

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
REGULAR TRIBAL COUNCIL MEETING
OJIBWA CASINO CONFERENCE ROOM
SATURDAY – JUNE 7, 2014 – 9:00 A.M.**

- A. Date: June 7, 2014
- B. Call to Order: Ogimaa Shalifoe called the meeting to order at 9:05 a.m.
- C. Invocation: Prayer by Janice Halverson
- D. Opening Song: Four Thunders
- E. Roll Call: Present: Donald T. Shalifoe, Sr., Ogimaa
Carole L. LaPointe, Vice Chairwoman
Jean Jokinen, Secretary
Gary F. Loonsfoot, Sr., Assistant Secretary
Eddy Edwards, Treasurer
Robert R.D. Curtis, Jr.
Michael F. LaFernier, Sr.
Susan J. LaFernier
Elizabeth “Chiz” Matthews, arrived @ 9:44 a.m.
Don Messer, Jr.
Jennifer Misegan
Warren C. Swartz, Jr.
- F. Declaration of Quorum: Ogimaa Shalifoe declared a quorum present and proceeded with the order of business.
- G. Approval of Agenda: June 7, 2014
- Deletion: New Business: 1. Donald T. Shalifoe, Sr., Ogimaa – Ed Janisse, Contract
- Addition: FYI: 8. Carole LaPointe, Vice Chairwoman - Communities that Care Roundup
New Business: 6. Jennifer Misegan - Foster Family Fun Day
Closed Session: 1. b) Eddy Edwards, Treasurer – L’Anse Warden Electrical Power Plant

MOTION MADE BY EDDY EDWARDS TO APPROVE THE AGENDA. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (Donald T. Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 1 (Susan J. LaFernier), ABSTAINING - 0, ABSENT – 1 (Elizabeth “Chiz” Matthews), MOTION CARRIED.

H. For Your Information:

1. Minutes from GLIFWC Task Force Meeting April 3, 2014
2. Thank You Letter from City of Marquette
3. Thank You Letter from Wounded Warriors Project
4. Thank You Letter from Omega House
5. Information on Huber A. Madosh/Lawrence F. Chalifoux – MIA’s
6. Food Survey from Lucky 7’s
7. SNB Guaranteed Loans Summary
8. Community Care Round Up

I. Treasurer’s Report/May 2014 – verbal report

J. Ogimaa’s Report/May – Ogimaa apologized that he is not ready with his report. It was lost on his computer and he will have it ready for the next meeting.

K. Department Head Reports – April 2014

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE DEPARTMENT HEAD REPORTS FOR APRIL 2014. SUPPORTED BY GARY F. LOONSFOOT, SR. TEN IN FAVOR (Donald T. Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Susan J. LaFernier, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING – 1(Michael F. LaFernier, Sr.), ABSENT – 1 (Elizabeth “Chiz” Matthews), MOTION CARRIED.

Elizabeth “Chiz” Matthews arrived at 9:44 a.m.

L. Old Business:

1. 3rd Reading Resolution KB-015-2014 Prohibit Alcoholic Beverages on Pow-wow Grounds

MOTION MADE BY CAROLE LAPOINTE TO APPROVE ORDINANCE 3.1707 PROHIBIT ALCOHOLIC BEVERAGES AND DRUGS ON POW-WOW GROUNDS. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (Donald T. Shalifoe, Sr., Carole L. LaPointe, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews,), OPPOSED – 6 (Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), ABSTAINING – 0, ABSENT – 0, MOTION DEFEATED.

Break 9:52 a.m. – 10:07 a.m.

2. 10:00 a.m. 2nd Reading Ordinance 05-2014 SORNA Chapters 3.19 Criminal Sexual Conduct and 3.20 Sex Offender Registration of the Tribal Code

Ogimaa Shalifoe introduced Proposed Amendment 2014-04 for the 2nd Reading.

Present: Gretchen and Gene Emery, Jerry Lee Curtis, Brandon Chosa, Chuck Miller, Jerry Magnant, Chris Ford, Lauri Denomie, John Jacker, Shirley McKasy, Veronica Adams, Nancy Shalifoe, Janice Shalifoe, Toni Minton, Olivia and Robert Rajacic, Debbie Picciano, Lois Bedell, Ann Degenauer, Daily Mining Gazette Reporter and a woman (?), Richard Shalifoe, Bev Lussier, Kerry Picciano, Jackie Swartz, Al Gauthier, Robert Voakes Sr., Valerie Voakes, Gerlinde Curtis, E Halverson, Gary Magnant, Bruce LaPointe, Paul Halverson, and Ken Dillinger

Ogimaa Shalifoe opened up the floor for public comments.

Chuck Miller, SORNA, asked if the Council would like him to read the changes but Jennifer said that we have already done this and that this 2nd Reading is for any public comments that anyone may have in regards to the changes that are being made. Eddy suggested that Chuck could make comments as a community member and not the employee and to give the audience a quick summary of the changes that he is requesting. Chuck commented that there a lot of changes but the most significant one is 18 U.S.C. 2243 Sexual Abuse of a minor or ward. This offense is being moved from a Tier 2 to a Tier 3 offense. It was reclassified as a Tier 3 offense by the Department of Justice in the 2011 SORNA supplementary guidelines. KBIC was awarded substantial implementation

with the recommendation that this offense be changed to Tier 3 in the Tribal code. There are a few other changes that he has made and he heard from the SMART office last week and they would like to have clarification on those changes. One of the changes that they asked for clarification on is the going on the military offenses. Something they refer to as the 10 U.S.C. Chapter 47 Uniform Code of Military Justice and we replaced that with chapter 17 with Uniform Code of Military Justice and they suggest that this references to 951 stays in because of the wider range of offenses that it deals with. Since the SORNA laws are retroactive and we have a document with more offenses that you see on the page that is listed. In regards to the 1,000 foot rule in regards to the residency restrictions, the determination will be by a straight line measurement between the nearest property line of the school, college, daycare or preschool facility to the nearest property line of the residence that is in question. Chuck asked if they made a decision on this yet in regards to property line to property line. He added this in their so that if we would establish a new school or daycare and there is an offender that lives within this 1,000 foot rule, it would be up to the Council decision to examine the situation arises to decide on whether that person has to move or not. According to Michigan Law, when this happens they do not make that person move because this person was settled on his property before the daycare or school built by his property. And they went on this by case by case basis to decide what the ruling would be and to see if this person was a threat to minors. Chuck also wanted to let everyone know that between now and the 3rd Reading that if anyone has a question, he is available at any time. RD asked if this happened, the Council makes the determination if they build a new building someplace and there is an offender that lives within 1,000 feet. Eddy says yes that's what the code will say that we could waive the requirement that they would have to move if they lived in that house for over 20-30 years and built the house and lived there the whole time and their neighbor opens up a daycare right next door. And according to SORNA, they would have to move. Chuck states that according to this new law with the property line to property line, we are trying to avoid the fact that that could be used discriminately to make people move. But it depends on how we want to handle these types of situations. Carole asked if this was a problem with the college's daycare in L'Anse. Chuck is not certain because the daycare building is not on the reservation or our jurisdiction and he would have to look into that. We cannot enforce jurisdiction on this because it is not on the reservation and the state would have to handle that. RD asked if we ever decided on where the lines were going to be. Either from the corner of the property to the other corner of the property or are we are going to go from building to building. Chuck stated that it was from property to property and that's where the issues are coming from. Example is if the property is 200 feet wide and 2000 feet long and the building is on the other end of the property and the safe zone touches on the far end, how do we deal with that situation? Eddy and Carole both stated that it should be case by case and use the building to building on these types of situations. Eddy asked if it was defined in the Ordinance that we go from property line

to property line or is that up to our discretion. Chuck stated that in the Ordinance it does not state from property line to property line. Eddy says it was someone just interpreting that establishing this rule and being proposed how this is done. Chuck states that it is now being done on a case by case right now. Jennifer asked if Chuck would look into other tribes SORNA laws and he is going to go back and look into this. Jennifer stated that this would be helpful before the 3rd Reading so that we can decide on any other solutions that may be out there for our advantage. Susan asked about parks and playgrounds she is not sure if this would be part of this but she does not know where we can add them. Chuck stated that Michigan does not have anything listed for parks or anything like that in their laws. We can add anything that we want in our Ordinance. But there is no SORNA requirement for them. The state of Michigan specifications are only for schools but there is legislation going on now for daycares/preschools. Chris asked about the referring to the Uniform Code of Military Justice (UCMJ) and wanted to put it into Ordinance regarding SORNA and tighten up some laws in regards to this and my question is, “why would we refer to this (UCMJ) and put it into tribal law?” Chuck stated that it is something that is part of the SORNA requires. Chris stated that we already have jurisdiction over Indians when they are under SORNA and he was just wondering if jurisdiction would be transferred to the military court if that’s in the SORNA guidelines if the tribal member is in active reservist or active military. Chuck stated that that is a question that he would have to ask the SMART office about. Chris stated that if the offense happened on the reservation, we would like to take care of that and not refer it to the military court.

M. New Business:

1. Jean Jokinen, Secretary – Schedule Government Appeal of Termination Hearing Case #003-14

MOTION MADE BY JENNIFER MISEGAN TO SCHEDULE THE GOVERNMENT APPEAL OF TERMINATION CASE #003-14 FOR THE NEXT SCHEDULED MEETING. SECONDED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Gary F. Loonsfoot, Sr., Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 2 (Jean Jokinen, Eddy Edwards), ABSTAINING – 2 (Donald T. Shalifoe, Sr., Carole L. LaPointe), ABSENT – 0, MOTION CARRIED.

2. Bruce LaPointe, Public Works Director –
 - a) Resolution KB-028-2014 Transportation Payment

MOTION MADE BY WARREN C. SWARTZ JR. TO APPROVE KBIC RESOLUTION KB-028-2014 TRANSPORTATION PAYMENT. SECONDED BY MICHAEL F. LAFERNIER, SR. TWELVE IN FAVOR (Donald T. Shalfoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING – 0, ABSENT – 0, MOTION CARRIED.

b) IHS Sanitation Deficiency System (SDS) Project List & Priority

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE IHS SANITATION DEFICIENCY SYSTEM PROJECT LIST & PRIORITY AS PRESENTED. SECONDED BY DON MESSER JR. TWELVE IN FAVOR (Donald T. Shalfoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING – 0, ABSENT – 0, MOTION CARRIED.

3. Robert R.D. Curtis, Jr. –

a) July 5th Meeting

MOTION MADE BY WARREN C. SWARTZ, JR. TO RESCHEDULED THE REGULAR JULY 5th MEETING TO JULY 12TH BECAUSE OF THE HOLIDAY WEEKEND. SECONDED BY ELIZABETH “CHIZ” MATTHEWS. TWELVE IN FAVOR (Donald T. Shalfoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING – 0, ABSENT – 0, MOTION CARRIED.

b) July 3rd Holiday

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE THIS UNTIL THE COUNCIL CAN REVIEW THE POLICY BOOK. SECONDED BY SUSAN J. LAFERNIER. TWELVE IN FAVOR (Donald T. Shalfoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don

Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING – 0, ABSENT – 0, MOTION CARRIED.

4. Eddy Edwards, Treasurer –

a) Donations

MOTION MADE BY JENNIFER MISEGAN TO APPROVE \$800 EACH FOR AUSTIN AYRES AND GRAYSON ROE FOR THE L’ANSE INTERNATIONAL TRIP TO EUROPE. SECONDED BY EDDY EDWARDS. TWELVE IN FAVOR (Donald T. Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING – 0, ABSENT – 0, MOTION CARRIED.

b) 2% Distribution Requests

5. Jennifer Misegan – Foster Family Fun Day

MOTION MADE BY JEAN JOKINEN TO MATCH THE \$2000 FUNDS FOR THE FOSTER FAMILY FUN DAY.

MOTION MADE BY WARREN C. SWARTZ, JR. TO APPROVE \$2000 FOR THE 1ST ANNUAL FOSTER FAMILY FUN DAY. SECONDED BY SUSAN J. LAFERNIER. TWELVE IN FAVOR (Donald T. Shalifoe, Sr., Carole L. LaPointe, Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Don Messer, Jr., Jennifer Misegan, Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING – 0, ABSENT – 0, MOTION CARRIED.

MOTION MADE BY JEAN JOKINEN TO GO INTO CLOSED SESSION BUT OPEN TO TRIBAL MEMBERS ONLY. SUPPORTED BY CAROL LAPOINTE. TWELVE IN FAVOR (Donald T. Shalifoe, Sr., Carole L. LaPointe , Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jennifer Misegan, Don Messer, Jr. , Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

N. Closed Session: (OPEN TO TRIBAL MEMBERS ONLY!)

1. Eddy Edwards, Treasurer –
 - a) Ojibwa Casino Resort Relocation
 - b) L’Anse Plant

MOTION MADE BY EDDY EDWARDS TO GO INTO OPEN SESSION. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TWELVE IN FAVOR (Donald T. Shalifoe, Sr., Carole L. LaPointe , Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jennifer Misegan, Don Messer, Jr. , Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

O. Closing Song: Four Thunders

P. Adjournment:

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO ADJOURN AT 1:02 P.M. SUPPORTED BY EDDY EDWARDS. TWELVE IN FAVOR (Donald T. Shalifoe, Sr., Carole L. LaPointe , Jean Jokinen, Gary F. Loonsfoot, Sr., Eddy Edwards, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Susan J. LaFernier, Elizabeth “Chiz” Matthews, Jennifer Misegan, Don Messer, Jr. , Warren C. Swartz, Jr.), OPPOSED – 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Respectfully submitted,

Robin Roe
Recording Secretary