
Toni J. Minton, Treasurer
Fred Dakota
William E. Emery
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Sr.
Elizabeth "Chiz" Matthews
Elizabeth D. Mayo
Shawanung
- E. Declaration of Quorum: President LaFernier declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: December 2, 2006
- Additions- FYI: 18. Mike LaFernier – Thank You.
Recognizing Individuals: 2. Terri Denomie – Information on Education meeting
New Business: 2. Chris Swartz – Request from Culture Committee

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE ADDITIONS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

G. For Your Information:

1. "Thank You" from Dave and Marcy Cella – Huron River Project.
2. "Thank You" from Bart Stupak – Campaign donation and also when he visited the Seniors.
3. "Thank You" from Michigan Works.
4. "Thank You" from the March of Dimes for the representation at the dinner and the donation.
5. "Thank You" from Faye Steadman for partnering with WLUC TV6 for the Image Plus Program.
6. "Thank You" from Jake Misegan for the donation for his mission trip to Alaska.
7. A copy of the November 14, 21, 2006 Gaming Commission Meeting Minutes.
8. A copy of an article on Native Community Development Financial Institutions from Jesse Luttenton.
9. A copy of information for the next upcoming Voigt Task Force meeting on December 7, 2006.

Susan mentioned that although not on the agenda, she received a verbal thank you from Rosemary Shulstead's granddaughter for the new chair Rosemary received from the Senior Assistance Program.

10. A letter from NCAI – A historic opportunity for Indian Country to re-establish a House Committee on Indian Affairs. The House and Senate abolished Indian Affairs Committees in each Chamber in 1946 during the Termination Era. In 1977 the Senate re-established a standing Committee on Indian Affairs but the House did not. NCAI is asking that Tribes exercise their voice by writing their congressional delegation and the House Leadership of both parties to re-establish a House Committee on Indian Affairs.

MOTION MADE BY WARREN C. SWARTZ, JR. TO AUTHORIZE THE TRIBAL CHAIRMAN TO SEND A LETTER TO THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER, TO HELP RE-ESTABLISH THE HOUSE COMMITTEE ON INDIAN AFFAIRS USING THE FORM LETTER PROVIDED. SUPPORTED BY DOREEN G. BLAKER. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

11. A copy of NCAI Resolution -Disposal of Solid Waste and other dangerous substance.
12. Michigan Indian Elders Association Resolution – Solid Waste.
13. Michigan Indian Elders Association Resolution – Kennebecott.
14. Michigan Indian Elders Association Resolution – St. Mary's River.
15. Michigan Indian Elders Association Resolution – Great Lakes.
16. Michigan Indian Elders Association Resolution – Medicare.
17. Donation Budget Worksheet – November 2006.
18. "Thank You" for the Christmas Lights that Popcorn Mayo and Mike LaFernier donated for the Christmas Party at the Bingo Hall.

H. President/CEO's Report /November 2006 – available for your review.

MOTION MADE BY FRED DAKOTA TO ACCEPT THE PRESIDENT/CEO'S REPORT. SUPPORTED BY LARRY J. DENOMIE III. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

I. Secretary's Report /November 2006 – available for your review.

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE SECRETARY'S REPORT. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

J. Treasurer's Report /November 2006 – available for your review.

MOTION MADE BY DOREEN G. BLAKER TO ACCEPT THE TREASURER'S REPORT. SUPPORTED BY WILLIAM E. EMERY. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

K. Approval of Meeting Minutes:

1. October 19, 2006

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE OCTOBER 19, 2006 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. November 4, 2006

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE THE NOVEMBER 4, 2006 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

L. Recognize Scheduled Delegation/Individuals:

1. Kim Klopstein – Selection of Election workers for the L’Anse and Baraga Districts to assist the Election Board on Election Day. There are nine letters of interest from the Baraga side and five from L’Anse.

MOTION MADE BY LARRY J. DENOMIE III TO PLACE THE NAMES OF ELECTION WORKERS IN A HAT AND DRAW FOR EACH DISTRICT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Break: 10:05 – 10:20 a.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO SELECT ELECTION WORKERS FROM THE ONES WHO ARE NOT EMPLOYED. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Toni J. Minton, William E. Emery, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Shawanung), THREE OPPOSED (Doreen G. Blaker, Fred Dakota, Elizabeth D. Mayo), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

The selection went as follows: Baraga District – Chris Loonsfoot and Matthew Shalifoe Sr.
L’Anse District – Myrtle Tolonen and Diane Charron.

2. Terri Denomie – Presentation of Education Information from the Baraga RAP Group Meeting. Terri would like to see two part-time in-school tutors hired, one in Baraga and one in L’Anse. Terri presented information on the Education levels of Tribal kids in Kindergarten through Second grade. Out of 111 children, 75 of them are in need of extra tutoring. Elizabeth Mayo said that there is after-school tutoring in Baraga right now but she is concerned on how to get the kids there. She wanted to know if Lynn Ketola’s program could help. Carole LaPointe said that her program offers rides to Tribal kids for after-school tutoring. Larry Denomie said that there are tutors in the high school during the day but not in the elementary. Gary Loonsfoot asked if the non-Tribal kids are having the same problems as the Tribal kids, because this would show that it is a teaching problem and that we need to start pressuring the school system to upgrade the teachers. Terri also mentioned that the curriculum is going to be raised even higher. Terri said the average GPA in 6th grade for Tribal kids is 1.98, a D average. Toni Minton asked Terri how many of these Tribal kids, that are scoring below average, went through her Head Start program. Terri answered that yes, there were some.

MOTION MADE BY LARRY J. DENOMIE III THAT THE EDUCATION DIRECTOR WORK IN CONJUNCTION WITH THE EDUCATION COMMITTEE AND OTHERS THAT COULD BE INVOLVED, SUCH AS THE YOUTH DIRECTOR, TO COME UP WITH A PLAN TO BRING TUTORS INTO THE SCHOOLS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Doreen Blaker said that when she was at the Baraga hockey rink she saw the American flag, the Canadian flag, MI State flag and she would like to see our Tribal flag. We donate to these places and it would be nice if they had our flag displayed also.

MOTION MADE BY DOREEN G. BLAKER THAT WE ASK IF THE SCHOOLS CAN FIND A PLACE FOR OUR TRIBAL FLAG AND WE DONATE ONE TO THEM SO THAT WE CAN SEE OUR FLAG AS WE ALSO SEE THE STATE FLAG AND THE FEDERAL FLAG, AS WE ARE A GOVERNMENT ALSO. SUPPORTED BY ELIZABETH D. MAYO. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

M. New Business:

1. Jennifer Miscgan – Veteran’s License Plates. Jennifer asked for the Council’s approval on an idea that she and Jeanne Kauppila had of honoring our Veterans with a special license plate. She presented ideas that she received from other Tribes and she has spoken to some of the Veterans and they thought it is a good idea as well and would like to help with the project. Popcorn suggested that we involve the youth in the designing of the plate. Gene Emery said that he would like to be on the committee also.

MOTION MADE BY TONI J. MINTON TO APPROVE THE VETERAN’S LICENSE PLATE PROJECT. SUPPORTED BY GARY F. LOONSFOOT, SR. ALL IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Chris Swartz – Proposal on three-day workshop for a language program presentation. This proposal, submitted by Ted Holappa, is focused on Native language immersion education and will raise awareness and understanding of the community about second language acquisition and will put the community in a position to develop a comprehensive plan for producing speakers of Ojibwe.

Chris commented that with the overview of the Michigan Merit curriculum and the 2016 requirements, students will have to have experience in languages other than English. It seems that the United States has fallen behind the rest of the world in schooling. So with the 2016 requirements of experience in other languages it is certainly going to help. Chris attended a weekend language immersion class held in Bay Mills, which Ted Holappa oversees and he thought that this could really happen here at Keweenaw Bay. If we had someone come here and speak and we had people who actively listened and participated in the program, he thoroughly believes we could retain our language. He added that we learned to speak English by listening to our parents, no one *taught* us how to speak it.

Popcorn Mayo asked if the money for this workshop was going to come out of the Language Grant.

Gerry Mantila explained that the Language Grant we received doesn't have money for this workshop and the Culture Committee budget has limited funds and could not support this. She explained that the Language Grant monies have already been allocated and are being used for an assessment on who in the Tribe are natural speakers, who can speak a little of the Ojibwe language and who is fluent. There will be a survey conducted within the community and the grant provides for the Culture Committee and staff members to go to three different reservations to check out their language programs that they have and they also have to hold three community workshops within the year. The first one will be held this Thursday, December 7, 2006 at the Chippewa Resort. All are invited.

Popcorn said she would like to have a presentation just for the Council as well.

Chris Swartz explained that the ANA Language Grant is just for the assessing of the community's needs and can be used further in applying for Language grants. This proposal [from Ted Holappa] is a little step further ahead of assessing our needs, this is actually going ahead and doing something about it and trying to reacquire ourselves with the language. This is the method that seems to work in producing speakers.

Fred Dakota left at 11:13 a.m.

Popcorn asked for input from Shawanung, he knows the language real well and has been teaching our children the language.

Shawanung said, "We have to get down to real serious business of being interested in our language and our culture. I think anything, even if its immersion, we all have to sit down and get into some serious, serious business of the language and the culture and I think the seriousness about it began right here with the prayer at the Council meetings, we are doing it and we have started it already. There is a need."

MOTION MADE BY WARREN C. SWARTZ, JR. TO APPROVE THE EXPENDITURES OF \$7486.00 FOR THE WORKSHOP. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

N. Department Head Reports – October 2006

MOTION MADE BY TONI J. MINTON TO APPROVE THE OCTOBER 2006 DEPARTMENT HEAD REPORTS. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. TEN IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen G. Blaker, Toni J. Minton, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

O. Closed Session:

1. John Baker
2. Susan LaFerner –a) Personnel
b) Information from Jason Ayres on properties

MOTION MADE BY WARREN C. SWARTZ, JR. TO GO INTO CLOSED SESSION AT 11:15 A.M. FOR THE ITEMS LISTED. SUPPORTED BY GARY F. LOONSFOOT, SR. EIGHT IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Doreen Blaker, Toni Minton, William E. Emery, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Shawanung), ABSTAINING – 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

Break: 11:16 a.m. – 11:26 a.m.

Doreen Blaker left at 11:16 a.m.

Fred Dakota back at 11:30 a.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 12:33 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

IT Promotion-

MOTION MADE BY ELIZABETH D. MAYO TO PROMOTE DAVID ZASADNYJ TO THE INFORMATION TECHNOLOGY ANALYST AND TO MOVE HIM UP TO A GRADE 10. SUPPORTED BY WARREN C. SWARTZ, JR. TEN IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

Service Agreements- Language Assessment and Preservation

MOTION MADE BY TONI J. MINTON TO APPROVE THE SERVICE AGREEMENTS FOR DOROTHY SAM AND EARL OTCHINGWANIGAN. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

Properties for Sale-

MOTION MADE BY ELIZABETH D. MAYO TO DENY THE REQUEST FROM JASON AYRES ON THE TWO PARCELS OF PROPERTY IN THE VILLAGE OF BARAGA. SUPPORTED BY WILLIAM E. EMERY. NINE IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

P. Adjournment:

MOTION MADE BY WILLIAM E. EMERY TO ADJOURN AT 12:35 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Warren C. Swartz, Jr., Larry J. Denomie III, Toni J. Minton, Fred Dakota, William E. Emery, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Shawanung), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

Respectfully submitted,


Peggy Minton
Recording Secretary

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
REGULAR COUNCIL MEETING
OJIBWA CASINO CONFERENCE ROOM
SATURDAY – DECEMBER 2, 2006 AT 9:00 A.M.

A. Date: December 2, 2006

B. Call to Order:

C. Invocation: The Lord's Prayer
Opening Prayer in Ojibwa

D. Roll Call: ___ Susan J. LaFerner, President
 ___ Warren C. Swartz, Jr., Vice-President
 ___ Larry J. Denomie III, Secretary
 ___ Doreen G. Blaker, Assistant Secretary
 ___ Toni J. Minton, Treasurer
 ___ Fred Dakota
 ___ William E. Emery
 ___ Michael F. LaFerner, Sr.
 ___ Gary F. Loonsfoot, Sr.
 ___ Elizabeth "Chiz" Matthews
 ___ Elizabeth D. Mayo
 ___ Shawanung

E. Declaration of Quorum:

F. Approval of Agenda: December 2, 2006

G. For Your Information:

1. "Thank You" from Dave and Marcy Cella
2. "Thank You" from Bart Stupak
3. "Thank You" from Michigan Works
4. "Thank You" from the March of Dimes
5. "Thank You" from Faye Steadman WLUC TV6
6. "Thank You" from Jake Misegan
7. A copy of the November 14, 21, 2006 Gaming Commission Meeting Minutes
8. A copy of an article on Native Community Development Financial Institutions
9. A copy of information for the next upcoming Voigt Task Force meeting

10. A copy of NCAI – Re- establishment of the House Committee on Indian Affairs
11. A copy of NCAI Resolution -Disposal of Solid Waste and other dangerous substance
12. Michigan Indian Elders Association Resolution – Solid Waste
13. Michigan Indian Elders Association Resolution – Kennecott
14. Michigan Indian Elders Association Resolution – St. Mary’s River
15. Michigan Indian Elders Association Resolution – Great Lakes
16. Michigan Indian Elders Association Resolution – Medicare
17. Donation Budget Worksheet – November 2006

H. President/CEO’s Report /November 2006

I. Secretary’s Report /November 2006

J. Treasurer’s Report/November 2006

K. Approval of Meeting Minutes:

1. October 19, 2006
2. November 4, 2006

L. Recognize Scheduled Delegation/Individuals:

1. Kim Klopstein – Selection of Election workers for the L’Anse and Baraga Districts

M. Old Business:

- 1.

N. New Business:

1. Jennifer Misegan – Veteran’s License Plates

O. Department Head Reports – October 2006

P. Closed Session:

1. John Baker
2. Susan LaFernier –a) Personnel
b) Information from Jason Ayres on properties

Q. Adjournment:

KEWEENAW BAY TRIBAL COUNCIL

Report from the President/C.E.O.

Susan J. LaFerner

November, 2006 (for the December 2, 2006 Meeting)

*ANIN! "We Honor The Greatness In You"
and Good Morning!*

On November 1st, I attended the Michigan Department of Human Services "Family to Family-Building Community Partnerships" kick off event at Northern Michigan University. The department is working with the Annie E. Casey Foundation to implement this child welfare reform initiative in every county around the State. The goal is to place a child who must be removed from their family with one permanent and stable family in the child's own community and ensures that birth parents, foster parents, community and tribal representatives are involved in the decision making process concerning placement and service needs. I was honored to have lunch with Judge Violet Friisvall-Ayres, Judge Michael Anderegg (Probate Judge for Marquette County), Ed Gransell, and George Newman.

I thank everyone who voted in November 7th election. Tribes will now be preparing for the Native Vote 2008 Campaign which you will be hearing more about in the near future.

We are very close to presenting the final plans/options for a Pre-Primary program and the tentative date to begin will be after the holidays. I thank Sarah, Debbie Parrish, Mary DeLine, Terri Denomie, and Kelly Shelifoe for all of their help from the beginning. There has been much work involved with beginning this program and we appreciate your patience.

The Michigan Department of Environmental Quality is providing an opportunity for public comment on the additional information submitted on October 27, 2006 by Kennecott Eagle Minerals Company on the application for a mining permit for the proposed Eagle Project mine. MDEQ has extended its deadline for making a proposed decision on the Mining permit until January 9, 2007. This allows for consolidation of public hearings on applications for three permits: Mining Permit, groundwater discharge permit, and an air discharge permit. The MDEQ is accepting public comments on Kennecott's Supplemental Response for 42 days until December 26, 2006. The MDEQ will review the comments, after which it will make a proposed decision on the Mining Permit application and issue a notice of the consolidated public hearing.

Last but not least, we are truly rejoicing that the United States Supreme Court on Monday, November 27, 2006, denied a petition for a writ of certiorari brought by members of the Michigan State Tax Commission seeking review of the decision by the United States Court of Appeals for the Sixth Circuit enjoining the imposition of Michigan property taxes on Indian-owned lands within the L'Anse Indian Reservation. The Supreme Court's refusal to review the decision means that decision is now final and confirms our position that the 1854 Treaty, as well as general principles of tribal sovereignty, absolutely prevents the State from imposing property taxes on our Reservation lands, regardless of the title by which they are held. This was the intention of our ancestors over 150 years ago. Our sincere thanks to everyone who has given us support since this case began in 1982, through the time the lawsuit was filed in 2003. (see press release) Also congratulations to Keweenaw Bay Indian Community as we celebrate the 70th anniversary of our Constitution and By-laws on December 17, 2006. This is from the certification of adoption: Pursuant to an order, approved October 15, 1936, by the Secretary of the Interior, the attached Constitution and By-Laws was submitted for ratification to the L'Anse, LacVieux Desert, and Ontonagon Bands of the Chippewa Indians, residing within the original confines of the L'Anse Reservation, and was on November 7, 1936 duly adopted by a vote of 239 For, and 18 Against, in an Election in which over 30% of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat.378)
Approved in Washington D.C., December 17, 1936

I have three announcements from the Office of Planning and Development and an announcement from the Seniors:

Please continue to keep everyone in your prayers who are ill or have lost loved ones, especially the family of Jean Miller who is Cherie (Brad) Dakota's mother and the family of Marty Curtis, Sr. who is Marty, Robbie, Bill, Barbara, Yvonne, and Helene's father.

Also please continue your prayers for all of our men and women in the Service. Please pray for peace on earth and let us be thankful for our many blessings. I wish all of my fellow Council members a Merry, blessed Christmas and I thank you for your leadership to our Tribe. We wish all of you a very merry Christmas and a happy new year and may you truly find the peace that this wonderful Christmas season offers to you all.

Once again it has been a very busy month meeting with department heads, employees, members, and visitors on a daily basis, telephone calls, and of course, Council meetings. If you have any questions, concerns, or I can be of help to you, please call me 353-6623 ext 4168.
My cell phone: 201-1756 MEGWETCH!

KEWEENAW BAY INDIAN COMMUNITY

PRESS RELEASE

November 27, 2006

For Immediate Release

UNITED STATES SUPREME COURT REFUSES TO HEAR APPEAL OF DECISION THAT INDIAN PROPERTY IS NOT SUBJECT TO STATE PROPERTY TAX

On Monday, November 27, 2006, the Supreme Court of the United States denied a petition for a writ of certiorari brought by members of the Michigan State Tax Commission seeking review of the decision by the United States Court of Appeals for the Sixth Circuit enjoining the imposition of Michigan property taxes on Indian-owned lands within the L'Anse Indian Reservation. A three-judge panel of the Sixth Circuit on June 26, 2006 had affirmed a district court decision that the Michigan General Property Tax Act is not enforceable against fee simple land owned by the Keweenaw Bay Indian Community or its members within the boundaries of the L'Anse Indian Reservation in Michigan's Upper Peninsula. The Supreme Court's refusal to review the Sixth Circuit's decision means that decision is now final, fully vindicating the position of the Community and its members, which was first advocated in 1982 litigation before the Michigan Tax Tribunal, later pursued in litigation in the Michigan state courts in the late 1990s and early 2000s, and finally in the Community's federal lawsuit which was filed in 2003.

"The Supreme Court's decision confirms the Community's long-held position that the 1854 Treaty, as well as general principles of tribal sovereignty, absolutely prevents the state from imposing property taxes on our Reservation lands, regardless of the title by which they are held," said Susan LaFerner, President of the Keweenaw Bay Indian Community. "By refusing to reconsider the decision of the appeals court, the Supreme Court's decision finally upholds the position of the Community that the state did not have the legal authority to tax land owned by the Community or member of Community within the L'Anse Reservation. Our Tribe is gratified and thankful that we can assure our future generations will be afforded the rights that our ancestors intended over 150 years ago. The Council and I wish to thank everyone that has given us support since this case began," said President LaFerner.

The federal appeals court, affirming the decision of the federal district court, held that enforcement of the Michigan property tax against Community- and Community member-owned lands within the L'Anse Reservation would violate the 1854 Treaty with the Chippewa at La Pointe, which created the Reservation as a permanent home for the Community's predecessors, and expressly guaranteed in Article 11 that "the Indians shall not be required to remove from the homes hereby set apart for them." Evaluating the language, history, context of the 1854 Treaty, the court held that Article 11 precludes involuntary alienation of Indian-owned lands within the Reservation, by tax sales or otherwise, and thus prevents state taxation of such lands. In so holding, the court agreed with the district court that "[i]t defies logic to believe that the Indians would have signed a treaty ceding over seven million acres to the United States, knowing that

they could lose the land they kept as a reservation the following year, due to non-payment of taxes.”

The appeals court further held that the Michigan property tax could not be enforced against Community- and Community member-owned lands within the Reservation because Congress had never enacted a statute that made these lands either alienable or taxable. The court noted the federal common law rule that Indian-owned property within an Indian reservation is not subject to state taxation unless Congress has expressly authorized such taxation by statute. The court held that the 1854 Treaty, under which the Reservation lands had been allotted and made alienable, was not an act of Congress and did not authorize taxation of Indian-owned Reservation lands. The court also held that neither the Dawes Act nor any other federal statute authorized the allotment, removal of restrictions, or taxation of any lands within the L’Anse Reservation. Accordingly, the court held that Indian-owned lands within the Reservation were not subject to Michigan property tax under federal common law grounds.

For further information contact: Susan J. LaFernier, President, Keweenaw Bay Indian Community, at 906-353-6623.

Susan LaFernier

From: John Baker
Sent: Monday, November 27, 2006 10:49 AM
To: Chris Swartz (tcchris@kbic-nsn.gov); DOREEN BLAKER (tcdoreen@up.net); Elizabeth "Chiz" Matthews (ematthews@kbic-nsn.gov); Elizabeth Mayo; Gary Loonsfoot; Gene Emery (gemery@up.net); Joe Dowd (jadowd@up.net); Larry Denomie; Michael LaFernier; Susan LaFernier (susan@kbic-nsn.gov); Toni Minton
Cc: 'Joe Mrstik (jmrstik@kbic-nsn.gov); Christoph Geiger; Kristy McCarthy
Subject: Property Tax Case - VICTORY!!!
Attachments: USSC orders 11-27.pdf



USSC orders
11-27.pdf (36 KB)

Attached is a copy of today's Orders List from the U.S. Supreme Court which includes at page 3, Order No. 06-429, the denial of the State of Michigan's Petition for Certiorari in the Property Tax Case.

This is a great victory for the Tribe!!!

Regards, John

John R. Baker
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(ORDER LIST: 549 U.S.)

MONDAY, NOVEMBER 27, 2006

CERTIORARI -- SUMMARY DISPOSITION

05-1424 METROPOLITAN LIFE INS. CO. V. HAWKINS-DEAN, PEGGY
The motion of American Council of Life Insurers for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of *Abatie v. Alta Health & Life Ins. Co.*, 458 F. 3d 955 (CA9 2006) (en banc).

ORDERS IN PENDING CASES

06A252 ANDREWS, ANTHONY V. MOORE, KIMBERLY A., ET AL.
(06-6644)
The application for stay addressed to Justice Scalia and referred to the Court is denied.

06M47 SANTOS, PATRICIA V. MITCHELL-YOUNG, SOKARA, ET AL.
The motion to direct the Clerk to file a petition for a writ of certiorari out of time is denied.

06M48 IN RE GRAND JURY PROCEEDINGS
The motion for leave to file a petition for a writ of certiorari under seal with redacted copies for the public record is granted.

06M49 OSTOPOSIDES, OLGA, ET AL. V. GLIMP, RICHARD, ET AL.
The motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner is denied.

05-10924 CHUN, IN S. V. HOUSING AUTHORITY OF SEATTLE
The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

06-595 HARPER, TYLER C., ET AL. V. POWAY SCHOOL DISTRICT, ET AL.
The motion of petitioners to expedite consideration of

the petition for a writ of certiorari is denied.

06-5057 ATAMIAN, GABRIEL G. V. NGUYEN, LINDA
06-5813 IN RE GABRIEL G. ATAMIAN
06-5817 JONES, NATHANIEL H. V. SALEEBY, DUDLEY, ET AL.

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

06-6872 CHERRY, NORMA V. POTTER, POSTMASTER GEN.
06-7076 FINKELSTEIN, STEVEN V. SPITZER, ATT'Y GEN. OF NY

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until December 18, 2006, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the rules of this Court.

CERTIORARI DENIED

05-1605 BAQIR, RIAZ V. NICHOLSON, SEC. OF VA
05-11632 REN, CHEN W. V. SHERMAN, WARDEN
05-11729 BUENROSTRO, JOSE L. V. UNITED STATES
06-72 APPEL, HERMAN V. GONZALES, ATT'Y GEN.
06-87 MORGAN, GREG A. V. UNITED STATES, ET AL.
06-132 ANDERSON, JULIA, ET AL. V. DURHAM, MN, ET AL.
06-142 BASSIOUNI, MAHMOUD C. V. FBI
06-231 CITIZENS FINANCIAL SERVICES, FSB V. UNITED STATES
06-242 MINING & MINERALS DIV. V. MANNING, EDWINA, ET AL.
06-267 TURKMENISTAN V. BRIDAS S.A.P.I.C., ET AL.
06-268 PORT AUTHORITY OF ALLEGHENY CTY. V. STANGL, DANIELLE, ET AL.
06-280 VENTURA COUNTY, CA V. WAY, NOELLE
06-309 FLORIDA V. RABB, JAMES
06-365 BD. OF COMM'RS V. USDC ED LA, ET AL.
06-371 COUNCIL OF INDEPENDENT TOBACCO V. MINNESOTA, ET AL.
06-374 HOLLOWAY, JOHN H. V. WOHLFAHRT, DOUGLAS, ET UX.
06-379 WAGNER, EMILY A. V. BD. OF SUPV'S OF LSU, ET AL.
06-381 KNIATT, NATHAN A. V. TEXAS

06-382 BUNDY, RUTH D., ET AL. V. BOARD, JAMES H., ET AL.
 06-385 McALLISTER, MALACHY, ET AL. V. GONZALES, ATT'Y GEN.
 06-388 WILLIS, ROBERT S. V. LOUISIANA
 06-390 ROSSI, MICHAEL D. V. UNION OF NEEDLETRADES, IND.
 06-392 HENDERSON, GLENN V. SONY PICTURES, ET AL.
 06-395 GROSS, WILLARD D. V. IRTZ, FRED
 06-402 BOLTON, DONALD P. V. BERGHUIS, WARDEN
 06-403 RICCI, ANGELA V. SALT LAKE CITY CORP., ET AL.
 06-405 RAY, JAMES V. CSX TRANSPORTATION, INC.
 06-409 AmCLYDE ENGINEERED PRODUCTS V. TEXACO EXPLORATION & PROD.
 06-410 BAUER, DEBORAH R., ET AL. V. ADVANCE PCS, ET AL.
 06-411 MOTLEY, VICTOR A. V. INTEGON INDEMNITY INS., ET AL.
 06-412 SAKKARAPOPE, BENJAPON V. BOARD OF REGENTS, ET AL.
 06-414 NARRAGANSETT INDIAN TRIBE V. RHODE ISLAND, ET AL.
 06-420 ALEXANDER, RAYMOND V. STOWITZKY, SUPT., MERCER
 06-422 GOMES, SHAUNA, ET AL. V. WOOD, DEBORAH A., ET AL.
 06-423 CAUCCI, DAVID J. V. MEKIC, LAWRENCE F., ET UX.
 06-425 DOE, JANE V. CARNIVAL CORPORATION
 06-429 NAFTALY, CHAIRPERSON, MI TAX COM V. KEWEENAW BAY INDIAN COMMUN.
 06-449 ON DEMAND MACHINE CORP. V. INGRAM INDUSTRIES, INC., ET AL.
 06-463 ROBERTS, NANCY V. UNITED STATES
 06-465 PRICE, SHARON A., ET AL. V. PHILIP MORRIS INC.
 06-476 BROGDON, GARY P. V. McMASTER, ATT'Y GEN. OF SC
 06-483 OPW FUELING COMPONENTS V. NLRB
 06-495 ERICKSON, RONALD W. V. WA DEPT. OF NATURAL RESOURCES
 06-496 MILLS, GERALDINE V. BROWN, STEVE, ET UX., ET AL.
 06-506 MATTHEWS, ALLAN S. V. NICHOLSON, SEC. OF VA
 06-509 STOVALL, DEMOND L. V. GEORGIA
 06-512) GEER, ROY V. UNITED STATES
 06-7236) GODINEZ, JOSE L. V. UNITED STATES
 06-525 WILKES, ANDREA D., ET AL. V. PHOENIX HOME LIFE MUT. INS. CO.
 06-530 BRENKUS, ALBIN C. V. UNITED STATES

KEWEENAW BAY INDIAN COMMUNITY

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TRIBAL COUNCIL

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ELIZABETH D. MAYO
SHAWANUNG

SECRETARY REPORT Keweenaw Bay Indian Community Tribal Council

November 2006

Special Meeting; November 9th

Approved the September 2006 Department Head reports, authorized \$8261 for Hazardous Waste Removal from the Tub Craft building to OSI, authorized moving forward with the Solid Waste Management Plan in Baraga and the Alternate site first in Zeba depending on the engineering review, approved Resolutions KB1509-2006 through 1512-2006; Jerry Swartz Residential Lease, Albert Matthews Recreational Lease, William Chosa Residential Lease and Joe Spruce Recreational Lease, approved Northwoods Environmental Industries, Inc. for asbestos abatement services at the Ojibwa Seniors in the amount of \$5200, approved \$1200 for each Seniors Christmas Party in Baraga and Marquette and \$25 gift cards for those 55 and older, denied a request from Paul Smith for funding, approved a \$5 per hour wage increase for the two General Managers, David Haataja and John Mantila retro to October 13, 2006, authorized an additional \$5000 for the feasibility study with JLC Consultants, approved \$2,120 for two to attend the small business hub zone meeting in Louisiana and approved a lease agreement for Jerry Magnant for the Tub Craft building at \$1 per square foot plus utilities and the first and last months rent paid upfront.

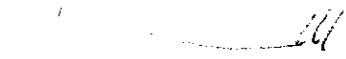
Special Meeting; November 17th

Approved the September 23, October 7 and 12, 2006 meeting minutes, approved the Services Agreement with Northwoods Environmental Industries, Inc., passed a motion to have the list of all those who were originally on the Christmas Gift Check list, those who removed and those who are questionable given to council, approved the candidates for the upcoming Tribal Council Election, approved the candidates for Chief Tribal Judge position, approved the registered voter list with one pending address verification, authorized travel expenses for Rodney Loonsfoot to attend the HCAAP training, approved an additional \$3300 for the KBIC kids

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS

Christmas Party, approved removal of Denise LaPointe's name from the approved candidates list for the upcoming Tribal Council Elections pending her letter stating such, approved advertising for 4 surveillance workers for the upcoming election, approved Resolutions KB1513 and 1514 for 2% distributions for Marquette and Baraga respectively, approved collapsing the Superior National Bank Certificate of Deposit and pay off of the Pines Convenience Center loan #920744, authorized signing of the Services Agreement between the KBIC and OSI, approved \$250 for Paul Pouttu's mother Pam for Emergency Medical Travel, authorized Paul Pouttu to receive the Christmas Gift Check, approved donations for the month of November (which will be detailed by Toni in her report).

Respectfully submitted,



Larry Denomic III, Tribal Council Secretary

Keweenaw Bay Tribal Council
Treasurers Report
November 2006 (For the December 2, 2006 Meeting)

On November 9, 2006 the council approved the following donations:

- KBIC Baraga County Seniors Christmas Party \$1,200.00
- KBIC Marquette County Seniors Christmas Party \$1,200.00
- KBIC Seniors Christmas Gift Cards at \$25 each Totaling \$5,725.00

Our donation meeting was held on November 17, 2006. The council approved the following donations:

- KBIC Head Start/Early Head Start Christmas Party \$1,240.00
- Baraga Area Schools – Elementary Yearbook Committee \$100.00
- Baraga Volunteer Fire Department Christmas Party \$500.00
- Marine Corp League Toys For Area Youth \$2,000.00
- In addition, the council approved a \$5,000.00 donation to the March of Dimes in June 2006 that was paid out of the November 2006 budget.

On November 17, 2006 the Council collapsed the CD held by the Superior National Bank and paid the loan in full for the Pines Convenience Center.

Council approved the 2% payments on November 17, 2006. The 2% distribution in Marquette totaled \$183,126.90. It was distributed as follows:

- Charter Township of Chocolay/Police & Fire Departments \$60,000.00
- City of Marquette/American Indian Coordinating Council for Native Youth Prevention Programs \$9,000.00
- City of Marquette/NMU Center for Native American Studies for Native Student Empowerment Initiative Program \$4,700.00
- City of Marquette/NMU Native American Student Association for the “Learning To Walk Together” Pow Wow \$5,000.00
- County of Marquette/Board of County Road Commissioners \$50,000.00 for an equipment purchase to be used by both the Baraga County and Marquette County Road Commissions
- County of Marquette/Board of Commissioners \$29,426.90 for essential county services
- County of Marquette/Marquette Dental Clinic \$25,000.00 for dental services for low income children

The 2% distribution for Baraga totaled \$160,372.35. It was distributed as follows:

- Village of Baraga/Baraga Fire Department \$37,500.00 final fire truck payment
- Baraga County Treasurer \$26,928.12
- Baraga Area Schools \$32,418.66
- Baraga Township \$10,847.43

- Village of Baraga \$8,339.01
- L'Anse Area Schools \$16,180.19
- L'Anse Township \$1,823.81
- Village of L'Anse \$1,335.13
- Baraga Township/Bay Ambulance \$25,000.00

The 8% payments were also processed in November. The bi-annual payments are to the Michigan Economic Development Board. Marquette's payment was \$732,507.61 and Baraga's was \$575,463.93. Baraga's payment was offset by \$66,025.42 for vehicle tax reimbursements made during July, August and September 2006.

I would now like to take this opportunity to wish you all a safe and happy Holiday Season.

Respectfully submitted,

Toni Minton