

**MINUTES  
KEWEENAW BAY INDIAN COMMUNITY  
SPECIAL COUNCIL MEETING  
TRIBAL CENTER CONFERENCE ROOM  
THURSDAY – SEPTEMBER 11, 2008 –1:00 P.M.**

- A. Date: September 11, 2008
- B. Call to Order: President Swartz called the meeting to order at 1:09 p.m.
- C. Invocation: Lord’s Prayer and a moment of silence for 911
- D. Roll Call: Present: Warren C. Swartz, Jr., President  
Susan J. LaFernier, Vice-President  
Toni J. Minton, Secretary  
William E. Emery, Assistant Secretary  
Jennifer Misegan, Treasurer  
Larry J. Denomie III, CEO (left 3:29 – 4:00 p.m.)  
Doreen G. Blaker  
Jerry Lee Curtis  
Michael F. LaFernier, Sr. (arrived at 1:55 p.m.)  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo (left 3:04 – 3:29 p.m.)  
Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: September 11, 2008
- Additions: New Business- 4. Larry Denomie – Contract for Auctioneer for KBIC  
Closed Session- 5. Jennifer Misegan/Francis LaPointe – Finance Issue

**MOTION MADE BY FRED DAKOTA TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.**

- G. For Your Information:

1. Gaming Commission Meeting Minutes from August 5<sup>th</sup> & 19<sup>th</sup>, 2008

H. Old Business:

1. Toni Minton, Secretary – 3<sup>rd</sup> Reading Proposed Election Ordinance 2008-04

Adoption of Election Ordinance 2008-04- Toni reviewed the changes in the ordinance (typo's, definitions) [See Legislative File]

**MOTION MADE BY TONI J. MINTON TO ADOPT THE PROPOSED ORDINANCE 2008-04 ELECTION ORDINANCE. SUPPORTED BY SUSAN J. LAFERNIER.**

Elizabeth Mayo discussion on the order of the amendments being made-

**MOTION MADE BY ELIZABETH D. MAYO TO ASK MR. BAKER'S OPINION ON THE RIGHT WAY TO DO THIS. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), THREE OPPOSED (William E. Emery, Jennifer Misegan, Doreen G. Blaker), ABSTAINING - 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.**

According to Mr. Baker there is a vote on each amendment.

Toni Minton - Amendment #1 of Election Ordinance 2008-04- (Typos, defined Immediate Family, defined Tribal Police, removed footnotes, Section 22.506 G, added removal of name from a petition, Section 22.506 7A, added Council shall be bound by that decision and removed 60 day clause and removed last sentence, Section 22.509 removed #3)

**MOTION MADE BY TONI J. MINTON TO APPROVE AMENDMENT NUMBER ONE AS PRESENTED TO PROPOSED ORDINANCE 2008-04 ELECTION ORDINANCE. SUPPORTED BY JENNIFER MISEGAN. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth "Chiz" Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINING – 0, ONE ABSENT (Michael F. LaFernier, Sr.), MOTION CARRIED.**

Elizabeth Mayo - Amendment #2 of Election Ordinance 2008-04- (Section 22.101 Definition of Majority, Section 22.504 delete Formula A, B, C, Section 22.507 delete first sentence, last sentence and add "in the event of a tie")

**Mike LaFernier arrived at 1:55 p.m.**

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AMENDMENT NUMBER TWO AS PRESENTED TO PROPOSED ORDINANCE 2008-04 ELECTION ORDINANCE TAKING INTO CONSIDERATION AMENDMENT NUMBER ONE. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (William E. Emery, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), FOUR OPPOSED (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Doreen G. Blaker), ONE ABSTAINING (Larry J. Denomie III), ABSENT - 0, MOTION CARRIED.**

Jennifer Misegan stated her opposition: She believes this changes the referendum vote by the people.

Elizabeth Mayo - Amendment #3 of Election Ordinance 2008-04- (Section 22.506 #7 and #8 Ballot Proposals)

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AMENDMENT NUMBER THREE AS PRESENTED TO PROPOSED ORDINANCE 2008-04 ELECTION ORDINANCE TAKING INTO CONSIDERATION AMENDMENT NUMBER ONE AND TWO. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (William E. Emery, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), SIX OPPOSED (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Elizabeth “Chiz” Matthews), ABSTAINING - 0, ABSENT - 0, MOTION DEFEATED.**

**Break: 2:44 – 2:55 p.m.**

Elizabeth Mayo - Amendment #4 of Election Ordinance 2008-04- (Section 22.403 Homebound and Marquette Trust Land Voters)

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE AMENDMENT NUMBER FOUR AS PRESENTED TO PROPOSED ORDINANCE 2008-04 ELECTION ORDINANCE TAKING INTO CONSIDERATION AMENDMENT NUMBER ONE, TWO AND THREE. SUPPORTED BY FRED DAKOTA. THREE IN FAVOR (Jerry Lee Curtis, Elizabeth D. Mayo, Fred Dakota), SIX OPPOSED (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), TWO ABSTAINING (Larry J. Denomie III, Doreen G. Blaker), ABSENT - 0, MOTION DEFEATED.**

Return to the original motion:

**MOTION MADE BY TONI J. MINTON TO ADOPT THE PROPOSED ORDINANCE 2008-04 ELECTION ORDINANCE AS AMENDED. SUPPORTED BY SUSAN J. LAFERNIER. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Doreen G. Blaker, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), TWO ABSTAINING (Larry J. Denomie III, Michael F. LaFernier, Sr.), ABSENT - 0, MOTION CARRIED.**

**Elizabeth Mayo left at 3:04 p.m.**

I. New Business:

1. Diana Chaudier, Election Board Chair – The Primary Election Timeline was given to the Council as information. The Primary Election will be held on November 1, 2008.
2. Carole LaPointe, Health Director – HRSA (Health Resources and Services Administration) Grant – Carole requested a letter from the Tribal Council President, stating we are a Federally Recognized Tribe, in order to apply for the HRSA Grant for OB-GYN and Pediatrician services with BCMH and Portage Health Systems.

3. Larry Denomie, CEO/Chris Gerard, Weed & Seed Coordinator [Chris not present] – The Ground Hog Video Surveillance System is sold only by LEA to law enforcement and other government agencies. This will be paid by the Weed & Seed Grant. It is an exclusive mobile surveillance system.

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO APPROVE \$11,485.00 TO THE LAW ENFORCEMENT ASSOCIATES INC. FOR THE GROUND HOG VIDEO SURVEILLANCE SYSTEM. SUPPORTED BY JENNIFER MISEGAN. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

4. Larry Denomie, CEO – Personal Property Auction Contract – to be held in conjunction with the KBIC rummage sale.

**MOTION MADE BY DOREEN G. BLAKER TO APPROVE THE B. PATIENT AUCTIONEER’S CONTRACT. SUPPORTED BY MICHAEL F. LAFERNIER, SR. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Fred Dakota), OPPOSED - 0, ONE ABSTAINING (Elizabeth “Chiz” Matthews), ONE ABSENT (Elizabeth D. Mayo), MOTION CARRIED.**

J. Closed Session:

1. Sarah Smith, Assistant CEO – Newsletter Contract Renewal
2. John Baker, Attorney
3. Larry Denomie III, CEO
4. Warren C. Swartz, Jr., President
5. Jennifer Misegan/Francis LaPointe – Finance Issue

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 3:28 P.M. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews), ONE OPPOSED (Fred Dakota), ABSTAINING - 0, TWO ABSENT (Jennifer Misegan, Elizabeth D. Mayo), MOTION CARRIED.**

(Jennifer Misegan out of room)

**Elizabeth Mayo returned at 3:29 p.m.**

**Break: 3:29 – 3:40 p.m.**

**Larry Denomie left 3:29 – 4:00 p.m.**

**MOTION MADE BY FRED DAKOTA TO GO INTO OPEN SESSION AT 5:00 P.M. SUPPORTED BY WILLIAM E. EMERY. ALL IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Language Coordinator Position to be Posted-

**MOTION MADE BY JENNIFER MISEGAN TO POST THE LANGUAGE DIRECTOR POSITION PENDING APPROVAL OF THE ANA GRANT. SUPPORTED BY TONI J. MINTON. FOUR IN FAVOR (Susan J. LaFernier, Toni J. Minton, Jennifer Misegan, Elizabeth “Chiz” Matthews), SIX OPPOSED (William E. Emery, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), ONE ABSTAINING (Larry J. Denomie III), ABSENT - 0, MOTION DEFEATED.**

Pines Project-

**MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO DIRECT THE GAMING COMMISSION TO MOVE FORWARD WITH THE PINES PROJECT, AFTER REVIEW OF THE WICS KEY SITUATION, AS THE OWNER HAS REVIEWED AND IT IS SATISFACTORY. SUPPORTED BY FRED DAKOTA. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, TWO ABSTAINING (Jennifer Misegan, Larry J. Denomie III), ABSENT - 0, MOTION CARRIED.**

K. Adjournment:

**MOTION MADE BY ELIZABETH “CHIZ” MATTHEWS TO ADJOURN AT 5:05 P.M. SUPPORTED BY FRED DAKOTA. ALL IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Recording Secretary