KEWEENAW BAY INDIAN COMMUNITY

2018 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President JENNIFER MISEGAN, Vice President SUSAN J. LAFERNIER, Secretary TONI J. MINTON, Assistant Secretary DOREEN G. BLAKER, 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 RANDALL R. HAATAJA MICHAEL F. LAFERNIER, SR. GARY F. LOONSFOOT, JR. RODNEY LOONSFOOT ELIZABETH D. MAYO

APR 1 9 2018

MINUTES KEWEENAW BAY INDIAN COMMUNITY SPECIAL COUNCIL MEETING BIG BUCKS BINGO HALL THURSDAY – MARCH 15, 2018 – 9:00 A.M.

A. Date	:	March 15, 2018	KBIC PRESIDENT'S OFFICE
B. Call	to Order:	President Swartz called the meeting to order at 9:12 a.m.	
C. Invo	cation:	Lord's Prayer	
D. Roll	Call:	 Present: Warren C. Swartz, Jr., President Jennifer Misegan, Vice President (left at 10:51 a.m.) Susan J. LaFernier, Secretary Toni J. Minton, Assistant Secretary (left at 12:39 p.m. Doreen G. Blaker, Treasurer Robert R.D. Curtis, Jr. (left 12:05 – 1:18 p.m.) Fred Dakota (arrived at 9:21 a.m., left at 10:51 a.m.) Randall R. Haataja (left at 12:39 p.m.) Michael F. LaFernier, Sr. Gary F. Loonsfoot, Jr. Rodney Loonsfoot (left 12:30 – 1:18 p.m., left at 2:50 Elizabeth D. Mayo 	1.)

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

F. Approval of Agenda: March 15, 2018

Move:New Business-3. Jennifer Misegan, Vice President – 1st Reading Proposed
Ordinance 2018-02 Title Four Juvenile Division Amendment to
add 4.614 Permanency Hearing to New Business 1.

MOTION MADE BY TONI J. MINTON TO APPROVE THE AGENDA WITH THE CHANGE. SUPPORTED BY DOREEN G. BLAKER. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Fred Dakota), MOTION CARRIED.

> LAKE SUPERIOR BAND¹OF CHIPPEWA INDIANS "Home of the Midnight Two-Step Championship"

- G. For Your Information:
 - 1. Response Letter to the Michigan Gaming Control Board for Draft Inspection/Audit Report 2017-004 dated March 13, 2018 regarding "free play" calculations
- H. Approval of Meeting Minutes:
 - 1. February 3, 2018

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE FEBRUARY 3, 2018 MEETING MINUTES. SUPPORTED BY DOREEN G. BLAKER. EIGHT IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Robert R.D. Curtis, Jr., Rodney Loonsfoot), ONE ABSENT (Fred Dakota), MOTION CARRIED.

Fred Dakota arrived at 9:21 a.m.

2. February 8, 2018

MOTION MADE BY RODNEY LOONSFOOT TO APPROVE THE FEBRUARY 8, 2018 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY TONI J. MINTON. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

3. February 15, 2018

MOTION MADE BY TONI J. MINTON TO APPROVE THE FEBRUARY 15, 2018 MEETING MINUTES. SUPPORTED BY RANDALL R. HAATAJA. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), TWO OPPOSED (Robert R.D. Curtis, Jr., Rodney Loonsfoot), TWO ABSTAINING (Jennifer Misegan, Doreen G. Blaker), ABSENT - 0, MOTION CARRIED.

Rodney Loonsfoot stated his opposition: The motion on page three should have stated the Personnel Issue was a termination.

4. February 22, 2018

MOTION MADE BY TONI J. MINTON TO APPROVE THE FEBRUARY 22, 2018 MEETING MINUTES. CO-SUPPORTED BY DOREEN G. BLAKER AND RANDALL R. HAATAJA. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

5. February 26, 2018

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE FEBRUARY 26, 2018 MEETING MINUTES. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Rodney Loonsfoot), ABSENT - 0, MOTION CARRIED.

- I. Recognize Scheduled Delegation/Individuals:
 - 1. John Estes, Principal Account Manager, We Energies/Jenny Short, Upper Michigan Energy Resources Corporation (UMERC) Baraga Location Power Generation Update to facilitate a long-term solution that ensures electricity reliability in the U.P. They are continuing site preparation with construction beginning spring 2018 and commercial operation in 2019.
- J. Old Business:
 - 1. Jason Ayres, Real Estate Officer "Real Property Acquisition Policies and Procedures" in order to effectively and responsibly carry out its charge to regulate the uses, acquisition, protection and preservation of Tribal property

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE REAL PROPERTY ACQUISITION POLICIES AND PROCEDURES. SUPPORTED BY GARY F. LOONSFOOT, JR. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Robert R.D. Curtis, Jr., Rodney Loonsfoot), ABSENT - 0, MOTION CARRIED.

2. Sarah Smith, Assistant CEO/Danielle Webb, Tribal Attorney – KBIC Purchase and Procurement Policy

Francis LaPointe, Jr., CFO present

Danielle stated the HUD Audit in 2017 requires the Tribe to implement policies that are in compliance with Federal guidelines relating to 2 CFR 200 (grant awards). The deadline for Housing is April 9th.

Brad Dakota, Chief Judge suggested to the Council that tribal funds should not be under the same requirements (policy) as grant money.

The Council requested the policy to be written specific to the Housing Department and brought back next week. A group of 5-6 staff will review the policy.

- 3. Francis J. LaPointe, Jr., CFO
 - a) KBIC Investment Policy for Native American Housing Assistance and Self-Determination Act (NAHASDA) Funds

MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE KBIC NAHASDA FUNDS INVESTMENT POLICY. SUPPORTED BY GARY F. LOONSFOOT, JR. ALL IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

> b) KBIC Financial Management Policy and Procedures [Review] to establish guidelines for control of the administration and implementation of KBIC's funds in accordance with the Tribe's goals and objectives; to properly safeguard the assets of the KBIC to make sound financial decisions and have the ability to provide accurate financial reports

The Council will email Francis with comments or questions and it will be brought back next week.

- K. New Business:
 - Jennifer Misegan, Vice President 1st Reading Proposed Ordinance 2018-02 Title Four Amendment, Juvenile Division, of the Tribal Code to add 4.614 Permanency Hearing after 4.613

Jennifer and Danielle Webb introduced the Proposed Ordinance 2018-02 Title Four Amendment, Juvenile Division, of the Tribal Code to add 4.614 Permanency Hearing after 4.613 to comply with Title IV-E of the Social Security Act related to the use of "another planned permanent living arrangement" as a permanency plan for children in foster care.

MOTION MADE BY JENNIFER MISEGAN TO WAIVE THE 1ST READING OF PROPOSED ORDINANCE 2018-02 AND TO HOLD THE 2ND AND 3RD READING IN TWO WEEKS ON MARCH 29, 2018. SUPPORTED BY DOREEN G. BLAKER. NINE IN FAVOR (Jennifer Misegan, Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Fred Dakota, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Rodney Loonsfoot), ONE ABSENT (Randall R. Haataja), MOTION CARRIED.

(Randall Haataja is out of the room)

Break: 10:51 a.m. – 11:07 a.m. (Jennifer Misegan and Fred Dakota left)

[Old Business]

4. Doreen Blaker, KBIC Housing Department Director -

a) KBIC Housing Department Tenant Grievance Policy – for review

A grievance committee will establish by-laws with term limits.

MOTION MADE BY SUSAN J. LAFERNIER TO APPROVE THE KBIC HOUSING DEPARTMENT TENANT GRIEVANCE POLICY WITH THE CHANGES. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Fred Dakota), MOTION CARRIED.

b) KBIC Housing Department Home Owner Assistance Policy Review

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE THE KBIC HOUSING DEPARTMENT HOME OWNER ASSISTANCE POLICY WITH THE CHANGES. SUPPORTED BY RODNEY LOONSFOOT. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot), ONE OPPOSED (Elizabeth D. Mayo), ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Fred Dakota), MOTION CARRIED.

[New Business]

- 2. Bobby Escobar, Assistant Tribal Attorney
 - a) Bradley Dakota, Chief Judge Services as Contractor as Judge Pro Tempore of the KBIC Tribal Court Contract between the KBIC and The Honorable Mark Esqueda, Chief Judge of the Lac Vieux Desert Band of Lake Superior Chippewa Indians

Effective October 1, 2017 – October 1, 2020 Rate \$150.00/hr and expenses for travel/per diem

MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE JUDGE PRO TEMPORE CONTRACT BETWEEN THE KBIC AND THE HONORABLE MARK ESQUEDA, CHIEF JUDGE OF THE LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS. SUPPORTED BY TONI J. MINTON. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, TWO ABSTAINING (Robert R.D. Curtis, Jr., Rodney Loonsfoot), TWO ABSENT (Jennifer Misegan, Fred Dakota), MOTION CARRIED.

3. Lori Sherman, Natural Resources Director – Commercial Fishing License Applicants (9)

MOTION MADE BY ROBERT R.D. CURTIS, JR. TO APPROVE ALL COMMERCIAL FISHING LICENSE APPLICANTS PENDING THE ONE IN VIOLATION OF TITLE TEN WHO MUST TURN IN SEPTEMBER REPORTS. SUPPORTED BY RODNEY LOONSFOOT. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Fred Dakota), MOTION CARRIED.

[Bobby Escobar, Assistant Tribal Attorney]

 b) Gary Loonsfoot, Jr., Director of Cultural Resources - Language Immersion Instructor through Bay Mills Community College Tier III Services Agreement Shirley Recollect (Canada) March 1, 2018 – August 31, 2018 with correction on page 6 (mileage rate)

MOTION MADE BY TONI J. MINTON TO APPROVE THE TIER III SERVICES AGREEMENT WITH SHIRLEY RECOLLECT. SUPPORTED BY RODNEY LOONSFOOT. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ONE ABSTAINING (Gary F. Loonsfoot, Jr.), TWO ABSENT (Jennifer Misegan, Fred Dakota), MOTION CARRIED.

c) Robert A. Ellsworth (New) Business License for Ellro & ProPal Carpet Cleaning (Shampooing) Services March 7, 2018 – March 6, 2019

MOTION MADE BY TONI J. MINTON TO APPROVE ROBERT ELLSWORTH'S NEW BUSINESS LICENSE FOR ELLRO & PROPAL CARPET CLEANING. SUPPORTED BY RODNEY LOONSFOOT. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Fred Dakota), MOTION CARRIED.

4. Larry Denomie III, CEO – Weekly Update

A work session was held to review the PRC guidelines. A counter wage offer for the position of Director of Fire and Emergency Management was declined and the Selection Committee will meet tomorrow to discuss. The Personnel Director pool of applicants will be reviewed tomorrow. Government Employee Report for March 5, 2018 and March 14, 2018 and Employment Opportunities list was handed out

- L. Closed Session:
 - 1. Sarah Smith, Assistant CEO/Kathy Mayo, Interim Health Administrator [Open to KBIC Members]
 - a) 18.20.216 IHS Compact/Clinic Third Party 650 Budget Modifications

- b) DHHS Programs Related to Resolution KB-008-2018 (Certifying the Enrollment Board Resolution EB-2018-01 approved February 2, 2018 Definition of Who is Eligible to be a Descendant of a Member)
- 2. Kathy Mayo, Interim Health Administrator Dr. Rian David Mintek Physician's Employment Agreement
- 3. Danielle Webb, Tribal Attorney
 - a) Joseph O'Leary, Baraga County Prosecuting Attorney Case Settlement Offer
 - b) Update
- 4. Larry Denomie III, CEO
 - a) Tribal Support Priority Review
 - b) Updates

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 12:03 P.M. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, Doreen G. Blaker, Robert R.D. Curtis, Jr., Randall R. Haataja, Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Rodney Loonsfoot, Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Fred Dakota), MOTION CARRIED.

Robert R.D. Curtis, Jr. left at 12:05 p.m.

Rodney Loonsfoot left at 12:32 p.m.

Lunch: 12:39 – 1:18 p.m. (Toni Minton and Randall Haataja left) (Robert R.D. Curtis, Jr. and Rodney Loonsfoot returned)

Break: 2:56 - 3:10 p.m. (Rodney Loonsfoot left)

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO OPEN SESSION AT 4:21 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Fred Dakota, Randall R. Haataja, Rodney Loonsfoot), MOTION CARRIED.

Dr. Rian David Mintek Physician's Employment Agreement April 2, 2018 - September 30, 2018

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE DR. RIAN DAVID MINTEK PHYSICIAN'S EMPLOYMENT AGREEMENT AND TO EXTEND THE END DATE TO SEPTEMBER 30, 2018. SUPPORTED BY MICHAEL F. LAFERNIER, SR. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Fred Dakota, Randall R. Haataja, Rodney Loonsfoot), MOTION CARRIED. M. Adjournment:

MOTION MADE BY GARY F. LOONSFOOT, JR. TO ADJOURN AT 4:24 P.M. SUPPORTED BY ROBERT R.D. CURTIS, JR. SIX IN FAVOR (Susan J. LaFernier, Doreen G. Blaker, Robert R.D. Curtis, Jr., Michael F. LaFernier, Sr., Gary F. Loonsfoot, Jr., Elizabeth D. Mayo), OPPOSED - 0, ABSTAINING - 0, FIVE ABSENT (Jennifer Misegan, Toni J. Minton, Fred Dakota, Randall R. Haataja, Rodney Loonsfoot), MOTION CARRIED.

Respectfully submitted,

Peggy Loonsfoot

Peggy Loonsfoot Administrative Specialist

AGENDA KEWEENAW BAY INDIAN COMMUNITY SPECIAL COUNCIL MEETING BIG BUCKS BINGO HALL THURSDAY – MARCH 15, 2018 – 9:00 A.M.

- A. Date: March 15, 2018
- B. Call to Order:
- C. Invocation: Lord's Prayer
- D. Roll Call:

Warren C. Swartz, Jr., President
Jennifer Misegan, Vice President
Susan J. LaFernier, Secretary
Toni J. Minton, Assistant Secretary
Doreen G. Blaker, Treasurer
Robert R.D. Curtis, Jr.
Fred Dakota
Randall R. Haataja
Michael F. LaFernier, Sr.
Gary F. Loonsfoot, Jr.
Rodney Loonsfoot
Elizabeth D. Mayo

- E. Declaration of Quorum:
- F. Approval of Agenda: March 15, 2018
- G. For Your Information:
 - 1. Response Letter to the Michigan Gaming Control Board for Draft Inspection/Audit Report 2017-004
- H. Approval of Meeting Minutes:
 - 1. February 3, 2018
 - 2. February 8, 2018
 - 3. February 15, 2018
 - 4. February 22, 2018
 - 5. February 26, 2018
- I. Recognize Scheduled Delegation/Individuals:
 - 1. John Estes, Principal Account Manager, We Energies/Jenny Short, UMERC Generation Update

J. Old Business:

- 1. Jason Ayres, Real Estate Officer Real Property Acquisition Policies and Procedures
- 2. Sarah Smith, Assistant CEO Purchasing and Procurement Policy
- 3. Francis J. LaPointe, Jr., CFO
 - a) KBIC Investment Policy
 - b) KBIC Financial Management Policy and Procedures
- 4. Doreen Blaker, KBIC Housing Department Director
 - a) KBIC Housing Department Tenant Grievance Policy
 - b) KBIC Housing Department Home Owner Assistance Policy
- K. New Business:
 - 1. Bobby Escobar, Assistant Tribal Attorney
 - a) Bradley Dakota, Chief Judge Judge Pro Tempore Contract between the KBIC and The Honorable Mark Esqueda, Chief Judge of the Lac Vieux Desert Band of Lake Superior Chippewa Indians
 - b) Gary Loonsfoot, Jr., Director of Cultural Resources Shirley Recollect Language Instructor Tier III Services Agreement
 - c) Robert Ellsworth (New) Business License for Ellro & ProPal Carpet Cleaning Services
 - 2. Lori Sherman, Natural Resources Director Commercial Fishing License Applicants
 - Jennifer Misegan, Vice President 1st Reading Proposed Ordinance 2018-02 Title Four Juvenile Division Amendment to add 4.614 Permanency Hearing
 - 4. Larry Denomie III, CEO Weekly Update
- L. Closed Session:
 - 1. Sarah Smith, Assistant CEO/Kathy Mayo, Interim Health Administrator [Open to KBIC Members]
 - a) 18.20 IHS Compact/Clinic Third Party Budget Modifications
 - b) DHHS Programs Related to Resolution KB-008-2018 (Certifying the Enrollment Board Resolution EB-2018-01 approved February 2, 2018 Definition of Who is Eligible to be a Descendant of a Member)
 - 2. Kathy Mayo, Interim Health Administrator Dr. Rian David Mintek Physician's Employment Agreement
 - 3. Danielle Webb, Tribal Attorney
 - a) Joseph O'Leary, Baraga County Prosecuting Attorney Case Settlement Offer 11:30 a.m.
 b) Update
 - 4. Larry Denomie III, CEO
 - a) Tribal Support Priority Review
 - b) Updates
- M. Adjournment: