

KEWEENAW BAY INDIAN COMMUNITY

2013 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
ELIZABETH D. MAYO, Vice-President
SUSAN J. LAFERNIER, Secretary
TONI J. MINTON, Assistant Secretary
JENNIFER MISEGAN, Treasurer

Keweenaw Bay Tribal Center
16429 Beartown Road
Baraga, Michigan 49908
Phone (906) 353-6623
Fax (906) 353-7540

ROBERT R.D. CURTIS, JR.
FRED DAKOTA
JEAN JOKINEN
MICHAEL F. LAFERNIER, SR.
CAROLE L. LAPOINTE
ELIZABETH "CHIZ" MATTHEWS
DON MESSER, JR.

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
REGULAR TRIBAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
SATURDAY – JANUARY 5, 2013 – 9:00 A.M.**

APPROVED
10-30-14

- A. Date: January 5, 2013
- B. Call to Order: President Swartz called the meeting to order at 9:01 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Jerry Lee Curtis, Assistant Secretary
Toni J. Minton, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota
Eddy Edwards
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe
Elizabeth "Chiz" Matthews
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: January 5, 2013
- | | | |
|-----------|---------------|---|
| Deletion: | New Business- | 1. a) Jennifer Misegan – Motor Vehicle Fees |
| Move: | New Business- | 1. b) Jennifer Misegan – Gaming Commission to 10. |

MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY ELIZABETH D. MAYO. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

G. For Your Information:

1. A "Thank you" from Don Carlson
2. A "Thank you" from Gary Robillard
3. A "Thank you" from the Marquette County Health Department Dental Outreach Program
4. A "Thank you" from Casey and Steve Barnhard
5. A "Thank you" from Paul and Dolly Warner
6. A "Thank you" from Chris Ford and the Herman Historical Society
7. A "Thank you" from Peggy Dunn and Beverly Lussier
8. A "Thank you" from Donna Stump
9. A "Thank you" from Beverly Hellyer
10. A "Thank you" from Diane Charron
11. A "Thank you" from the St. Vincent DePaul Society
12. A "Thank you" from the Copper Country Squadron Civil Air Patrol/Air Force Rescue Center
13. A "Thank you" from Bob LaFave Village of L'Anse
14. A "Thank you" from Ray Pasquali L'Anse Area Schools
15. A "Thank you" from Tanya Sprowl Marquette Area Public Schools Title VII Native American Education Program
16. A "Thank you" from Gary Walker Charter Township of Chocolay
17. A "Thank you" from Stephen Piereson Ishpeming School District Title VII Native American Academic and Cultural Enhancement Program
18. A "Thank you" from Jennifer Lynn Baraga Area Schools

Jean Jokinen left at 9:13 a.m.

19. A "Thank you" from Val Gagnon, Emma Norman, and Judith Perlinger MTU Department of Civil and Environmental Engineering
20. A "Thank you" from Lynn Rodgers Forsyth Township
21. A "Thank you" from the Lori Stephens-Brown AM CAB Meals on Wheels Program
22. A "Thank you" from the L'Anse and Baraga Fire Departments
23. A "Thank you" from Patricia Loonsfoot
24. A "Thank you" from Karen Anderson North Star Academy
25. A "Thank you" from United States Senator Debbie Stabenow
26. Northern Michigan University Policy Change - Satisfactory Academic Progress Requirement regarding Michigan Indian Tuition Waiver
27. SNB KBIC Guaranteed Loan Program Account Summary December 20, 2012
28. LaCourt Services Agreement (from 12/13/12)
29. EPA Letter
30. KBIC Head Start I.H.S. Food Safety Survey Report
31. Da Shack Food Safety Resurvey Report
32. Cue Master Initial Food Safety Survey Report
33. VOIGT Intertribal Task Force Meeting Minutes November 1, 2012
34. September/October FY2012 Financial Reports Ojibwa Casino Resort and Ojibwa Casino II
35. Notification of Approved Enrollment Applications December 11, 2012 (6)

Jean Jokinen returned at 9:28 a.m.

H. President's Report/December 2012

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DECEMBER 2012 PRESIDENT'S REPORT. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

1. Secretary's Report/December 2012 – available for your review

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE DECEMBER 2012 SECRETARY'S REPORT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

J. Treasurer's Report/December 2012

MOTION MADE BY ELIZABETH "CHIZ" MATTHEWS TO APPROVE THE DECEMBER 2012 TREASURER'S REPORT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

K. CEO's Report/December 2012 – available for your review [also available on ojibwa.com]

MOTION MADE BY TONI J. MINTON TO APPROVE THE DECEMBER 2012 CEO'S REPORT. SUPPORTED BY CAROLE L. LAPOINTE. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

L. Department Head Reports – November 2012

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE NOVEMBER 2012 DEPARTMENT HEAD REPORTS. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Carole L. LaPointe, Elizabeth "Chiz" Matthews), ONE OPPOSED (Michael F. LaFERNIER, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Mike LaFERNIER, Sr. stated his opposition: Not all of the reports were turned in.

M. New Business:

1. Toni Minton, Treasurer – Donations January 2013

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE JANUARY 2013 DONATIONS AS THE FOLLOWING: \$500.00 TO SPECIAL OLYMPICS MATCHING GRANT AND \$500.00 TO THE NATIVE AMERICAN MINISTRIES OF THE GRAND RAPIDS DISTRICT. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Diana Chaudier, Election Board Chair – Certification of the December 15, 2012 General Election Results

Diana Chaudier, Election Board Chair, read the results of the December 15, 2012 General Election.

A recount was held on December 17, 2012, per Election Ordinance 22.1102 - 4. *The Election Board shall conduct a recount of the votes in any election when three (3) votes or less determines the outcome of any election for an Office or Ballot Proposal. The provisions of this Title applicable to the counting and recording of the votes for the original election shall apply to a recount pursuant to this section. The Election Board shall complete the recount within three (3) days following the election.* The results were the same.

The total percentage of voter turnout was 63%. In the Baraga District, Warren C. Swartz, Jr. received 276 votes and Don Messer, Jr. received 184 votes. In the L’Anse District, Susan J. LaFernier received 256 votes and Jennifer Misegan received 198 votes. Bradley T. Dakota received 356 votes for Chief Judge.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE GENERAL ELECTION RESULTS OF DECEMBER 15, 2012. SUPPORTED BY MICHAEL F. LAFERNIER, SR. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Susan LaFernier would like to see the voting statistics published. Susan stated there are 822 eligible voters and only 681 registered to vote. 141 people who are not registered to vote. Susan would like to reach 100%.

3. President Swartz - Recognize Jerry Lee Curtis and Eddy Edwards
4. President Swartz – Swearing in of Tribal Chief Judge – Bradley T. Dakota

President Swartz congratulated Brad and administered the Oath of Office.

5. Vice President Mayo - Swearing in of New Tribal Council Members – Susan J. LaFernier, Donald Messer, Jr., Jennifer Misegan, and Warren C. Swartz, Jr.

Vice President Mayo congratulated Chris, Don, Susan, and Jennifer and administered the Oath of Office.

Break: 10:03 – 10:08 a.m.

6. Reorganization:

a) President

Fred Dakota nominated Warren C. Swartz, Jr.
Jean Jokinen nominated Carole L. LaPointe
Results: Warren C. Swartz, Jr. = 9 votes
Carole L. LaPointe = 2 votes
Fred Dakota = 1 vote

Warren C. Swartz, Jr. is President

b) Vice President

Warren C. Swartz, Jr. nominated Elizabeth D. Mayo
Jean Jokinen nominated Carole L. LaPointe
Results: Elizabeth D. Mayo = 7 votes
Carole L. LaPointe = 5 votes

Elizabeth D. Mayo is Vice President

c) Secretary

Elizabeth D. Mayo nominated Susan J. LaFERNIER
Jean Jokinen nominated Carole L. LaPointe
Results: Susan J. LaFERNIER = 10 votes
Carole L. LaPointe = 2 votes

Susan J. LaFERNIER is Secretary

d) Assistant Secretary

Jennifer Misegan nominated Toni J. Minton
Jean Jokinen nominated Carole L. LaPointe
Results: Toni J. Minton = 9 votes
Carole L. LaPointe = 3 votes

Toni J. Minton is Assistant Secretary

e) Treasurer

Elizabeth D. Mayo nominated Jennifer Misegan

Jean Jokinen nominated Carole L. LaPointe

Results: Jennifer Misegan = 7 votes

Carole L. LaPointe = 5 votes

Jennifer Misegan is Treasurer

7. Depository of Funds – Superior National Bank and Wells Fargo

MOTION MADE BY TONI J. MINTON TO APPROVE SUPERIOR NATIONAL BANK AND WELLS FARGO AS THE DEPOSITORY OF FUNDS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Susan J. LaFernier), ABSENT - 0, MOTION CARRIED.

8. Check Signers

MOTION MADE BY TONI J. MINTON TO APPROVE THE CHECK SIGNERS AS ONE EXECUTIVE COUNCIL OFFICIAL AND ONE COUNCIL MEMBER, THE SAME AS LAST YEAR. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

9. Tribal Court and Child Support Office Check Signers

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE TRIBAL COURT AND CHILD SUPPORT OFFICE CHECK SIGNERS TO REMAIN THE SAME AS LAST YEAR. SUPPORTED BY SUSAN J. LAFERNIER. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

10. Jennifer Misegan – Gaming Commission - Resignation

MOTION MADE BY FRED DAKOTA TO ACCEPT THE RESIGNATION FROM JENNIFER MISEGAN AS GAMING COMMISSIONER AND POST THE POSITION. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), ABSENT - 0, MOTION CARRIED.

N. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 10:24 A.M. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. ALL IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Respectfully submitted,

A handwritten signature in cursive script that reads "Peggy Minton".

Peggy Minton
Administrative Specialist

PRESIDENT'S REPORT FOR THE MONTH OF DECEMBER 2012

The following is a list of activities that occurred in the office of the President for the month of December 2012:

- I attended the Fourth Annual White House Tribal Nations Summit. We discussed a number of items and heard from cabinet members from the Secretary to the President. We discussed Nation to Nation relationships, law enforcement, healthcare, education, and youth, as well as, economic development, cultural protection resources, and the environment. After we heard from the President, we went into breakout sessions. I attended the break out session relating to cultural protection and the natural resources where I had the opportunity to talk to the Secretary of the EPA, Lisa Jackson. I spoke with her about our Community's concerns with Miigiziwasin and about how the Michigan Department of Environment Quality is not listening to us or allowing us to participate in a government to government consultation process. I told the EPA that I think it is not right, and the EPA has a responsibility to the tribes. When they delegate that authority to the State of Michigan those consultations should be included with it. Our Community is concerned for the lack of consultation for some of the things that are happening on the reservation.
- I attended an Aanikoosking, Inc. meeting. We are continuing to look at our options, and there are some items that need to be done concerning the makeup of the board.
- I attended the Tribal Christmas Party.
- The Keweenaw Bay Tribal Council appointed Justice Mechlin to the Tribe's Appellate Court.
- The Governor received a 180-day extension on the two-part application for the Casino in Chocolay Township. He was scheduled to make a decision on December 21-22, 2012, and he indicated that he did not have enough time, and he wanted to thoroughly take a look at the situation before making a decision. Kevin Washburn, Assistant Secretary for the Bureau of Indian Affairs (BIA), called and indicated that he was going to approve the extension, and once I said that we were okay with the extension, he went ahead and approved the governor's request for the 180-day extension.
- I submitted Tribal Code's Titles IV through VI to the BIA for review.
- I assigned the Attorney's office to review the Transitional Home policies and procedures.
- The Cobell settlement checks have been issued. If you are a part of the Cobell settlement and did not get a check issued, the tribe does not have the answer, but we certainly can inform you who to call.
- Yesterday afternoon, I was informed by Janice Halverson, CAP Director, that CITGO approved our LIHEAP funding.
- County Road 595 was not approved by the Michigan Department of Environmental Quality. County Road 595 was proposed by Kennecott for the mine and was a direct route from the mine site directly south to the mill in Humboldt Township. The MEQ said there were a

number of environmental issues, and they were not comfortable issuing or approving the permit.

This concludes my report.

Respectfully submitted,

Warren C. Swartz, Jr., President

KEWEENAW BAY INDIAN COMMUNITY
TRIBAL COUNCIL

Susan J. LaFernier

*December 2012 Report from the Secretary to the Council/Community
(for the January 5, 2013 Regular Meeting)*

ANIN! We honor the greatness in you

Remember: "Indian Country Counts"

"Our People, Our Nations, Our Future"

We continue to recognize the richness of Native American contributions, accomplishments, and sacrifices to the political, cultural, and economic life of Michigan and the United States

On December 3rd I met at the Hatchery with the staff of our Natural Resource Department regarding comments on the proposed changes to the Michigan copper water quality (criteria) standards at 12 sites mainly in the Keweenaw Peninsula in preparation for the conference call the next day with Candace Bauer, EPA Region 5 Water Quality Branch. We also then participated in another conference call regarding this subject on December 17th with Tinka Hyde, EPA Director of the Water Division and the importance of Tribes receiving advance notice regarding proposed environmental changes so we may comment and prepare more efficiently. We will need to discuss these issues also with the State of MI regarding their comment notices and government-to-government consultations.

Thanks to everyone for their work and time given for our 2012 Government Employee Christmas Party held on December 8, 2012 at the Bingo Hall. The \$250.00 winners were: Amber Soli, James Denomie, Kelly Dowd, Cheryne Clements, and Stacey Rolof. Employees also received gift cards to Larry's Market and the Pines Convenience Center along with other prizes.

NATIVE VOTE 2012 (every vote and voice counts) Remember we need to continue to get out and vote in all elections because your vote is a decision and makes a difference! Here are three challenges that you can do to make a big difference: 1.) Think of three people you care about and challenge them to reach out to three more people they care about to vote. 2.) Volunteer to make calls encouraging others to vote. 3.) Spread the word to vote on Election Days! Our goal for Keweenaw Bay is to have 100% of our registered/eligible members vote! Many thanks to everyone who voted in the KBIC General Election on Saturday, December 15, 2012.

We wish Jerry Lee Curtis and Eddy Edwards good health and happiness in the New Year. Congratulations to Chris Swartz and congratulations and welcome to Jennifer Misegan and Don Messer, Jr. to the Tribal Council. Also congratulations to Brad Dakota, Chief Judge.

The employee W.H.I.P.P. (Wellness, Health, Intervention, Prevention Program) Task Force and volunteers continue to have monthly meetings. It is never too late to encourage and begin positive lifestyle changes that will help us live longer, healthier, happier lives. Mino-Bimaadizin "Live Well". Remember everyone should participate in at least 30 minutes of physical activity 5 times a week to stay fit. The employee "Maintain, Don't Gain" Challenge (over the holidays) began on November 9 through January 4, 2013 and the Walk & Talk program continues during the winter months.

The Drug Tip Line number is 353-DRUG or 353-3784

The yellow banners are around the Reservation with this drug tip line number displayed. The Drug Task Force holds monthly meetings.

The Drug Task Force Mission Statement: "To promote education through public awareness with the specific objective to eliminate the use of "illegal drugs" for the betterment of the health, welfare, and safety of the Keweenaw Bay Indian Community and our neighboring Communities".

Be watching for information regarding "The Medicine Abuse Project" which is a campaign to prevent half a million teenagers from abusing prescription medicine over five years.

*As we ended another year in the chapters of our lives
and now begin a new year journey...*

Remember to continue to pray for each other, to honor, and remember all of our veterans and service men and women and their families. We pray that we and the world will be graced with the gifts of peace, love and joy... Also remember those who are ill, our economy struggles, and all who have lost loved ones during the past year. Thank you God and Creator for the great blessings of our land!

*"Who does the land belong to?
Some to those that have walked on, a little to those still living,
But most to those yet to be born."*

-Unknown

The Tribal Council held the Regular Saturday Meeting on December 1, 2012 at the Ojibwa Motel Conference Room. This meeting is reported in the January Tribal newsletter. (2) Special Council meetings were also held. Following are the unapproved motions for December.

December 6, 2012:

- Approved to have our Natural Resource Department request/initiate a government-to-government consultation with the Army Corp of Engineers regarding the proposed water intake line in Lake Superior (for the proposed Orvana Copperwood Mine in Gogebic, MI by the Gogebic Water Range Authority)
- Approved to have staff present a (provider service) agreement from LaCourt Gas Company for consideration
- Approved to release the Tribal Council meetings video's on our website and to work on a formal policy
- Approved the Parks & Recreation Committee's request to change the road design back to a loop at the marina and along the beach
- Approved the MOA amendments with the Northwest Wisconsin Regional Planning Commission and KBIC (hazardous household/business collections which extends the ending date to December 2015)
- Approved a temporary amendment to the Senior/Disabled Heating Assistance Program to provide the same electricity amount that was paid by the LIHEAP DAP Program for heating and amend the LIHEAP DAP Plan to include electricity costs and bring the income guidelines showing the changes from last year's plan to this year's plan for the next meeting
- Approved the renewal services agreement with Earl Otchingwanigan beginning November 9, 2012 – September 27, 2013 (language revitalization and preservation services)
- Approved EMT Training costs for Ashley Shelifoe and Zelina Huhta at \$1,300.00 each and if they do not complete the training, they will have to reimburse the \$1,300.00
- Approved Resolution KB 1913-2012 Tribal Attorney/Tribal Prosecuting Attorney Employment Agreement (with Lindy Grell)
- Approved the renewal of the Ojibwa BP Business License
- Approved the new business license for the Baraga Telephone Company

December 13, 2012:

- Approved the November 12 and November 17, 2011 Tribal Council meeting minutes
- Motion to adopt a resolution that the financing (for the 5 year Yellow Dog Plains water monitoring project) be requested from the B.I.A. for the entire cost that was presented prior. The motion was withdrawn until Council reviews the resolution at the next meeting
- Approved to appoint Judge David Mechlin for a 3 year term for the Appellate Court
- Approved Bruce LaPointe for the KB Ojibwa Community College slate for the Board of Regents
- After a tie was broken by the President in favor, Council approved to offer 2 offices and a classroom (from the Pre-Primary Building) to KB Ojibwa Community College as temporary solution for space needs (there will be no renovations)
- Approved proposed ordinance 2012-07 Title 20 Hazardous Substances Control
- Approved proposed amendments to 2012-07: ordinance formatting changes; 20.203 Definitions L. Home Territory; 20.212 Cleanup standards which includes Appendix A Groundwater Cleanup Levels, B Soil Cleanup Levels, C Sediment Cleanup Levels; references to Appendices A-C and deletes D
- Approved the Services Agreement with LaCourt Bottled Gas Company for one year
- Approved to raise the income guidelines up to the max for eligibility to the LIHEAP Program and to direct staff to request additional monies if needed (if all eligible are not funded)
- Approved an amendment to the Senior/Disabled Heating Assistance Program to provide the same electricity amount that will be paid by the LIHEAP Program for heating
- Approved to table a motion to approve the bids from Riverside Auto in Iron Mountain for 3 police trucks and 3 police cars until the next meeting (for information regarding our radio station)
- Approved a donation of \$250.00 for socks for the Veteran seniors at Jacobetti Veterans Home
- Approved a donation of \$1,000.00 to St. Vincent DePaul's in L'Anse

- Approved to promote Eleanor Nieskes to the interim position of Cleaning Supervisor and if the current supervisor does not return, she will receive the position (promotion)
- Approved the job description for the Director of Cultural Resources at Grade 10 \$18.37 per hour
- Approved the reclassification of Sarah Beaver as the OVW Unit Manager/Administrative Assistant

Keweenaw Bay Tribal Council
Treasurers Report
December 2012 (For the January 5, 2013 Meeting)

In December 2012 the council approved the following donations:

- \$ 500.00 American Cancer Society Matching Grant
- \$1,000.00 RICC Annual Christmas Party
- \$1,000.00 Ishpeming Salvation Army - Christmas Request
- \$ 350.00 Annual Baraga vs L'Anse Basketball Alumni Event
- \$ 500.00 L'Anse Senior Lock-In Party 2013
- \$ 500.00 Baraga BASH Senior Lock-In Party 2013
- \$ 500.00 Marquette Senior Graduation Lock-In Party 2013
- \$2,500.00 Civil Air Patrol Search & Rescue in Baraga County
- \$1,345.00 Jacobetti Home for Veterans – Bingo System additional funds
- \$ 500.00 Baraga Fire Department – Annual Children's Christmas Party
- \$2,500.00 Marquette Senior Citizens Christmas Dinner Party
- \$7,848.75 Baraga Senior Citizens Christmas Party
- \$2,600.00 EMT Class Tuition for Zelina Huhta and Ashley Shalifoe
- \$ 250.00 Sock Collection for the Jacobetti Home for Veterans
- \$1,000.00 Saint Vincent DePaul in L'Anse

We have approximately \$20,000.00 remaining in our donation budget. It can be a difficult process deciding which requests to grant. There are many worthy causes but unfortunately we cannot donate to them all.

I would now like to thank the community and fellow council members for allowing me to serve as your Treasurer for the past year. Chi Miigwech!

Respectfully submitted,

Toni Minton

KEWEENAW BAY INDIAN COMMUNITY



MEMORANDUM – CEO'S OFFICE

TO: TRIBAL COUNCIL
FROM: LARRY J. DENOMIE III, CEO (LP)
Date: January 4, 2013
RE: DECEMBER 2012 MONTHLY REPORT

The month of December 2012 included the following activities and reportable items:

- The Annual Governmental Christmas Party took place on December 8. As expected and based on the changes made during the planning this year's event, less employees, therefore guests, attended. Employees had a choice to attend either the main party or a departmental party. A total of 106 employees attended which compares to 168 last year. Because of the decline in numbers there was a savings to the budget for the event as well. The initially planned \$40 Pines gift card which is issued to all employees, committee members, and Tribal entity employees, was increased to \$50. The change and related savings will also be put toward the annual summer picnic which will help cover expenses due to the higher number of attendees expected there.
- The proposed changes to the LIHEAP guidelines were officially approved by the agency. The first change increases the income a guideline similar to last year's which for a single person goes from \$13,962 to \$22,756. The second change allows clients to use a percentage of their approved funding for electricity even though their main source for heating is a different form of fuel such as LP, Natural Gas, Fuel Oil, etc. Council has also amended the Senior and Disabled Heating Assistance Program to allow eligible members to have the amount that was approved through the LIHEAP program for their heating provider to be paid to their electricity provider.
- Janice Halverson, CAP Director, received an email over the holiday break, requesting our application for the 2012-2013 CITGO-Venezuela Heating Oil Program. The application deadline was January 4, and was submitted. If funded, the program will pay to LIHEAP qualified members heating vendors, an amount yet to be determined, based on the funding that is awarded by CITGO.
- The THPO Director position, which has been reclassified as the Director of Cultural Resources, closed yesterday for applicants to apply. The slate of applicants will be presented at Council's January 10 meeting to select the interviewees. The position was held by Chris Chosa who resigned effective December 10.
- During the summer of 2008, Carole LaPointe, Dawn Richards, and Sarah Maki, attended a conference put on by Indian Health Service in regards to renegotiating Direct Contract Support Costs and the importance of the shortfall report that needed to be submitted annually. Sarah began the renegotiation of these costs in 2008 with Linda Bedeau from Indian Health Services. At that time, the tribe was receiving \$92,000 in Direct Contract Support Costs and \$381,185 in Indirect Contract Support Costs. In our discussions with John Baker, after the Ramah decision, it was decided that these shortfalls would be worthwhile to pursue as a

claim, which began in 2009. An outside law firm was hired, along with experts in the field of Contract Support Costs, and the first claim for Contract Support Costs was filed September 30, 2010 for FY04. Since that time, the tribe has expanded their claims and has now filed claims for FY05-09 and is looking into filing for FY00-03. Due to the renegotiation that was spearheaded by Sarah back in 2008, between the Tribe and Indian Health Service, the Tribe now receives \$472,537 in Direct Contract Support Costs and \$617,684 in Indirect Contract Support Costs on a recurring and annual basis. This is an increase of \$380,537 per year that helps fund the Direct Contract Support Cost expenses that are incurred by our Health Department and Substance Abuse Programs. The Direct Contract Support expenses are largely made up of fringe benefits for the employees in both those departments. It's also an increase of \$236,499 per year to Indirect Contract Support Costs that help fund our Indirect Cost Pool which includes wages and fringe benefits for our departments including accounting, personnel, grants, IT, CEO, Attorney. It also supports other costs such as the annual audit, insurances, etc. that are not attributable to one single function. Claims for each year are as follows:

FY2004-\$406,689
FY2005-\$575,326
FY2006-\$460,477
FY2007-\$364,843
FY2008-\$327,343
FY2009-\$481,717

The total for those years is just over \$2.6 million. The Tribes filing has made national news as you can see by the attached Turtle Talk and Falmouth Institute notices.

- The January 2013 Edition of the Tribes newsletter, which is arriving in members homes now, includes a section titled "Governmental Annual Reports to the Membership". Directors of the government were asked to supply a summary of their department's activities for the annual report. This is the first time for the annual report; comments, suggestions, and feedback are appreciated so that we can improve upon it for next year. A summary financial report will be included in a future edition once the annual audit is complete for FY12.
- The Tribes forestry scholarship program is paying off. Jerry Jondreau, who has been a recipient of the scholarship since its inception in FY2009, has achieved his Bachelor's Degree in Forestry Management. The Tribe has been working on hiring a forester for many years and a proposal to achieve that goal will be presented at your January 10 meeting.
- In a report from Aanikoosing, Inc. Board Chairman, Tony Rabitaille, a formal declination of taking on the Tribes Transfer Station project was included. With this action, a discussion in moving forward with formally organizing the operation under the government will need to take place. I have the topic scheduled for review and consideration at your January 10 meeting.
- I am in the process of finalizing plans to begin operating an internal mail courier service. We have acquired the former Even Start Program van and will utilize a currently employed individual which will not create additional costs for the Tribe. The service will provide daily pickup and drop off of mail to all of the Tribes departments in the Baraga and L'Anse area. The service will nearly eliminate daily runs to the Tribal Center by employees at the outlying departments keeping them off the roads and at their work stations increasing productivity while limiting liability through potential accidents while on the highways. It will also provide cost savings in that local travel paid to employees using their personal vehicles to make mail runs to the Tribal Center will be nearly eliminated as well. The service is expected to begin mid-January following the department head meeting scheduled for the 15th.

As always, if anyone has questions, concerns, comments, or issues they need assistance with, feel free to contact our office at anytime.

INDIAN COUNTRY'S
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SPECIAL FEATURE!

Michael Gross, Lloyd Miller and Geoff Strommer, leading attorneys involved in contract support litigation, will be participating in a Q&A panel session. Don't miss out! [Click here](#) for more information or to register.

[Falmouth Institute](#)

[Calendar of Classes](#)

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[Falmouth OnSite Training](#)

Filing Made for Breach of Contract Under ISDEAA

In a profoundly well-written filing made by the Keweenaw Bay Indian Community against the Indian Health Service (IHS), the tribe is seeking contract support costs for fiscal years 2004 and 2005.

The tribe is seeking close to \$1 million for indirect costs (IDC) and direct contract support costs (DCSC).

For the filing, please [click here](#).

For assistance in preparing your tribal organization's contract support claims, please contact Tom Wilkins at 800-992-4489, ext. 119 or tom.wilkins@falmouthinstitute.com

3702 Pender Dr, Suite 300
Fairfax, VA 22030
800-992-4489 toll free
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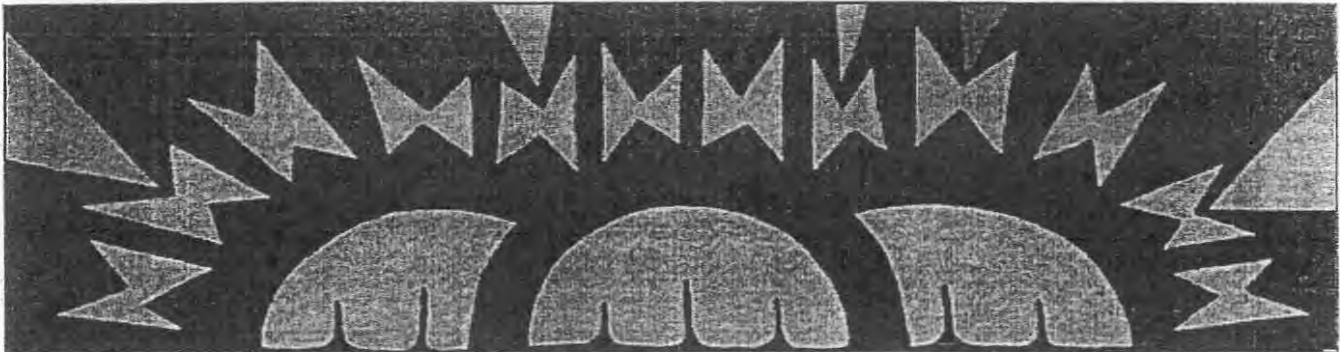
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by [Matthew L.M. Fletcher](#) | December 28, 2012 · 9:11 am

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Keweenaw Bay Indian Community v. Sebelius — Contract Support Costs Complaint against Indian Health Service

Here is the amended complaint:

[KBIC v Sebelius Amended Complaint](#)

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AGENDA
KEWEENAW BAY INDIAN COMMUNITY
REGULAR TRIBAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
SATURDAY – JANUARY 5, 2013 – 9:00 A.M.

A. Date: January 5, 2013

B. Call to Order:

C. Invocation: Lord's Prayer

D. Roll Call:

- ___ Warren C. Swartz, Jr., President
- ___ Elizabeth D. Mayo, Vice President
- ___ Susan J. LaFerner, Secretary
- ___ Jerry Lee Curtis, Assistant Secretary
- ___ Toni J. Minton, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Eddy Edwards
- ___ Jean Jokinen
- ___ Michael F. LaFerner, Sr.
- ___ Carole L. LaPointe
- ___ Elizabeth "Chiz" Matthews

E. Declaration of Quorum:

F. Approval of Agenda: January 5, 2013

G. For Your Information:

1. A "Thank you" from Gary Robillard
2. A "Thank you" from the Marquette County Health Department Dental Outreach Program
3. A "Thank you" from Casey and Steve Barnhard
4. A "Thank you" from Paul and Dolly Warner
5. A "Thank you" from Chris Ford and the Herman Historical Society
6. A "Thank you" from Peggy Dunn and Beverly Lussier
7. A "Thank you" from Donna Stump
8. A "Thank you" from Beverly Hellyer
9. A "Thank you" from Diane Charron
10. A "Thank you" from the St. Vincent DePaul Society
11. A "Thank you" from the Copper Country Squadron Civil Air Patrol/Air Force Rescue Center
12. A "Thank you" from Bob LaFave Village of L'Anse
13. A "Thank you" from Ray Pasquali L'Anse Area Schools
14. A "Thank you" from Tanya Sprowl Marquette Area Public Schools Title VII Native American Education Program

15. A "Thank you" from Gary Walker Charter Township of Chocolay
16. A "Thank you" from Stephen Piereson Ishpeming School District Title VII Native American Academic and Cultural Enhancement Program
17. A "Thank you" from Jennifer Lynn Baraga Area Schools
18. A "Thank you" from Val Gagnon, Emma Norman, and Judith Perlinger MTU Department of Civil and Environmental Engineering
19. A "Thank you" from Lynn Rodgers Forsyth Township
20. A "Thank you" from the Lori Stephens-Brown AMCAB Meals on Wheels Program
21. A "Thank you" from the L'Anse and Baraga Fire Departments
22. A "Thank you" from Patricia Loonsfoot
23. A "Thank you" from Karen Anderson North Star Academy
24. A "Thank you" from United States Senator Debbie Stabenow
25. Northern Michigan University Policy Change - Satisfactory Academic Progress Requirement regarding Michigan Indian Tuition Waiver
26. SNB KBIC Guaranteed Loan Program Account Summary December 20, 2012
27. LaCourt Services Agreement (from 12/13/12)
28. EPA Letter
29. KBIC Head Start I.H.S. Food Safety Survey Report
30. Da Shack Food Safety Resurvey Report
31. Cue Master Initial Food Safety Survey Report
32. VOIGT Intertribal Task Force Meeting Minutes November 1, 2012
33. September/October FY2012 Financial Reports Ojibwa Casino Resort and Ojibwa Casino II
34. Notification of Approved Enrollment Applications December 11, 2012 (6)

H. President's Report/December 2012

I. Secretary's Report/December 2012

J. Treasurer's Report/December 2012

K. CEO's Report/December 2012

L. Department Head Reports – November 2012

M. Recognize Scheduled Delegation/Individuals:

N. Old Business:

O. New Business:

1. Jennifer Misegan –
 - a) Motor Vehicle Fees
 - b) Gaming Commission
2. Toni Minton, Treasurer – Donations January 2013
3. Diana Chaudier, Election Board Chair – Certification of the December 15, 2012 General Election Results

4. President Swartz - Recognize Jerry Lee Curtis and Eddy Edwards
5. President Swartz – Swearing in of Tribal Chief Judge – Bradley Dakota
6. Vice President Mayo - Swearing in of New Tribal Council Members – Susan J. LaFerner, Donald Messer, Jr., Jennifer Misegan, and Warren C. Swartz, Jr.
7. Reorganization:
 - a) President
 - b) Vice President
 - c) Secretary
 - d) Assistant Secretary
 - e) Treasurer
8. Depository of Funds – Superior National Bank and Wells Fargo
9. Check Signers
10. Tribal Court and Child Support Office Check Signers

P. Closed Session:

Q. Adjournment: