

KEWEENAW BAY INDIAN COMMUNITY

2021 TRIBAL COUNCIL

WARREN C. SWARTZ, JR., President
GARY F. LOONSFOOT, JR., Vice President
KIM KLOPSTEIN, Secretary
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DON MESSER

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- WHEREAS,** the Keweenaw Bay Indian Community is a federally recognized Indian tribe exercising inherent sovereign authority over its members and its territories with a reservation created pursuant to the 1854 Treaty with the Chippewa, 10 Stat. 1109; and
- WHEREAS,** the Keweenaw Bay Indian Community (Tribe) is organized pursuant to the provisions of the Indian Reorganization Act of 1934, 48 Stat. 984, 25 U.S.C. §5123, with a Constitution and Bylaws duly approved by the Secretary of the United States Department of the Interior on December 17, 1936; and
- WHEREAS,** the Keweenaw Bay Tribal Council (Tribal Council) is authorized under Article VI of the Keweenaw Bay Indian Community Constitution and Bylaws to regulate the uses and disposition of tribal property; to protect and preserve the tribal property, wildlife and natural resources of the Community; to cultivate Indian arts, crafts and culture; to administer charity; to protect the health, security, and the general welfare of the Keweenaw Bay Indian Community; and
- WHEREAS,** the Tribal Council formed the Committee for Alternative and Renewable Energy (CARE) on June 13, 2008, adopting the Committee By-laws on October 9, 2009 pursuant to KB-1628-2008 and subsequent amendments on May 9, 2013, May 28, 2015 and November 7, 2019; and
- WHEREAS,** the CARE has adopted proposed changes to its By-laws once again to maximize its success and meet the goals and objectives of the Committee; and
- WHEREAS,** pursuant to Article I, Authority, Section 1, the current By-laws state "The Committee for Alternative & Renewable Energy (CARE) derives its authority from the Resolution KB-1628-2008 of the Tribal Council adopted on October 9, 2008."; and
- WHEREAS,** the CARE has adopted the following amendment to Article I, Authority, Section 1, to read as "The Committee for Alternative & Renewable Energy (**a/k/a CARE, and hereinafter referred to as "Committee"**) derives its authority from Resolution KB-1628-2008 of the Keweenaw Bay Indian Community Tribal Council **as** adopted on October 9, 2008."; and
- WHEREAS,** pursuant to Article II, Purposes, Section 1, the current By-laws state "The Committee shall operate to advance opportunities in the areas of alternative and renewable energy resources. The Committee shall aid the Economic Development and Natural Resources Departments in the development of an Alternative & Renewable Energy Strategic Plan; advise the Tribal Council on planning and development proposals; and facilitate community and stakeholder meetings."; and

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS

"Home of the Midnight Two-Step Championship"

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- WHEREAS,** the CARE has adopted the following amendment to Article II, Purposes, Section 1, to read as “The Committee shall operate to advance opportunities in the areas of alternative and renewable energy resources **and energy conservation**. The Committee shall aid the Economic Development and Natural Resources Departments in the development of an Alternative & Renewable Energy Strategic Plan; **participate in collaborative efforts with outside organizations (e.g. MICARES – Michigan Community & Anishinaabe Renewable Energy Sovereignty) to promulgate rural and Tribal energy sovereignty**; advise the Tribal Council on planning and development proposals; and facilitate community and stakeholder meetings.”; and
- WHEREAS,** pursuant to Article III, Membership, Section 1, the current By-laws state “The Committee shall be comprised of eight (8) members and three (3) advisors, including one (1) representative from each of the following departments: Natural Resources, Realty, Grants, Community Assistance Program and Public Works; one (1) representative of the Cultural Committee; one (1) representative of the Tribal Council and one (1) representative from the Community at-large who shall represent interests in economic development. The three (3) advisors shall be from the offices of the CEO, Natural Resources and Housing. The advisors may count as alternates, and vote, when necessary for a quorum.”; and
- WHEREAS,** the CARE has adopted the following amendment to Article III, Membership, Section 1, to read as “The Committee shall be comprised of eight (8) members and three (3) advisors, including one (1) representative from each of the following departments: Natural Resources, **Real Estate**, Grants, Community Assistance Program and Public Works; one (1) representative of the Cultural Committee; one (1) representative of the Tribal Council and one (1) representative from the Community at-large. The three (3) advisors **to the Committee shall consist of one (1) representative from each of the** offices of the CEO, Natural Resources and Housing. The advisors may count as alternates, **collect meeting stipends under certain circumstances**, and vote when necessary for a quorum.”; and
- WHEREAS,** pursuant to Article III, Membership, Section 3, the current By-laws state “The Committee in cooperation with the Natural Resources Director and Economic Developer shall be responsible for providing orientation to new members as they are appointed, and provide ongoing training to all members. Each Committee member is responsible for attending informational seminars and meetings to maintain current knowledge of community Alternative & Renewable Energy strategies and initiatives, planning and development, as directed by the Committee Chair.”; and
- WHEREAS,** the CARE has adopted the following amendment to Article III, Membership, Section 3, to read as “The Committee in cooperation with the Natural Resources Director shall be responsible for providing orientation to new members as they are appointed, and provide ongoing training to all members. Each Committee member is responsible for attending informational seminars and meetings to maintain current knowledge of community Alternative & Renewable Energy strategies and initiatives.”; and
- WHEREAS,** pursuant to Article III, Membership, Section 4, the current By-laws state “If a Committee member is absent for more than two (2) consecutive meetings without reasonable cause, that member shall be removed from the Committee and an alternate will be appointed by the Tribal Council President, with recommendation from the Tribal Council, as a Committee member.”; and

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- WHEREAS,** the CARE has adopted the following amendment to Article III, Membership, Section 4, to read as “If a Committee member is absent for more than two (2) consecutive meetings without reasonable cause, that member **may** be removed from the Committee **by a majority vote of the other members at a regular meeting. Upon voting to remove a member from the Committee, the Committee Chairperson shall contact the Tribal Council President to request that the vacancy be filled.**”; and
- WHEREAS,** the CARE has adopted the following amendment to Article III, Membership, by adding **Section 6**, to read as “**Members who are unable to attend meetings shall designate an alternate representative of their department to attend meetings.**”; and
- WHEREAS,** the CARE has adopted the following amendment to Article III, Membership, by adding **Section 7**, to read as “**Members of the Committee, including advisors, shall be paid a \$50.00 (FIFTY AND NO/100 U.S. DOLLARS) stipend for attendance at all regular and special meetings, including meetings with outside organizations to advance the Purpose of the Committee (e.g. MICARES) during Fiscal Year 2022 or until the balance of funds contained in the MICARES Grant have been expended, whichever comes first. Upon expenditure of grant funds or the end of FY22, whichever comes first, Members of the Committee shall be paid a \$30.00 stipend for each regular and or special meeting only, subject to Tribal Council approval and the availability of funds. Additionally, Advisors to the Committee shall not receive a stipend upon the expenditure and or expiration of the MICARES Grant and neither Members nor Advisors shall receive the stipend for attending meetings with outside organizations. Member attendance will be documented through the use of a sign in sheet for each meeting. Attendance at virtual meetings shall be treated the same as if the members were present and physically located together in the same meeting space. Attendance records shall be kept by the Committee Secretary and presented to the Office Coordinator of the Tribe’s Office of Planning and Development for processing of the stipend payment. Members who are absent from a meeting shall not be paid a stipend.**”; and
- WHEREAS,** pursuant to Article V, Meetings, Section 3, the current By-laws state “The meetings of the Committee shall be conducted in accordance with Robert’s Rules of Order. The hearings of the Committee shall be conducted under the Community’s Administrative Rules Ordinance, as and when enacted, and until such enactment, in accordance with such procedural rules as are provided to the Committee in writing by the Tribal Attorney.”; and
- WHEREAS,** the CARE has adopted the following amendment to Article V, Meetings, Section 3, to read as “The meetings of the Committee shall be conducted in accordance with Robert’s Rules of Order. The hearings of the Committee shall be conducted under the Community’s Administrative Rules Ordinance, when enacted, and until such enactment, in accordance with such procedural rules as are provided to the Committee in writing by the Tribal Attorney.”; and
- WHEREAS,** pursuant to Article V, Meetings, Section 4, the current By-laws state “Committee meetings shall be open to all members of the Tribal Community unless issues that are the subject matter of the Committee’s Confidentiality Agreement are to be discussed or involved during the course of the meeting or hearing, in which event members of the Community,

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not directly involved with such issues at the meeting or hearing shall be excused from the meeting or hearing by the Committee Chairperson.”; and

WHEREAS, the CARE has adopted the following amendment to Article V, Meetings, Section 4, to read as “Committee meetings **and or hearings** shall be open to all members of the Tribal Community unless issues that are the subject matter of the Committee’s Confidentiality Agreement are to be discussed **and or deliberated** during the course of the meeting **and or hearing**. **Members of the Community not directly involved in issues for which confidentiality is required**, shall be excused from the meeting or hearing by the Committee Chairperson.” And

WHEREAS, pursuant to Article V, Meetings, Section 5, the current By-laws state “The Economic Developer shall be responsible for the preparation and distribution of the agenda for all meetings.”; and

WHEREAS, the CARE has adopted the following amendment to Article V, Meetings, Section 5, to read as “**The Committee Chairperson, or his/her duly appointed representative**, shall be responsible for the preparation and distribution of the agenda for all meetings.”; and

WHEREAS, pursuant to Article VI, Confidentiality, Section 1, the current By-laws state “All Committee members and all persons involved in carrying out the functions, responsibilities or purposes of the Committee must sign the KBIC Committee Confidentiality Agreement prior to the assumption of any duties of or for the Committee. Even if a Committee Member shall neglect to sign such confidentiality agreement, all meetings, information, decisions and documents received at all meetings shall remain confidential.”; and

WHEREAS, the CARE has adopted the following amendment to Article VI, Confidentiality, Section 1, to read as “All Committee members and all persons involved in carrying out the functions, responsibilities **and or** purposes of the Committee must sign the KBIC Committee Confidentiality Agreement prior to the assumption of any duties of or for the Committee. **A Committee Member who neglects to sign the Confidentiality Agreement shall be bound by said Agreement none the less and all Committee meetings, information, decisions and documents received, and deemed to be confidential, shall remain privileged.**”; and

WHEREAS, the CARE approved these changes on December 9th and 14th of 2022 and respectfully requests adoption of these proposed amendments to the By-laws of CARE by the Tribal Council of the Keweenaw Bay Indian Community.

NOW THEREFORE BE IT RESOLVED that the Keweenaw Bay Tribal Council hereby approves and adopts the recommended amendments to the CARE’s By-laws; and

BE IT FURTHER RESOLVED that all other Articles and Sections of the By-Laws of CARE shall remain in full force and effect.

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CERTIFICATION

We, Warren C. Swartz, Jr., President and Kim Klopstein, Secretary of the Keweenaw Bay Indian Community, do hereby certify this Resolution No. KB-068-2021 to be a true and exact copy as approved by the Tribal Council of the Keweenaw Bay Indian Community at a duly called meeting held on December 15, 2021, there being a quorum present, by a vote of 9 in favor, 0 opposed, and 0 abstentions, as follows:

| | | | | |
|--|------------|-----|---------|--------------------|
| Vice President, Gary F. Loonsfoot, Jr.: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Secretary, Kim Klopstein: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Asst. Secretary, Toni J. Minton: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Treasurer, Doreen G. Blaker: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Councilperson, Robert R. D. Curtis, Jr.: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Councilperson, Eddy Edwards: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Councilperson, Dale F. Goodreau: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Councilperson, Randall Haataja: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Councilperson, Susan J. LaFernier: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Councilperson, Rodney Loonsfoot: | AYE | NAY | ABSTAIN | NOT PRESENT |
| Councilperson, Don Messer: | AYE | NAY | ABSTAIN | NOT PRESENT |

President, Warren C. Swartz, Jr.:
(If required)

AYE NAY ABSTAIN NOT PRESENT



Warren C. Swartz, Jr., President



Kim Klopstein, Secretary