

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MARCH 24, 2011 – 9:00 A.M.**

- A. Date: March 24, 2011
- B. Call to Order: President Swartz called the meeting to order at 9:10 a.m.
- C. Invocation: Lord’s Prayer and prayers for Gene Emery’s great grandson, daughter Colleen DeRoche, and son-in-law John DeRoche
- D. Roll Call: Present: Warren C. Swartz, Jr., President
William E. Emery, Vice President (left at 11:55 a.m.)
Susan J. LaFernier, Secretary (left 3:15 – 3:30 p.m.)
Eddy Edwards, Treasurer (left at 3:30 p.m.)
Jerry Lee Curtis (left 10:00 a.m. – 2:30 p.m.)
Fred Dakota (left at 2:00 p.m.)
Michael F. LaFernier, Sr. (arrived at 9:17 a.m., left at 12:05 p.m.)
Gary F. Loonsfoot, Sr. (left at 2:40 p.m.)
Elizabeth “Chiz” Matthews
Elizabeth D. Mayo
Isabelle Helene Welsh (arrived at 1:30 p.m.)
Absent: Toni J. Minton, Assistant Secretary
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: March 24, 2011
- Additions: Old Business- 7. Larry Denomie, CEO – b) OCC/Facility Use Space
8. Fred Dakota – Ojibwa Housing Authority
New Business- 7. Susan LaFernier, Secretary – 2011 Daily Mining Gazette Progress Ad

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

Mike LaFerner, Sr. arrived at 9:17 a.m.

G. For Your Information:

1. Baraga Casino Assistant General Manager Job Description for Review
2. Indian Reservation Roads Program Coordinating Committee Nomination for the Midwest Region – Burny Tibbetts from the White Earth Band of Chippewas
3. Superior National Bank Guaranteed Loan Program Account Summary March 22, 2011
4. Cobell Settlement Informational Meeting March 28, 2011 at 2:30 p.m. Ojibwa Motel Conference Room
5. Baraga County Chamber of Commerce: 2010 Review/2011 Plans

H. Approval of Meeting Minutes:

1. August 5, 2010

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE AUGUST 5, 2010 MEETING MINUTES. SUPPORTED BY JERRY LEE CURTIS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), THREE ABSENT (Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

(Elizabeth Mayo is out of the room)

2. August 7, 2010

MOTION MADE BY JERRY LEE CURTIS TO APPROVE THE AUGUST 7, 2010 MEETING MINUTES. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (William E. Emery, Susan J. LaFerner, Jerry Lee Curtis, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Eddy Edwards), THREE ABSENT (Toni J. Minton, Elizabeth D. Mayo, Isabelle H. Welsh), MOTION CARRIED.

(Elizabeth Mayo is out of the room)

3. August 12, 2010

MOTION MADE BY FRED DAKOTA TO APPROVE THE AUGUST 12, 2010 MEETING MINUTES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (William E. Emery, Susan J. LaFerner, Eddy Edwards, Jerry Lee Curtis, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFerner, Sr.), TWO ABSENT (Toni J. Minton, Isabelle H. Welsh), MOTION CARRIED.

I. Old Business:

1. Cottingham & Butler Consulting Services/Benjamin B. Butler – March 2011 Benefit Opportunity Report - Health Care Plan Presentation

Present: Francis LaPointe, CFO/Jim Nardi, Human Resources/Carole LaPointe, Health Director/Becky Tussing, Associate Health Director

Mr. Butler discussed the option of Self-Funding. April 1st is the target date to submit attending physician disclosing statements. Patient release forms will also have to be signed. Partial self-funding could possibly begin on May 1st.

Jerry Lee Curtis left at 10:00 a.m.

2. Bruce LaPointe, Project Manager –
 - a) SEMCO Gas Line Additional Extension Rates – Dynamite Hill, Vuk, and Brewery Road
 - b) Baraga County Road Commission Cooperative Agreement Modification #1
 - c) Baraga County Road Commission Cooperative Agreement Modification #4

The Council asked Bruce to find out what percentage of Native American Involvement the Baraga County Road Commission has and what bridges were involved in these modifications.

Break: 10:33 – 10:48 a.m.

3. Carole LaPointe, Health Director/Sylvia Murray, Survivor Wellness Specialist/Lori LaFernier, OVW Survivor Advocate/Becky Tussing, Associate Health Director/Sarah Maki, Assistant CEO – OVW House

MOTION MADE BY GARY F. LOONSFOOT, SR. TO TABLE A DECISION ON MOVING THE OVW HOUSE TO THE YELLOW HOUSE UNTIL THE WOMEN WHO ARE AFFECTED BY DOMESTIC VIOLENCE CAN MEET AND MAKE A RECOMMENDATION TWO WEEKS FROM TODAY. SUPPORTED BY EDDY EDWARDS. SEVEN IN FAVOR (William E. Emery, Susan J. LaFernier, Eddy Edwards, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, THREE ABSENT (Toni J. Minton, Jerry Lee Curtis, Isabelle H. Welsh), MOTION CARRIED.

4. Eddy Edwards, Treasurer/Carole LaPointe, Health Director/Becky Tussing, Associate Health Director/Sarah Maki, Assistant CEO – Clinic Budgets Revisions

A discussion was held on a budget error between the New Day Treatment Center and the Health Department, how it affected the Health Department and how it was corrected.

William Emery left at 11:55 a.m.

5. Eddy Edwards, Treasurer – Amendment to Adopted Resolution KB-1809-2011 regarding Liquor Licenses for the Sale of Alcoholic Beverages – Chapter 3.17 Tribal Code

MOTION MADE BY EDDY EDWARDS TO INSTRUCT THE PRESIDENT TO HAVE THE ATTORNEYS ADDRESS THE ISSUE OF THE STATE CODE WORDING REGARDING CHURCHES/SCHOOLS EXEMPTION AND ADD TO THE RESOLUTION AND BRING BACK NEXT WEEK. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FIVE IN FAVOR (Susan J. LaFerner, Eddy Edwards, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Fred Dakota), FIVE ABSENT (William E. Emery, Toni J. Minton, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), MOTION CARRIED.

(Elizabeth Matthews is out of the room)

Lunch: 12:05 – 1:20 p.m.

Mike LaFerner, Sr. left at 12:05 p.m.

6. Larry Denomie III, CEO/Amy St. Arnold, Education Director – Survey Options Regarding a K-12 Tribal School

Amy will contact Tom Miller, Hannahville School Principal, to meet with the Council and discuss Charter/Tribal Schools.

7. Larry Denomie III, CEO –

Isabelle Welsh arrived at 1:30 p.m.

- a) BC/BS Employee Portion Rate Change – 2011/2012

Family rate increase of \$19 Government, \$6 Enterprise Hourly, and \$7 Enterprise Management.
Two-person rate increase is \$17 Government, \$6 Enterprise Hourly, \$6 Enterprise Management.
Single person increase is \$8 Government, \$3 Enterprise Hourly, and \$3 Enterprise Management.

MOTION MADE BY GARY F. LOONSFOOT, SR. TO APPROVE THE EMPLOYEES PORTION TO THE 2011-2012 BC/BS RATES FOR THE GOVERNMENT AND ENTERPRISES AS PRESENTED. SUPPORTED BY FRED DAKOTA. SIX IN FAVOR (Susan J. LaFerner, Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Isabelle H. Welsh), FOUR ABSENT (William E. Emery, Toni J. Minton, Jerry Lee Curtis, Michael F. LaFerner, Sr.), MOTION CARRIED.

b) OCC/Facility Use Space

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE TEMPORARY SPACE CHANGE AT THE OCC AFTER THE PRE-PRIMARY PROGRAM MOVE. SUPPORTED BY GARY F. LOONSFOOT, SR. SIX IN FAVOR (Eddy Edwards, Fred Dakota, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Susan J. LaFernier), FOUR ABSENT (William E. Emery, Toni J. Minton, Jerry Lee Curtis, Michael F. LaFernier, Sr.), MOTION CARRIED.

8. Fred Dakota – Ojibwa Housing Authority

Fred presented information to the Council showing \$1.6 million in outstanding loans from the Ojibwa Housing Authority. He also stated that OHA Board Members were given checks of \$5,000.00. He would like to see OHA’s financial reports and is concerned about the businesses.

Gary Loonsfoot, Sr. stated the \$5,000.00 was for a loan and is being paid back.

Elizabeth Mayo stated she would like to call for a Forensic Audit if Council does not receive the financials.

Eddy Edwards stated he gave the audit to the CEO.

President Swartz will get the audit from OHA and work with the Board for the financials.

Break: 1:55 – 2:10 p.m.

Fred Dakota left at 2:00 p.m.

J. New Business:

1. Jason Ayres, Realty Officer – Resolution KB-1817-2011 Krueger Land Acquisition – 54 acres for \$45,000.00

MOTION MADE BY EDDY EDWARDS TO APPROVE RESOLUTION KB-1817-2011 KRUEGER LAND ACQUISITION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. SIX IN FAVOR (Susan J. LaFernier, Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (William E. Emery, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

2. Todd Warner, NRD/Micah Petoskey –

- a) Results/Summary - Tribal Member Residential Well Sampling for Uranium in Baraga, Houghton, and Ontonagon counties

80 homes were tested. 21 homes - uranium was not detected. 17 – homes had less than 1.0 ug/L. 5 homes were above 30 ug/L. The EPA maximum contaminant level standard for uranium drinking water is 30 ug/L

- b) Commercial Fishing License Applications 2011 – 24 applicants

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE LIST OF APPLICANTS FOR THE 2011-2012 COMMERCIAL FISHING YEAR. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FIVE IN FAVOR (Eddy Edwards, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ONE ABSTAINING (Susan J. LaFernier), FIVE ABSENT (William E. Emery, Toni J. Minton, Jerry Lee Curtis, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Jerry Lee Curtis arrived at 2:30 p.m.

- 3. Cherie Dakota, OCC Dean of Student Services – Resolution KB-1815-2011 SEDS Workforce Training Grant [Removed as they are not applying for the grant]
- 4. Jim Stingle, Grant Writer –
 - a) Todd Warner, NRD - Resolution KB-1818-2011 ANA Environmental Regulatory Enhancement Program for the development of a Wildlife Management Plan on the L’Anse Reservation Application September 2011 - 2014

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE RESOLUTION KB-1818-2011 ANA WILDLIFE MANAGEMENT PLAN GRANT APPLICATION. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (William E. Emery, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

- b) Dale Dakota, Police Commissioner - Resolution KB-1819-2011 USDOJ SMART Office Adam Walsh Act Grant Application to implement the Sex Offender Registration and Notification Act (SORNA) program requirements for 18 months

MOTION MADE BY ISABELLE H. WELSH TO APPROVE RESOLUTION KB-1819-2011 USDOJ ADAM WALSH IMPLEMENTATION GRANT APPLICATION. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (William E. Emery, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

- 5. Larry Denomie III, CEO – Keith Rolof First Amendment to Services Agreement Modification for Senior Tax Preparation for an increase from \$1,000.00 to \$1,500.00

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE FIRST AMENDMENT TO THE SERVICES AGREEMENT BETWEEN KBIC AND KEITH ROLOF FOR SAID SERVICES. SUPPORTED BY GARY F. LOONSFOOT, SR. SEVEN IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (William E. Emery, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

6. President Swartz – Resolution KB-1820-2011 Support Ernie Stevens for another term as Chairman for NIGA (National Indian Gaming Association). He is from the Oneida Tribe of Wisconsin.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE RESOLUTION KB-1820-2011 SUPPORTING ERNIE STEVENS AS CHAIRMAN FOR NIGA. SUPPORTED BY ELIZABETH D. MAYO. SIX IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Gary F. Loonsfoot, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Isabelle H. Welsh), FOUR ABSENT (William E. Emery, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), MOTION CARRIED.

Gary Loonsfoot, Sr. left at 2:40 p.m.

7. Susan LaFernier, Secretary – 2011 Daily Mining Gazette Progress Ad – due date April 5, 2011

MOTION MADE BY EDDY EDWARDS TO APPROVE THE PROGRESS 2011 AD AT \$1,679.00 CONTINGENT ON A PRESS RELEASE REGARDING THE WALLEYE HARVESTING AND PLANTING. SUPPORTED BY ISABELLE H. WELSH. SIX IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (William E. Emery, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

K. Closed Session:

1. John Baker, Attorney
2. Sarah Maki, Assistant CEO – Disposition of Property
3. Susan LaFernier, Secretary – Personnel Issue/Comp Time-Sick Leave

MOTION MADE BY EDDY EDWARDS TO GO INTO CLOSED SESSION AT 2:51 P.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. FIVE IN FAVOR (Susan J. LaFernier, Eddy Edwards, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Isabelle H. Welsh), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, FIVE ABSENT (William E. Emery, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Susan LaFernier left 3:15 – 3:30 p.m. (TCC discussion)

Eddy Edwards left at 3:30 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 3:44 P.M. SUPPORTED BY SUSAN J. LAFERNIER. FIVE IN FAVOR (Susan J. LaFerner, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, SIX ABSENT (William E. Emery, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

President Swartz declared we no longer had a quorum.

L. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 3:45 P.M. SUPPORTED BY ISABELLE H. WELSH. FIVE IN FAVOR (Susan J. LaFerner, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Isabelle H. Welsh), OPPOSED - 0, ABSTAINING - 0, SIX ABSENT (William E. Emery, Toni J. Minton, Eddy Edwards, Fred Dakota, Michael F. LaFerner, Sr., Gary F. Loonsfoot, Sr.), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist