

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
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – SEPTEMBER 19, 2013 – 9:00 A.M.**

APPROVED
2-27-15

- A. Date: September 19, 2013
- B. Call to Order: Vice President Mayo called the meeting to order at 9:02 a.m.
- C. Invocation: Lord's Prayer
- D. Roll Call: Present: Elizabeth D. Mayo, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary (arrived at 9:04 a.m.)
Jennifer Misegan, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota (left 11:21 a.m. – 1:06 p.m.)
Jean Jokinen
Michael F. LaFernier, Sr.
Carole L. LaPointe (arrived at 11:16 a.m., left 1:48 – 2:20 p.m.)
Elizabeth "Chiz" Matthews
Don Messer, Jr. (left 10:34 – 10:59 a.m.)
Absent: Warren C. Swartz, Jr., President
- E. Declaration of Quorum: Vice President Mayo declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 19, 2013
- | | | |
|-----------|----------------|------------------------------------|
| Addition: | FYI- | 3. MEDC Funding for Solar Project |
| Move: | Closed Session | 2. Heather Chapman to 1. a) and b) |

Toni Minton arrived at 9:04 a.m.

MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Fred Dakota, Jean Jokinen, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Carole L. LaPointe), MOTION CARRIED.

G. For Your Information:

1. Employee Flu Vaccine Clinic October 11, 2013 Ojibwa Resort Conference Room 10:00 a.m. – 2:00 p.m.
2. Students of *Contemporary Issues in Native America* – (Violet Friisvall Ayres' Class will be in attendance today 1:00 – 3:00 p.m.)
3. MEDC (Michigan Economic Development Corporation) letter regarding the funding for the Solar Project. They will be awarding \$15,000.00 directly to Waterfront Solar, LLC.

H. Closed Session:

1. Heather Chapman, Tribal Attorney –
 - a) Tribal Council Audit of OHA
 - b) I.H.S. Contract Support Costs Case
2. Budget Reviews – [Open to KBIC Members]
 - a) Kristen Wakeham/Eddy Edwards, Ojibwa Housing Authority
 - b) Francis LaPointe, CFO
 - c) Lisa Denomie, Pre-Primary Education

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 9:06 A.M. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Robert R.D. Curtis, Jr., Michael F. LaFERNIER, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), TWO OPPOSED (Fred Dakota, Jean Jokinen), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Carole L. LaPointe), MOTION CARRIED.

Break: 10:01 – 10:10 a.m.

Don Messer, Jr. left 10:35 – 10:59 a.m.

Carole LaPointe arrived at 11:16 a.m.

Fred Dakota left at 11:21 a.m.

Lunch: 11:59 a.m. – 1:05 p.m.

Fred Dakota returned at 1:06 p.m.

MOTION MADE BY CAROLE L. LAPOINTE TO GO INTO OPEN SESSION AT 1:07 P.M. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Fred Dakota, Jean Jokinen, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth "Chiz" Matthews, Don Messer, Jr.), OPPOSED - 0, ONE ABSTAINING (Jennifer Misegan), TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

Forensic Audit Work Group –

MOTION MADE BY JENNIFER MISEGAN TO REPLACE JEAN JOKINEN AND JENNIFER MISEGAN ON THE SMALL GROUP WORKING WITH THE AUDITING FIRM OF SCHECHTER, DOKKEN, KANTER ON THE FORENSIC AUDIT FOR OHA WITH TONI MINTON AND DON MESSER, JR. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Don Messer, Jr.), TWO OPPOSED (Jean Jokinen, Elizabeth “Chiz” Matthews), ONE ABSTAINING (Carole L. LaPointe), TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

OHA Forensic Audit Documents –

MOTION MADE BY JENNIFER MISEGAN TO DIRECT THE OJIBWA HOUSING AUTHORITY’S ACCOUNTANT, SALLY SNYDER, TO WORK WITH TRIBAL ATTORNEY HEATHER CHAPMAN AND THE AUDITING FIRM AND TO PROVIDE THE DOCUMENTS REQUESTED, PER ROBERT R.D. CURTIS, JR.’S REQUEST. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ONE ABSTAINING (Carole L. LaPointe), TWO ABSENT (Warren C. Swartz, Jr., Robert R.D. Curtis, Jr.), MOTION CARRIED.

Robert R.D. Curtis, Jr. returned from lunch at 1:11 p.m.

I. Old Business:

1. Nikki Reenders-Arens (not present)/Larry Denomie III, CEO – KBIC Youth Programs Activity Fund Guidelines

MOTION MADE BY CAROLE L. LAPOINTE TO APPROVE THE KBIC YOUTH ACTIVITY FUND GUIDELINES WITH THE CHANGES AS PRESENTED. SUPPORTED BY SUSAN J. LAFERNIER. EIGHT IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFERNIER, Sr., Carole L. LaPointe, Elizabeth “Chiz” Matthews, Don Messer, Jr.), TWO OPPOSED (Jennifer Misegan, Jean Jokinen), ABSTAINING - 0, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Jennifer Misegan stated her opposition: She feels in the age requirements you are penalizing a child for graduating high school at age 17 although you are allowing expenses to go on for someone who is 19 or 20, there is no end as long as they are in high school.

Jean Jokinen stated her opposition: She feels that in regards to the territory part, we cannot pick and choose counties; if it’s not going to be just reservation according to the Constitution then it should be all tribal members regardless of where they live.

2. Bruce LaPointe, Projects Manager/Bryan Hewitt, B.I.A. I.H.S. Engineer – Campground Campsite Layout with possible changes with the loop. He presented two options and stated changes may delay the project until next year.

The Council consensus was to visit the campgrounds tomorrow morning and take action after.

J. New Business:

1. Jason Ayres, Realty Officer – Trimble Navigation GPS Unit Request (2 bids)

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE TRIMBLE NAVIGATION GPS UNIT WITH THE TRADE IN FROM SEILER IN THE AMOUNT OF \$6,319.00. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

2. Sarah Maki, Assistant CEO – Independent Contractor Agreement for Tribal Newsletter (Lauri Denomie-Editor)

MOTION MADE BY FRED DAKOTA TO APPROVE THE NEWSLETTER INDEPENDENT CONTRACTOR AGREEMENT RENEWAL. SUPPORTED BY CAROLE L. LAPOINTE. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

3. Vice President Mayo – John Tolonen Request for Community Building Ice Machine for the Commercial Fishermen

MOTIONS MADE BY ELIZABETH “CHIZ” MATTHEWS TO APPROVE A SMALL ICE MACHINE TO BE PLACED AT THE COMMUNITY BUILDING ON THE MARQUETTE TRUST PROPERTY FOR THE TRIBAL COMMERCIAL FISHERMEN AND HAVE THE CARETAKER OVERSEE IT. SUPPORTED BY DON MESSER, JR. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

4. Larry Denomie III, CEO –

- a) Harvest Feast Date – October 19, 2013 (Larry will look into which Committee will be coordinating the feast this year)
- b) Weekly Update

Carole LaPointe left at 1:48 p.m.

5. Ed Janisse, Radio Station Manager – Funny Business Agency Club Contract for 2013-14 with 5 shows

MOTION MADE BY FRED DAKOTA TO APPROVE THE FUNNY BUSINESS AGENCY CLUB CONTRACT. SUPPORTED BY DON MESSER, JR. SEVEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Don Messer, Jr.), ONE OPPOSED (Jean Jokinen), ONE ABSTAINING (Jennifer Misegan), TWO ABSENT (Warren C. Swartz, Jr., Carole L. LaPointe), MOTION CARRIED.

Break: 1:56 – 2:08 p.m.

[Old Business]

3. Susan LaFerner, Secretary – 3rd Reading Proposed Ordinance 2013-03 to Amend Tobacco Ordinance 2008-02 [See Legislative File]

Vice President Mayo read the Legislative Process.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE PROPOSED ORDINANCE 2013-03 THAT IS CLARIFICATION TO TITLE 21B.604 BY ADDING THE WORDS THAT ARE UNDERLINED AS FOLLOWS: 21B.604 NET PROFITS FROM THE SALE OF TAX FREE TOBACCO PRODUCTS BY THE COMMUNITY. ALL OF THE NET PROFITS FROM THE SALE OF TAX FREE TOBACCO PRODUCTS BY THE COMMUNITY DURING EACH FISCAL YEAR SHALL BE DISTRIBUTED ANNUALLY TO THE COMMUNITY’S MEMBERS WHO ARE 18 YEARS OF AGE AND OLDER AND RESIDING IN BARAGA AND MARQUETTE COUNTIES IN THE CHRISTMAS GIFT CHECK ISSUED FOLLOWING THE END OF EACH FISCAL YEAR. FOR THE PURPOSES HEREOF “NET PROFITS” SHALL MEAN THE GROSS RECEIPTS RECEIVED FROM THE SALE OF TAX FREE TOBACCO PRODUCTS, LESS ALL EXPENSES RELATED THERETO, INCLUDING THE COST OF THE PRODUCTS. SUPPORTED BY JENNIFER MISEGAN.

Amendment #1

MOTION MADE BY JEAN JOKINEN TO APPROVE AMENDMENT NUMBER ONE WHICH IS TO CHANGE THE TERRITORIES ACCORDING TO THE CONSTITUTION AND BY-LAWS OF THE KEWEENAW BAY INDIAN COMMUNITY AND TO THOSE EIGHTEEN YEARS AND OVER ON RESERVATION LAND ONLY IN BARAGA COUNTY AND MARQUETTE TRUST PROPERTY. SUPPORTED BY ROBERT R.D. CURTIS, JR. TWO IN FAVOR (Robert R.D. Curtis, Jr., Jean Jokinen), SEVEN OPPOSED (Susan J. LaFerner, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews,

Don Messer, Jr.), ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Carole L. LaPointe), MOTION DEFEATED.

Carole LaPointe returned at 2:20 p.m.

Amendment #2

All of the net profits from the sale of Tax Free Tobacco Products by the Community during each fiscal year shall be distributed annually to the Community members who are 18 years of age and older and residing reside in Baraga and Marquette Counties. ~~in the~~ The net profits shall be distributed equally to eligible Community members in the form of a Christmas Gift Check to be issued following the end of each fiscal year. For the purposes hereof "net profits" shall mean the gross receipts received from the sale of Tax Free Tobacco Products, less all expenses related thereto, including the cost of the products. Eligibility requirements for Community members, other than those specified in this section, shall be further defined in guidelines approved by the Tribal Council.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE AMENDMENT NUMBER TWO 21B.604 AND ITS FURTHER CLARIFICATION OF TITLE 21B. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), TWO OPPOSED (Robert R.D. Curtis, Jr., Jean Jokinen), ONE ABSTAINING (Carole L. LaPointe), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE PROPOSED ORDINANCE 2013-03 THAT IS CLARIFICATION TO TITLE 21B.604 BY ADDING THE WORDS THAT ARE UNDERLINED AS FOLLOWS: 21B.604 NET PROFITS FROM THE SALE OF TAX FREE TOBACCO PRODUCTS BY THE COMMUNITY. ALL OF THE NET PROFITS FROM THE SALE OF TAX FREE TOBACCO PRODUCTS BY THE COMMUNITY DURING EACH FISCAL YEAR SHALL BE DISTRIBUTED ANNUALLY TO THE COMMUNITY'S MEMBERS WHO ARE 18 YEARS OF AGE AND OLDER AND RESIDING IN BARAGA AND MARQUETTE COUNTIES IN THE CHRISTMAS GIFT CHECK ISSUED FOLLOWING THE END OF EACH FISCAL YEAR. FOR THE PURPOSES HEREOF "NET PROFITS" SHALL MEAN THE GROSS RECEIPTS RECEIVED FROM THE SALE OF TAX FREE TOBACCO PRODUCTS, LESS ALL EXPENSES RELATED THERETO, INCLUDING THE COST OF THE PRODUCTS. SUPPORTED BY JENNIFER MISEGAN. SEVEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, Jennifer Misegan, Fred Dakota, Michael F. LaFERNIER, Sr., Elizabeth "Chiz" Matthews, Don Messer, Jr.), TWO OPPOSED (Robert R.D. Curtis, Jr., Jean Jokinen), ONE ABSTAINING (Carole L. LaPointe), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Jean Jokinen stated her opposition: She has been getting a lot of negative feedback for not following the Constitution and if we are not going to follow the territories from the Constitution, than we should include all of the members.

Robert R.D. Curtis, Jr. stated his opposition: He feels according to the Constitution it should be reservation only and we could open ourselves up for a lawsuit by not including the children.

K. Adjournment:

MOTION MADE BY JENNIFER MISEGAN TO ADJOURN AT 2:27 P.M. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (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, ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.

Respectfully submitted,

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

Peggy Loonsfoot
Administrative Specialist

AGENDA
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
OJIBWA CASINO RESORT CONFERENCE ROOM
THURSDAY – SEPTEMBER 19, 2013 – 9:00 A.M.

A. Date: September 19, 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
- ___ Toni J. Minton, Assistant Secretary
- ___ Jennifer Misegan, Treasurer
- ___ Robert R.D. Curtis, Jr.
- ___ Fred Dakota
- ___ Jean Jokinen
- ___ Michael F. LaFerner, Sr.
- ___ Carole L. LaPointe
- ___ Elizabeth "Chiz" Matthews
- ___ Don Messer, Jr.

E. Declaration of Quorum:

F. Approval of Agenda: September 19, 2013

G. For Your Information:

1. Employee Flu Vaccine Clinic October 11, 2013 Ojibwa Resort Conference Room 10:00 a.m. – 2:00 p.m.
2. Students of *Contemporary Issues in Native America* – (Violet Friisvall Ayres' Class will be in attendance today 1:00 – 3:00 p.m.)

H. Closed Session:

1. Budget Reviews – [Open to KBIC Members]
 - a) Kristen Wakeham, Ojibwa Housing Authority – **9:00 – 9:40 a.m.**
 - b) Lisa Denomie, Pre-Primary Education - **9:40 – 10:00 a.m.**
 - c) Francis LaPointe, CFO -- **10:00 a.m. – 12:00 p.m.**
2. Heather Chapman, Tribal Attorney –
 - a) Tribal Council Audit of OHA
 - b) I.H.S. CSC Case

I. Old Business:

1. Nikki Reenders-Arens – KBIC Youth Programs Activity Fund Guidelines
2. Bruce LaPointe, Projects Manager – Campground Campsite Layout
3. Susan LaFernier, Secretary – 3rd Reading Proposed Ordinance 2013-03 to Amend Tobacco Ordinance 2008-02 – **2:00 p.m.**

J. New Business:

1. Jason Ayres, Realty Officer – Trimble Navigation GPS Unit Request
2. Sarah Maki, Assistant CEO – Independent Contractor Agreement for Tribal Newsletter
3. Ed Janisse, Radio Station Manager – Funny Business Agency Club Contract
4. Vice President Mayo – John Tolonen Request for Community Building Ice Machine
5. Larry Denomie III, CEO –
 - a) Harvest Feast Date
 - b) Weekly Update

K. Adjournment: