

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
FRIDAY – JANUARY 14, 2011 – 9:00 A.M.

- A. Date: January 14, 2011
- B. Call to Order: President Swartz called the meeting to order at 9:15 a.m.
- C. Invocation: Lord’s Prayer and prayers for the Whetung Family
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President
Susan J. LaFerner, Secretary
Eddy Edwards, Treasurer (arrived at 9:22 a.m.)
Jerry Lee Curtis
Fred Dakota (arrived at 11:43 a.m.)
Michael F. LaFerner, Sr.
Gary F. Loonsfoot, Sr. (left 10:13 a.m. – 1:15 p.m., left at 2:45 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo (left at 10:38 a.m.)
- Absent: Toni J. Minton, Assistant Secretary
Isabelle Helene Welsh
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 14, 2011
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| Additions: | Old Business- | 5. President Swartz – Funeral Guidelines |
| | Closed Session- | 4. Susan LaFerner, Secretary – Schedule Appeal Hearing on Determination of Disability |

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Eddy Edwards, Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

G. For Your Information:

Eddy Edwards arrived at 9:22 a.m.

1. State of Michigan DNRE Request (letter from Dennis Knapp, Native American Affairs Coordinator) to meet regarding Total Allowable Catch Recommendations for Michigan 1842 Treaty Area Waters
2. December 20, 2010 Random Drug Screens Report (Government and Enterprise)
3. CY10 (calendar year) Random Drug Screens Report (July 13 – December 20, 2010 Government and Enterprise)

H. Old Business:

1. Debbie Parrish, OCC President – Four Seasons Housing - A draft Services Agreement was handed out for review to use the Four Seasons motel for OCC student housing. This request will be brought back with more information.
2. Susan LaFernier, Secretary –
 - a) Snow Plowing (Guidelines) Requirements

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE SNOW PLOWING REQUIREMENTS. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

- b) Government Employee Personnel Policy Section 18.3 Employee Appeal of Dismissal Proposed Amendment - “The position will be posted after the ten day timeline if not appealed.”

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AMENDMENT TO THE APPEAL OF DISMISSAL POLICY SECTION 18.3. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.

MOTION MADE BY EDDY EDWARDS TO ADD A FRIENDLY AMENDMENT TO ELIMINATE THE CEO AND ASSISTANT CEO AND ADD THE TRIBAL COUNCIL SECRETARY WILL RECEIVE REQUESTS FOR AN APPEAL HEARING IN SECTION 18.3. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Fred Dakota, Isabelle H. Welsh), MOTION CARRIED.
Gary Loonsfoot, Sr. left at 10:13 a.m.

3. President Swartz - Proposed Updates to KBIC TICS for Promotional Activities

MOTION MADE BY EDDY EDWARDS TO APPROVE THE TICS AS PRESENTED THAT WERE APPROVED BY THE GAMING COMMISSION. SUPPORTED BY WILLIAM E. EMERY. THREE IN FAVOR (William E. Emery, Eddy Edwards, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Susan J. LaFernier, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo), ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Sr., Isabelle H. Welsh), MOTION DEFEATED.

Break: 10:38 – 10:55 a.m.

Elizabeth Mayo left at 10:38 a.m.

4. Jerry Lee Curtis – Hiring Committee Vacancies (2)

MOTION MADE BY EDDY EDWARDS TO POST THE TWO POSITIONS FOR THE HIRING COMMITTEE VACANCIES FOR TWO WEEKS. SUPPORTED BY SUSAN J. LAFERNIER. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

5. President Swartz – Funeral Guidelines – include step-brother and step-sister to definition of immediate family in the CAP Guidelines

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO AMEND THE CAP GUIDELINES TO INCLUDE STEP-BROTHERS AND STEP-SISTERS TO THE DEFINITION OF IMMEDIATE FAMILY. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

I. New Business:

1. Ken Marshall, GIS Specialist - Tower location for fiber optics wireless KBIC BridgeWave system

MOTION MADE BY EDDY EDWARDS TO APPROVE THE LOCATION BEHIND THE POLICE STATION FOR THE WIRELESS BRIDGEWAVE SYSTEM FOR THE EIGHTY-FOOT FREESTANDING TOWER AND FUNDS TO COME FROM THE GIS DEPARTMENT REVENUE AND APPROVE THE TWENTY-FOOT TOWER IF THE EIGHTY-FOOT TOWER CANNOT BE ACHIEVED. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

2. Jason Ayres, Realty Officer – Resolution KB-1802-2011 MDOT KBIC, BIA MOA which includes new IRR (Indian Reservation Roads) Routes - 2011

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1802-2011 MDOT MOU. SUPPORTED BY WILLIAM E. EMERY. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

3. Susan LaFerner, Secretary – Tribal Flag Quote – 100 flags at \$75.00 each from Homestead Graphics

Consensus is to donate a Tribal Flag to the Keweenaw Heritage Center, per request, and draw up guidelines.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE ORDER OF ONE HUNDRED FLAGS TO SELL. SUPPORTED BY EDDY EDWARDS. SIX IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Toni J. Minton, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Fred Dakota arrived at 11:43 a.m.

4. President Swartz –
 - a) Election Board Selections (2) – (9) applications - Ballot vote

MOTION MADE BY EDDY EDWARDS TO RECOMMEND GRETCHEN EMERY AND VIOLET FRIISVALL TO THE ELECTION BOARD. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

- b) Resolution KB-1800-2011 NIGA (National Indian Gaming Association) Membership Renewal 2011 for \$7,500.00

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE RESOLUTION KB-1800-2011 NIGA MEMBERSHIP RENEWAL 2011. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

- 5. Larry Denomie III, CEO – General Manager Eagle Radio Job Announcement

MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE JOB DESCRIPTION CHANGES FOR THE GENERAL MANAGER OF EAGLE RADIO AND TO POST THE POSITION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

- 6. Eddy Edwards, Treasurer – Gwinn School Title VII Program 2% Substitute Pass-Through Agent

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE CHANGE IN THE PASS-THROUGH AGENT FOR THE TITLE VII PROGRAM AT THE GWINN SCHOOL TO THE NORTH STAR ACADEMY. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Toni J. Minton, Gary F. Loonsfoot, Sr., Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Lunch: 11:57 a.m. – 1:10 p.m.

- 7. Lisa Denomie, Pre-Primary Program Director/Sarah Smith, Assistant CEO – KBIC Pre-Primary Education Program Guidelines – Review for enrollment at the new center. The changes will be brought back to Council.

Gary Loonsfoot, Sr. arrived at 1:15 p.m.

Mike LaFerner, Sr. returned from lunch at 1:24 p.m.

J. Closed Session:

- 1. Dale Shalfoe, Executive Director of Gaming Commission – Personnel Issue

2. Larry Denomie III, CEO –
 - a) CAP (Community Assistance Program) Administrator Interview Selections
 - b) Personnel Issue
3. John Baker, Attorney [not present]
4. Susan LaFerner, Secretary – Schedule Appeal Hearing on Determination of Disability

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 1:41 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Gary Loonsfoot, Sr. left at 2:45 p.m.

Break: 3:25 – 3:35 p.m.

MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 3:46 P.M. SUPPORTED BY WILLIAM E. EMERY. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

CAP (Community Assistance Programs) Administrator Interviews -

MOTION MADE BY EDDY EDWARDS TO CONDUCT THE CAP ADMINISTRATOR INTERVIEWS ON JANUARY 27 AND 28, 2011 WITH 15 APPLICANTS. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Personnel Issue -

MOTION MADE BY EDDY EDWARDS TO CHANGE THE GRADE OF JEAN JOKINEN TO A GRADE 12, MINIMUM, AND TO LAY OFF JIM STINGLE FOR LACK OF WORK.

Motion died for lack of support.

Football Pools –

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO CONDUCT FOOTBALL POOLS AT THE OJIBWA LANES. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (William E. Emery, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Susan J. LaFerner), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY EDDY EDWARDS TO ADJOURN AT 3:55 P.M. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist