

MINUTES
KEWEENAW BAY INDIAN COMMUNITY
FINANCE/SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
TUESDAY – SEPTEMBER 25, 2012 – 9:00 A.M.

- A. Date: September 25, 2012
- B. Call to Order: President Swartz called the meeting to order at 9:02 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 (left at 11:12 a.m.)
Jerry Lee Curtis, Assistant Secretary (arrived at 9:58 a.m.)
Toni J. Minton, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota (left 2:09 – 2:55 p.m.)
Eddy Edwards (arrived at 9:10 a.m.)
Jean Jokinen
Michael F. LaFernier, Sr.
Elizabeth “Chiz” Matthews
Absent: Carole L. LaPointe
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 25, 2012
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| Additions: | New Business- | 2. Ginny Ann Jermac – Raises and Benefits for Tribal Members |
| | Closed Session- | 3. President Swartz – Chief Pharmacist Contract |
| Move: | Closed Session- | 2. Heather Chapman, Assistant Tribal Attorney to 1. Employment Agreement |

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

G. For Your Information:

1. GLIFWC Audit letter for period ending December 31, 2011

H. Old Business:

1. Susan LaFerner - 3rd Reading Title Four Juvenile Division of the Tribal Code Proposed Ordinance 2012-04

President Swartz read the Legislative Process.

MOTION MADE BY EDDY EDWARDS TO APPROVE TITLE FOUR JUVENILE DIVISION OF THE TRIBAL CODE PROPOSED ORDINANCE 2012-04. SUPPORTED BY SUSAN J. LAFERNIER.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE AMENDMENT AND ADOPT 4.104 JUVENILE; DEFINITION. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AMENDMENT AND ADOPT 4.106 ADDITIONAL DEFINITIONS (C. IS NEW: CUSTODIAL DETENTION). SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AMENDMENT AND ADOPT 4.502 EMERGENCY REMOVAL PROCEDURES. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE AMENDMENT AND ADOPT 4.503 CUSTODIAL DETENTION; CIRCUMSTANCES. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE AMENDMENT AND ADOPT 4.504 CUSTODIAL DENTENTION; PROCEDURE. SUPPORTED BY EDDY EDWARDS. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AMENDMENT AND ADOPT 4.602 SUMMONS FOR APPEARANCE. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AMENDMENT AND ADOPT 4.612 DISPOSITIONAL ORDER; EFFECTIVE PERIOD AND REVIEW. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

3rd Reading Title Four Juvenile Division of the Tribal Code Proposed Ordinance 2012-04 –

MOTION MADE BY EDDY EDWARDS TO APPROVE TITLE FOUR JUVENILE DIVISION OF THE TRIBAL CODE PROPOSED ORDINANCE 2012-04. SUPPORTED BY SUSAN J. LAFERNIER. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

I. New Business:

1. President Swartz – Moving expenses for New Pharmacist (Cynthia Gourneau, Chief Pharmacist)

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE MOVING EXPENSES FOR THE CHIEF PHARMACIST IN THE AMOUNT OF \$2,000.00 AND ADD TO THE CONTRACT CONTINGENT UPON APPROVAL OF CONTRACT. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION CARRIED.

2. Ginny Ann Jermac – Raises and Benefits for Tribal Members

Ginny Ann would like to state for the record that during the budget review the Council consider raises for Tribal members only.

Break: 9:38 – 9:49 a.m.

MOTION MADE BY TONI J. MINTON TO GO INTO CLOSED SESSION AT 9:50 A.M. WITH THE BUDGET REVIEWS OPEN TO KBIC TRIBAL MEMBERS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. FOUR IN FAVOR (Susan J. LaFernier, Toni J. Minton, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), FIVE OPPOSED (Elizabeth D. Mayo, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Carole L. LaPointe), MOTION DEFEATED.

J. Closed Session: (Open)

1. Heather Chapman, Assistant Tribal Attorney – Employment Agreement

MOTION MADE BY JEAN JOKINEN TO TABLE THE ATTORNEY CONTRACT UNTIL THE BUDGETS ARE REVIEWED. (No support)

Susan LaFernier stated she would like to know the percentage of the raise. The increase is 35%.

Jerry Lee Curtis arrived at 9:58 a.m.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE EMPLOYMENT AGREEMENT WITH THE ASSISTANT TRIBAL ATTORNEY AND INCLUDES TRIBAL PROSECUTOR, A 35% RAISE, AND CHANGES THE DATE OF THE CONTRACT FROM JANUARY TO SEPTEMBER WITH HEATHER CHAPMAN. SUPPORTED BY FRED DAKOTA. FOUR IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr.), SIX OPPOSED (Susan J. LaFernier, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Carole L. LaPointe), MOTION DEFEATED.

Jerry Lee Curtis stated his opposition: He feels with that big of a raise, he would like to see what the percentage is of what our Tribal members received.

2. Budget Reviews/Discussion – [Open to KBIC Members] - Sarah Maki, Larry Denomie, Dawn Richards, Ginny Ann Jermac, Allen Gauthier, Francis LaPointe present. It was the consensus of the Council to approve Tribal funding travel at \$150,000.00 and have the CEO’s office approve travel requests.
3. President Swartz – Chief Pharmacist Contract

Vehicle Titling motion -

MOTION MADE BY JEAN JOKINEN TO BEGIN TITLING OUR OWN VEHICLES AND FOR THOSE THAT CHOOSE TO TITLE THROUGH THE STATE HAVE THE TITLING CLERK HELP THEM FILE THEIR OWN CLAIM FOR REIMBURSEMENT THROUGH THE STATE WITH NO TAX REIMBURSEMENT FROM THE TRIBE EFFECTIVE NOVEMBER 1, 2012. SUPPORTED BY EDDY EDWARDS. FIVE IN FAVOR (Eddy Edwards, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Elizabeth “Chiz” Matthews), FOUR OPPOSED (Susan J. LaFernier, Elizabeth Mayo, Toni Minton, Michael F. LaFernier, Sr.), ONE ABSTAINING (Jerry Lee Curtis), ONE ABSENT (Carole LaPointe), MOTION CARRIED.

Toni Minton stated her opposition: The Secured Transaction Code is not complete or the agreements.

Break: 11:12 – 11:30 a.m.

Susan LaFernier left at 11:12 a.m.

Lunch: 12:06 – 1:05 p.m.

Fred Dakota left at 2:09 p.m.

MOTION MADE BY EDDY EDWARDS TO APPROVE THE BUDGET AS IS WITH A \$390,941.00 SURPLUS. SUPPORTED BY MICHAEL F. LAFERNIER, SR.

MOTION MADE BY JEAN JOKINEN TO TABLE THE BUDGET UNTIL THE COUNCIL CAN REVIEW FRANCIS LAPOINTE’S (IDC) BUDGET. SUPPORTED BY ROBERT R.D. CURTIS, JR.

The budget was reviewed and the motion was rescinded to table.

Fred Dakota returned at 2:55 p.m.

FY13 Budget Approval –

MOTION MADE BY EDDY EDWARDS TO APPROVE THE BUDGET FOR FY13. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Susan J. LaFernier, Carole L. LaPointe), MOTION CARRIED.

Toni Minton left at 3:01 p.m.

K. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 3:03 P.M. SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (Elizabeth D. Mayo, Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Susan J. LaFerner, Toni J. Minton, Carole L. LaPointe), MOTION CARRIED.

Respectfully submitted,

Peggy Minton (for Kim Klopstein)
Administrative Specialist