

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – MAY 24, 2012 – 9:00 A.M.**

A. Date: May 24, 2012

B. Call to Order: President Swartz called the meeting to order at 9:07 a.m.

C. Invocation: Lord’s Prayer

D. Roll Call: Present: Warren C. Swartz, Jr., President  
Elizabeth D. Mayo, Vice President (left at 3:12 – 3:30 p.m.)  
Susan J. LaFernier, Secretary  
Toni J. Minton, Treasurer (arrived at 10:36 a.m.)  
Robert R.D. Curtis, Jr.  
Fred Dakota  
Eddy Edwards (left at 4:06 p.m.)  
Jean Jokinen  
Michael F. LaFernier, Sr.  
Carole L. LaPointe (arrived at 9:09 a.m.)  
Elizabeth “Chiz” Matthews

Absent: Jerry Lee Curtis, Assistant Secretary

E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

F. Approval of Agenda: May 24, 2012

Additions:	Closed Session-	3. Jean Jokinen – Personnel Issues
Move-	Closed Session- 1.	6. Old Business – Elizabeth Mayo – WIC Dietician Services Agreement
	Closed Session- 6.	6. New Business- Robert R.D. Curtis, Jr. – RezHeadz Entertainment Performance Agreement

**Carole LaPointe arrived at 9:09 a.m.**

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY ELIZABETH D. MAYO. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, 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, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.**

G. For Your Information:

1. Beartown Firefighters Crew Management Handbook/Resolutions

H. Old Business:

1. Sarah Maki, Assistant CEO – Revisions to Section 3.6 Security Background Checks/Background Investigations of the Personnel Policy

**MOTION MADE BY EDDY EDWARDS TO ADD “ARREST” AND CONVICTIONS ON PAGE TWO OF PARAGRAPH FOUR PROCESS. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Eddy Edwards, Michael F. LaFERNIER, Sr., Carole L. LaPointe), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen, Elizabeth “Chiz” Matthews), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.**

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE REVISIONS TO THE KBIC BACKGROUND INVESTIGATIONS POLICY FOR EMPLOYEES, VOLUNTEERS, AND OTHERS SUBJECT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT. SUPPORTED BY ROBERT R.D. CURTIS, JR.

**A FRIENDLY AMENDMENT MADE BY CAROLE L. LAPOINTE TO REPLACE ADJUDICATING PANEL WITH THE INDIAN CHILD WELFARE – JUSTICE COMMITTEE (ICWA). SUPPORTED BY EDDY EDWARDS. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.**

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE REVISIONS TO THE KBIC BACKGROUND INVESTIGATIONS POLICY FOR EMPLOYEES, VOLUNTEERS, AND OTHERS SUBJECT TO THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT. SUPPORTED BY ROBERT R.D. CURTIS, JR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, 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, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.**

2. Fire Fighting Committee Recommendations for Director of Fire Management Position

Present: Doreen Blaker, George Decota, Darian Decota, Charlie Gauthier, Tyler Tolonen, Michael Dakota, Joseph Jossens, Clinton Back, Leon Brunk, Dylan Morin, Josh Robinson, Ross Jaukkuri, Ron Decota, Bahgi Sandman-Shelifoe, Dave Paquin, Mike Johnson, Gavin Loonsfoot

George Decota, Fire Prevention Technician Compensation/Full-Time Status – (Although part-time he has been working 40 hours per week)

**MOTION MADE BY ELIZABETH D. MAYO TO PAY COMPENSATION TO GEORGE DECOTA FOR PAST HOURS WORKED WHILE PART-TIME AND MOVE HIM INTO FULL-TIME AS FIRE PREVENTION TECHNICIAN AND GIVE THE ACCRUAL OF ANNUAL AND SICK LEAVE FOR HOURS WORKED FROM HIS ORIGINAL DATE OF HIRE. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, 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, TWO ABSENT (Jerry Lee Curtis, Toni J. Minton), MOTION CARRIED.**

**Break: 10:24 – 10:35 a.m.**

**Toni Minton arrived at 10:36 a.m.**

George Decota Reclassification to Director of Fire Management and Hire of Full-Time Assistant

**MOTION MADE BY JEAN JOKINEN TO APPROVE THE RECLASSIFICATION OF GEORGE DECOTA AS DIRECTOR OF FIRE MANAGEMENT AND HIRE A FULL-TIME ADMINISTRATIVE ASSISTANT AND ALLOW HIM TO GO OUT ON THE FIELD FOR FIRE DUTY. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Jean Jokinen, Michael F. LaFernier, Sr.), FOUR OPPOSED (Elizabeth D. Mayo, Fred Dakota, Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

3. Larry Denomie III, CEO – Pine Beach LLC Professional Services Agreement - (6) Month Approval (was 90 days)

**MOTION MADE BY EDDY EDWARDS TO APPROVE THE SIX MONTH PROVISION AS REQUESTED BY THE CEO FOR THE PINE BEACH LLC PROFESSIONAL SERVICES AGREEMENT. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ONE ABSTAINING (Toni J. Minton), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

I. New Business:

1. Jeff Loman Teleconference Call/Eric Eggan of Honigman, Miller, Schwartz & Cohn – Plan of Action – Environmental Options to address mining activities and protect Tribal Trust Resources and the Reservation Environment Plan – Heather Chapman/Christoph Geiger present. Discussion.

The Attorneys and others involved in the Mining issues will attend the June 2, 2012 Council meeting.

**Lunch: 12:05 – 1:04 p.m.**

2. Joseph O’Leary, Baraga County Prosecuting Attorney/Michael Koskinen, Chairman of the County Board of Commissioners – House Bill 5609 would amend “The General Property Tax Act” (delinquent property taxes would be a personal liability to a non-Indian if land is transferred to a tribal member)

Joseph discussed the tax issues with non-natives signing over property "on paper" to natives so as not to pay the property taxes. Baraga County operates on property taxes. The Lakeside Inn owes for three years of taxes, legitimately, before he signed over 51% of the property to a tribal member. The County has to wait for three years of delinquency before they can foreclose on the property. The County is not against the Tribe's treaty right for tax exemption, but they feel there are those taking advantage of the County and the Tribe. He requested a letter of support for the bill be sent to the Tax Policy Committee in Lansing.

**MOTION MADE BY ELIZABETH D. MAYO TO AUTHORIZE THE CHAIRMAN TO SIGN A LETTER OF SUPPORT FOR HOUSE BILL 5609. SUPPORTED BY CAROLE L. LAPOINTE. NINE IN FAVOR (Elizabeth D. Mayo, 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, ONE ABSTAINING (Susan J. LaFernier), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

[Old Business]

4. Elizabeth Mayo, Vice President - CNAP (Community Needs Assistance Program) Guidelines

A discussion was held whether to amend the CNAP guidelines to include descendants for medical emergencies.

**MOTION MADE BY CAROLE L. LAPOINTE TO LEAVE THE CNAP POLICY AS IT IS REGARDING ELIGIBLE APPLICANTS. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Carole L. LaPointe), TWO OPPOSED (Toni J. Minton, Elizabeth “Chiz” Matthews), ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

5. Gregg Nominelli, Economic Developer – Gas Station Design, Feasibility Study, and Business Plan

**MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE KLAS ROBINSON TO CONDUCT A DESIGN STUDY AND BUSINESS PLAN FOR \$35,000.00 FROM THE HUD RURAL INNOVATION FUND FOR THE MARQUETTE GAS STATION. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Eddy Edwards, Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

6. Elizabeth Mayo, Vice President - WIC Registered Dietician Services Agreement between KBIC and Hannahville Indian Community July 1, 2012 – June 30, 2013

**MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE WIC DIETICIAN SERVICES AGREEMENT BETWEEN KBIC AND THE HANNAHVILLE INDIAN COMMUNITY AND AUTHORIZE THE CHAIRMAN TO SIGN. SUPPORTED BY TONI J. MINTON. NINE 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), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Eddy Edwards), MOTION CARRIED.**

(Eddy Edwards is out of the room)

[New Business]

3. Elizabeth Mayo, Vice President – Apple iPad Bid – GSA rate from CDW-G at \$579.01 each per quote

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE ORDER OF FIFTEEN 32GB IPADS FOR COUNCIL MEMBERS, ADMINISTRATIVE SPECIALIST, WITH A KEYBOARD, CEO AND ASSISTANT CEO. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE 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), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Eddy Edwards), MOTION CARRIED.**

(Eddy Edwards is out of the room)

4. Sarah Maki – Constitutional Committee Request – After correspondence from the BIA regarding the Section VIII Amendment the Committee would like to move on and choose another area in the constitution to amend. The consensus is to move forward and bring the recommendations back to the Council.

5. Larry Denomie III, CEO –

- a) NRD 10<sup>th</sup> Annual KBIC Kids Fishing Derby June 30, 2012 Request - \$10,759.46  
“In Honor of the Gauthier Family”

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE 10<sup>TH</sup> ANNUAL KBIC KIDS FISHING DERBY FUNDING REQUEST IN THE AMOUNT OF \$10,759.46 PENDING UTILIZATION OF THE FUNDING AVAILABLE IN THE NATURAL RESOURCE DEPARTMENT BUDGET. SUPPORTED BY ROBERT R.D. CURTIS, JR. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Jean Jokinen), TWO ABSTAINING (Eddy Edwards, Carole L. LaPointe), ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

- b) Tri Matrix Contract Change Order – three year extension until April 2015 for  
Laboratory Analytical Services for the Brownfield Program

**MOTION MADE BY TONI J. MINTON TO APPROVE THE CHANGE ORDER TO THE TRI MATRIX CONTRACT. SUPPORTED BY SUSAN J. LAFERNIER. TEN 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., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

- c) Weekly Updates for May 10, 17, 24, 2012

Summer Flex Hours -

**MOTION MADE BY ELIZABETH D. MAYO TO AMEND THE POLICY TO STATE THAT IF AN EMPLOYEE IS CARRYING OVER 160 ANNUAL LEAVE HOURS THEY WILL NOT BE ELIGIBLE FOR A FLEX WORK ARRANGEMENT. SUPPORTED BY ROBERT R.D. CURTIS, JR. SIX IN FAVOR (Elizabeth D. Mayo, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Carole L. LaPointe), FOUR OPPOSED (Susan J. LaFernier, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

Susan LaFernier stated the Tribe received a letter informing that we will not be receiving the CITGO funds this year because funds from last year were returned in the amount of \$12,000.00.

Council would like to review all of the correspondence.

6. Robert R.D. Curtis, Jr. – RezHeadz Offer of Presentation (Entertainment Performance) Agreement – Jason Nichols \$20,000.00 July 16-17, 2012

**MOTION MADE BY FRED DAKOTA TO APPROVE THE REZHEADS ENTERTAINMENT PERFORMANCE AGREEMENT. SUPPORTED BY ELIZABETH D. MAYO. NINE 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), ONE OPPOSED (Eddy Edwards), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

Eddy Edwards stated his opposition: He feels it is too expensive.

J. Closed Session:

1. David Haataja, Casinos General Manager – John R. Gervais Casino Restaurant Space Lease Agreement
2. Jean Jokinen – Personnel Issues
3. Christoph Geiger, Deputy Tribal Attorney – ASCAP 2010 Radio Station License Agreement WGLI 98.7/WCUP 105.7

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:37 P.M. SUPPORTED BY CAROLE L. LAPOINTE. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING - 0, ONE ABSENT (Jerry Lee Curtis), MOTION CARRIED.**

**Break: 2:38 – 2:45 p.m.**

**Elizabeth Mayo left 3:12 – 3:30 p.m.**

**Eddy Edwards left at 4:06 p.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 4:07 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE 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), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Eddy Edwards), MOTION CARRIED.**

ASCAP 2010 Radio Station License Agreement WGLI 98.7/WCUP 105.7 -

**MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE ASCAP RADIO 2010 LICENSE AGREEMENTS FOR 2010-2016 FOR WGLI AND WCUP. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE 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), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Eddy Edwards), MOTION CARRIED.**

John R. Gervais (Lake Linden) Casino Restaurant Space Lease Agreement – June 1, 2012 – May 31, 2014

**MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE CASINO RESTAURANT SPACE LEASE AGREEMENT WITH JOHN GERVAIS. 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, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), ONE OPPOSED (Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Eddy Edwards), MOTION CARRIED.**

K. Adjournment:

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADJOURN AT 4:11 P.M. SUPPORTED BY FRED DAKOTA. NINE 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), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jerry Lee Curtis, Eddy Edwards), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Administrative Specialist