

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – MAY 10, 2012 – 9:00 A.M.**

- A. Date: May 10, 2012
- 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 (arrived 9:08 a.m., left 12:00 – 3:21 p.m.)
Susan J. LaFernier, Secretary
Jerry Lee Curtis, Assistant Secretary (arrived at 9:12 a.m.)
Toni J. Minton, Treasurer (left at 2:06 p.m.)
Robert R.D. Curtis, Jr.
Fred Dakota
Eddy Edwards (left 1:00 – 1:15 p.m.)
Jean Jokinen
Michael F. LaFernier, Sr. (left 1:00 – 1:22 p.m.)
Carole L. LaPointe
Elizabeth “Chiz” Matthews
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.

Elizabeth Mayo arrived at 9:08 a.m.

F. Approval of Agenda: May 10, 2012

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| Addition: | Old Business- | 3. RD Curtis – add Closed Session for Paul Smith Reconsideration of LIFE Subscription (Personnel Issue) |
| | | 6. President Swartz – Jeff Loman Conference Call – 3:00 p.m. |
| Deletions: | New Business- | 3. President Swartz – SCCA Request for Use of Negaunee Airport |
| | Closed Session- | 3. Carole LaPointe – b) Tribal Health Fund |
| | | 4. Ed Janisse – Eagle Radio General Manager Employment Agreement Renewal |
| | | 5. David Haataja/Dale Shalifoe – Casino General Manager and Assistant General Manager Six Month Evaluation |

Move: Old Business- 5. Larry Denomie III, CEO – b) Drug Free Work Place Policy – 3.
FYI for review and add to May 17, 2012 Agenda

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. 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.

G. For Your Information:

1. Ojibwa Senior Center Environmental Health and Food Safety Survey Report – April 20, 2012
2. Baraga Casino Financial Report March FY2012
3. Drug Free Work Place Policy for Review

Jerry Lee Curtis arrived at 9:12 a.m.

H. Approval of Meeting Minutes:

1. July 21, 2011

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE THE JULY 21, 2011 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, FOUR ABSTAINING (Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Carole L. LaPointe), ABSENT - 0, MOTION CARRIED.

2. July 28, 2011

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE THE JULY 28, 2011 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Fred Dakota, Eddy Edwards, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), OPPOSED - 0, THREE ABSTAINING (Robert R.D. Curtis, Jr., Jean Jokinen, Carole L. LaPointe), ABSENT - 0, MOTION CARRIED.

I. Old Business:

1. George Decota, Fire Prevention Technician/Fire Fighting Committee - Director of Fire Management Position

Present: Doreen Blaker, Darian Decota, Becky Genschow, Mike Johnson, Robert Shawa, Dave Paquin, Jordanne Gauthier, Gavin Loonsfoot, Charlie Gauthier, Fred Gauthier, Leon Brunk, Tom Chosa, Sarah Maki

The Fire Fighting Committee addressed their concerns with the administration issues and structure of their program and stated their need is for a part-time Billing Clerk and the other duties are presently in

George Decota's job description with the exception of a few which can be added. The Council discussed his position.

MOTION MADE BY SUSAN J. LAFERNIER TO TABLE THE DIRECTOR OF FIRE MANAGEMENT POSITION AND HAVE THE FIRE FIGHTING COMMITTEE REVIEW THE JOB DESCRIPTION AND THE DUTIES OF THE FIRE PREVENTION TECHNICIAN AND PROVIDE TO COUNCIL THEIR RECOMMENDATIONS WITHIN THE NEXT TWO WEEKS. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), TWO OPPOSED (Elizabeth D. Mayo, Eddy Edwards), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

2. Paul Smith – Reconsideration of Life Subscription

Paul presented the Life Subscription Proposal at the April 14, 2012 Council meeting. He has included the Robert Voakes, Jr. LIFE Restoration Memorial Community Project which will help fund a scholarship in Robert's name. The project cost is \$2,025.00 a month for the subscriptions and 20% will go towards the scholarship. He also offered a one-time purchase of \$1,677.00 for a lending library.

MOTION MADE BY ELIZABETH D. MAYO TO DENY THE PROPOSAL.

Motion died for lack of support.

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO GO INTO CLOSED SESSION AT 10:33 A.M. SUPPORTED BY ELIZABETH "CHIZ" MATTHEWS. SIX IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Carole L. LaPointe, Elizabeth "Chiz" Matthews), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen), ONE ABSTAINING (Eddy Edwards), ONE ABSENT (Michael F. LaFERNIER, Sr.), MOTION CARRIED.

(Michael LaFERNIER, Sr. is out of the room)

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 10:38 A.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. 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.

MOTION MADE BY ELIZABETH D. MAYO TO DENY THE REQUEST FROM PAUL SMITH FOR THE LIFE SUBSCRIPTION PROPOSAL. SUPPORTED BY FRED DAKOTA. EIGHT IN FAVOR (Elizabeth D. Mayo, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Carole L. LaPointe), TWO OPPOSED (Susan J. LaFERNIER, Elizabeth "Chiz" Matthews), ONE ABSTAINING (Michael F. LaFERNIER, Sr.), ABSENT - 0, MOTION CARRIED.

Jean Jokinen suggested Paul speak to other Directors to see if they have funds available for his project.

3. Debbie Parrish, KBOCC President/Cheryne Clements, Youth Program and Facility Coordinator – Additional Classroom and Office Space Request
 - a) Use of Weed and Seed Office
 - b) Rooms (3) at Four Seasons
 - c) Use of Even Start Space

MOTION MADE BY EDDY EDWARDS TO ALLOW THE YOUTH GROUP USE OF THE WEED AND SEED OFFICE AND ALLOW KBOCC USE OF THREE ROOMS AT THE FOUR SEASONS HOTEL FOR OFFICE SPACE WHILE THEY BUILD THEIR ADDITION. SUPPORTED BY JEAN JOKINEN.

ELIZABETH D. MAYO ADDED A FRIENDLY AMENDMENT TO ALLOW THE COLLEGE TO USE SPACE AT THE PRE-PRIMARY IF AVAILABLE. SEVEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFERNIER, Jerry Lee Curtis, Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe), FOUR OPPOSED (Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

MOTION MADE BY EDDY EDWARDS TO ALLOW THE YOUTH GROUP USE OF THE WEED AND SEED OFFICE AND ALLOW KBOCC USE OF THREE ROOMS AT THE FOUR SEASONS HOTEL FOR OFFICE SPACE WHILE THEY BUILD THEIR ADDITION. SUPPORTED BY JEAN JOKINEN. NINE IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, 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, ABSENT - 0, MOTION CARRIED.

[Closed Session]

1. Government Employee Appeal of Termination Case #007-12

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 11:01 A.M. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Susan J. LaFERNIER, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), THREE OPPOSED (Elizabeth D. Mayo, Fred Dakota, Jean Jokinen), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

Break: 11:01 – 11:10 a.m.

Elizabeth Mayo left at 12:00 p.m.

MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO GO INTO OPEN SESSION AT 12:06 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (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, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Government Employee Appeal of Termination Case #007-12 -

MOTION MADE BY JEAN JOKINEN TO OVERTURN THE TERMINATION IN CASE #007-12 AND GIVE BACKPAY FROM THE DATE OF TERMINATION AND RETURN ANNUAL AND SICK LEAVE USED FOR EAP SESSIONS THAT WERE MANDATED. SUPPORTED BY ROBERT R.D. CURTIS, JR. SIX IN FAVOR (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Eddy Edwards, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), FOUR OPPOSED (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Carole L. LaPointe), ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Lunch: 12:09 – 1:00 p.m.

J. New Business:

1. Tim Mulvaney of energy.3/Committee for Alternative and Renewable Energy (CARE) – Energy Efficiency Reports and Recommendations to Save Money and Reduce Emissions Immediately

Eddy Edwards returned from lunch at 1:15 p.m.

Michael LaFernier, Sr. returned from lunch at 1:22 p.m.

Energy Efficiency Reports and Recommendations from CARE Committee -

MOTION MADE BY SUSAN J. LAFERNIER TO ENDORSE THE RECOMMENDATIONS INCLUDED IN THE ENERGY EFFICIENCY STUDY COMPLETED IN MARCH OF 2012 AND IMMEDIATELY IMPLEMENT THE CHANGES THAT WILL SAVE MONEY AND REDUCE EMISSIONS; THIS INCLUDES IMPLEMENTING CHANGES IN DEPARTMENTS WHICH HAVE CURRENT BUDGET FUNDS AVAILABLE FOR FY2012 OR RECEIVE GRANT FUNDS THAT COULD COVER THE COSTS. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (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), OPPOSED - 0, ONE ABSTAINING (Michael F. LaFernier, Sr.), ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Carole LaPointe stated the recommendations fall in line with Resolution KB-1846-2011 regarding Environmental Purchases Plan for the Tribe.

2. Char Spruce, Environmental Specialist NRD – 2012 Spring Cleanup

The Council consensus is to approve the 2012 Spring Cleanup proposal. May 21-25 curbside, May 29-30 drop off, and June 9 for household hazardous waste.

[Old Business]

4. Charles Miller, SORNA Coordinator/Heather Chapman, Assistant Tribal Attorney –
3rd Reading of Proposed Amendment to the SORNA Ordinance 2012-03 Section 3.2025 of the Tribal Code – Temporary Lodging and Travel

MOTION MADE BY SUSAN J. LAFERNIER TO ADOPT PROPOSED ORDINANCE 2012-03, 3.2025 TEMPORARY LODGING AND TRAVEL: AN ORDINANCE OF THE KEWEENAW BAY INDIAN COMMUNITY ADOPTED UNDER THE AUTHORITY OF THE CONSTITUTION AND BY-LAWS OF THE KEWEENAW BAY INDIAN COMMUNITY FOR THE PURPOSE OF AMENDING CHAPTER 3.20, SEX OFFENDER REGISTRATION CODE, OF THE TRIBAL CODE TO BRING IT INTO COMPLIANCE WITH 2012 FEDERAL STATUTES AND GUIDELINES, AND INCORPORATE IT INTO THE TRIBAL CODE, THEREBY REPEALING AND REPLACING THE EXISTING VERSION OF 3.2025 TEMPORARY LODGING WITH ORDINANCE 2012-03. ALSO, AS PART OF THIS MOTION THAT ORDINANCE 2012-03 BE CODIFIED AS 3.2025 OF THE TRIBAL CODE AND BE SUBMITTED TO THE SECRETARY OF THE BUREAU OF INDIAN AFFAIRS FOR APPROVAL IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE VI. SECTION 1 (L) AND (N) OF THE CONSTITUTION. SUPPORTED BY TONI J. MINTON. TEN IN FAVOR (Susan J. LaFerner, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

5. Larry Denomie III, CEO – Update on Transfer Station Project

The Tribe received notice that it was denied funding for this project. Larry announced the granting office actually reviewed the wrong application. Eddy stated they have admitted it was their mistake and they will re-score the application. If it scores over 91 they will fund the project from next year’s funding.

[New Business]

5. Bruce LaPointe, Project Manager –
 - a) Resolution KB-1889-2012 BIA Indian Reservation Roads Program – Referenced Funding Agreement of \$349,974.00 - Direct Service Addendum (\$57,600.00)
Total \$292,374.00

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE RESOLUTION KB-1889-2012 BIA INDIAN RESERVATION ROADS PROGRAM, THE REFERENCED FUNDING AGREEMENT, AND THE DIRECT SERVICE ADDENDUM. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (Susan J. LaFerner, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Jean Jokinen, Michael F. LaFerner, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

- b) 84” Aluminum Steel Round CMP 5x1 2-pieces and 14x8’7” Aluminum Pipe Arch Bids (3)

Department of Public Works – Culvert (2) Bid Approval – for (2) Fish Passage Projects

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE TWO CULVERTS, AN ALUMINUM STEEL ROUND CMP AND AN ALUMINUM PIPE ARCH, FROM U.P. CONCRETE AND PIPE IN THE AMOUNT OF \$37,200.40. SUPPORTED BY CAROLE L. LAPOINTE. TEN IN FAVOR (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, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

6. Larry Denomie III, CEO –

- a) Ojibwa Senior Citizen Center Security System Bids (3)

MOTION MADE BY EDDY EDWARDS TO APPROVE MIDWEST SECURITY SYSTEMS, INC. IN THE AMOUNT OF \$4,245.00. SUPPORTED BY ROBERT R.D. CURTIS, JR. TEN IN FAVOR (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, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

- b) Weekly Update (see handout)

K. Closed Session:

- 2. Summer Youth Coordinator Applicant Interviews (5)
- 3. Jeff Loman Conference Call
- 4. Carole LaPointe, Health Administrator –
 - a) Enterprise Systems Group - Additional Funds Request from TMG Grant for VOiP System
 - b) Health Department Budget
 - c) Caremark Provider Agreement
- 5. President Swartz – Director of Fire Management Position Applicants [postponed until 5/24/12]

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 2:05 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Jerry Lee Curtis, Toni J. Minton, Robert R.D. Curtis, Jr., Eddy Edwards, Michael F. LaFernier, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews), TWO OPPOSED (Fred Dakota, Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.

Break: 2:06 – 2:15 p.m.

Toni Minton left at 2:06 p.m.

Elizabeth Mayo returned at 3:21 p.m.

Break: 3:50 – 3:55 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 4:50 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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 (Toni J. Minton), MOTION CARRIED.

Health Department – Caremark Provider Agreement/Medicare Part D Compliance

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE CAREMARK PROVIDER AGREEMENT. SUPPORTED BY CAROLE L. LAPOINTE. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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 (Toni J. Minton), MOTION CARRIED.

Enterprise Systems Group - Additional Funds Request from TMG Grant for VOiP System at the clinic – President Swartz stated the Council consensus is to approve the request.

Summer Youth Coordinator 2012 Position –

MOTION MADE BY CAROLE L. LAPOINTE TO HIRE MARIA DUNHAM AS SUMMER YOUTH COORDINATOR. SUPPORTED BY ROBERT R.D. CURTIS, JR. FIVE IN FAVOR (Jerry Lee Curtis, Robert R.D. Curtis, Jr., Fred Dakota, Eddy Edwards, Carole L. LaPointe), FOUR OPPOSED (Susan J. LaFernier, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE ABSTAINING (Elizabeth D. Mayo), ONE ABSENT (Toni J. Minton), MOTION CARRIED.

L. Adjournment:

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO ADJOURN AT 4:53 P.M. SUPPORTED BY ELIZABETH D. MAYO. TEN IN FAVOR (Elizabeth D. Mayo, Susan J. LaFernier, Jerry Lee Curtis, 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 (Toni J. Minton), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Administrative Specialist