

**MINUTES**  
**KEWEENAW BAY INDIAN COMMUNITY**  
**SPECIAL COUNCIL MEETING**  
**TRIBAL CENTER CONFERENCE ROOM**  
**THURSDAY – JULY 31, 2008 –9:00 A.M.**

- A. Date: July 31, 2008
- B. Call to Order: Vice-President LaFernier called the meeting to order at 9:08 a.m.
- C. Invocation: Lord’s Prayer
- D. Roll Call: Present: Susan J. LaFernier, Vice-President  
Toni J. Minton, Secretary  
William E. Emery, Assistant Secretary  
Jennifer Misegan, Treasurer  
Larry J. Denomie III, CEO (left at 5:25 p.m.)  
Doreen G. Blaker (arrived at 1:22 p.m., left 2:03 – 4:08 p.m.)  
Jerry Lee Curtis  
Michael F. LaFernier, Sr. (arrived at 11:16 a.m.)  
Elizabeth “Chiz” Matthews  
Elizabeth D. Mayo  
Fred Dakota (left 2:50 – 3:29 p.m., 4:08 – 5:18 p.m.)  
Absent: Warren C. Swartz, Jr., President
- E. Declaration of Quorum: Vice-President LaFernier declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: July 31, 2008
- |            |                 |   |
|------------|-----------------|---|
| Additions: | FYI-            | 2. Mileage Rate Increase  |
|            |                 | 3. Invitation to Casino Employees Picnics   |
|            |                 | 4. A copy of a letter of commitment for “Mentoring Programs for At Risk Youth” Grant                                  |
|            | Old Business-   | 1. Jason Ayres – a) Update on Jerry Swartz Acquisition<br>b) Resolution KB-1622-2008 – Tanya Miller Residential Lease |
|            | New Business-   | 2. Toni Minton – Cultural Committee Travel Request for Digitization Workshop  |
|            | Closed Session- | 6. Jennifer Misegan – Shelter Home Motion/Donation  |

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE AGENDA WITH THE CHANGES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.**

G. For Your Information:

1. Notification of Approved Enrollment Applications
2. Mileage Rate Increase memo from Francis LaPointe, CFO, effective August 1, 2008, to 58.5
3. Invitation to the Baraga/Marquette Casino Employees Picnics
4. A copy of a letter of commitment for the “Mentoring Programs for At Risk Youth” Grant

H. Approval of Meeting Minutes:

1. November 5, 2005

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE NOVEMBER 5, 2005 MEETING MINUTES. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, THREE ABSTAINING (Jennifer Misegan, Jerry Lee Curtis, Elizabeth “Chiz” Matthews), THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.**

2. June 7, 2008

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE JUNE 7, 2008 MEETING MINUTES WITH THE CHANGE. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.**

3. June 13, 2008

**MOTION MADE BY JENNIFER MISEGAN TO APPROVE THE JUNE 13, 2008 MEETING MINUTES. SUPPORTED BY TONI J. MINTON. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.**

I. Old Business:

1. Jason Ayres, Realty Officer – a) Jerry Swartz Land Acquisition Update – Jason informed the Council that a “gift” for land could not be done using gaming money. He referenced Gaming Regulatory Ordinance Title 18 Chapter B Section 18B.802. He will continue research regarding the taxes on land purchases.

b) Resolution KB-1622-2008 – Tanya Miller Residential Lease

**MOTION MADE BY ELIZABETH D. MAYO TO APPROVE RESOLUTION KB-1622-2008 TANYA MILLER RESIDENTIAL LEASE. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. EIGHT IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.**

2. Debbie Parrish, OCC President/Robin Chosa/Donald Funke/Tim Shanahan/Kristen Tepsa – Accreditation Update (See the North Central Association of Colleges and Schools – Higher Learning Commission’s Eligibility Reviewers Analysis of the Preliminary Information Form (PIF) that warrants scheduling a team visit). Debbie also presented a Tribal Council update regarding 10 issues. Debbie requested approval of the Board of Regents applicants. She stated that the By-Laws were changed to include employees.

**MOTION MADE BY LARRY J. DENOMIE III TO APPROVE CHRISTOPHER GERARD, WILLIAM JONDREAU, TYLER LARSON AND DEBRA PICCIANO AS CANDIDATES FOR A SEAT ON THE BOARD OF REGENTS. SUPPORTED BY ELIZABETH D. MAYO. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Larry J. Denomie III, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (Jennifer Misegan), ABSTAINING - 0, THREE ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Michael F. LaFernier, Sr.), MOTION CARRIED.**

Jennifer Misegan stated her opposition: She would like to have waited until she had an updated copy of the By-Laws.

**Break: 10:13 – 10:27 a.m.**

3. Gary Montana – Ethics Code Review – He stated that Ethics Codes are good for the Tribe to have because they instill trust with the membership regarding their Council. Once they are instituted, they have to be enforced. He suggested the Council take out the approval provisions by the Secretary of the Interior in our Constitution. Council and Mr. Montana reviewed up to page 12 of Title 1 Ethics in Government Code and will continue after New Business.

**Mike LaFernier arrived at 11:16 a.m.**

**Lunch: 12:10 – 1:22 p.m.**

**Doreen Blaker arrived at 1:22 p.m.**

J. New Business:

1. Toni Minton/Gerry Mantila – Cultural Committee Travel Request for 2 persons to attend the Digitization Projects Workshop and “Care and Handling of Photographs Institute” on August 11-14, 2008 in Tulsa, OK.

**MOTION MADE BY LARRY J. DENOMIE III TO TABLE THE REQUEST FOR THE DIGITIZATION PROJECTS WORKSHOP AND DO MORE RESEARCH FOR ANOTHER PROPOSAL. SUPPORTED BY MICHAEL F. LAFERNIER, SR. EIGHT IN FAVOR (William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, TWO ABSTAINING (Toni J. Minton, Elizabeth “Chiz” Matthews), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

**Doreen Blaker left at 2:03 p.m.**

2. Todd Warner, NRD – 2008 Clean Sweep Request to hire Superior Watershed Partnership to coordinate and conduct the used pharmaceuticals and household hazardous waste event on August 16 in Baraga and Marquette.

**MOTION MADE BY WILLIAM E. EMERY TO APPROVE THE SERVICES AGREEMENT WITH THE SUPERIOR WATERSHED PARTNERSHIP FOR \$7,500.00 PENDING THEIR SIGNATURE FOR BARAGA AND MARQUETTE. SUPPORTED BY FRED DAKOTA. SEVEN IN FAVOR (Toni J. Minton, William E. Emery, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, FOUR ABSENT (Warren C. Swartz, Jr., Doreen G. Blaker, Jennifer Misegan, Larry J. Denomie III), MOTION CARRIED.**

(Jennifer Misegan and Larry Denomie out of room)

Resumed review of Ethics Code with Gary Montana – Gary stated any laws passed today apply only from this date forward and cannot be applied retroactively. It is against the Indian Civil Rights Act.

**Fred Dakota left 2:50 – 3:29 p.m.**

Gary Montana – Ethics Code Review – He also stated that he is working on the criminal code and he hopes to have it to the Council by the end of August. Council reviewed pages 13-22 of Title 1 Ethics in Government Code and a final draft will be ready on August 20<sup>th</sup>.

**Fred Dakota left at 4:08 p.m.**

**Doreen Blaker returned at 4:08 p.m.**

Larry Denomie III, CEO - Suzanne Jondreau Emergency Request-

**MOTION MADE BY DOREEN G. BLAKER TO APPROVE \$300.00 FOR SUZANNE JONDREAU FOR HER EMERGENCY MEDICAL REQUEST. SUPPORTED BY JERRY LEE CURTIS. EIGHT IN FAVOR (Toni J. Minton, Larry J. Denomie III, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (William E. Emery), ONE ABSTAINING (Jennifer Misegan), ONE ABSENT (Warren C. Swartz, Jr.), MOTION CARRIED.**

**Break: 4:40 – 5:01 p.m.**

K. Closed Session: [Council will return to the Closed Session Items on August 4, 2008 at 1:00 p.m.]

1. Toni Minton, Secretary – BMCC MOU and Contracts
2. David Osmak, BIA Forester – Resolution KB-1624-2008 – Helene Welsh Timber Sale - Timber Contract with Louisiana Pacific
3. Gregg Nominelli, Economic Developer – First Step Renewal Contract - Business Counseling
4. John Baker, Attorney
5. Larry Denomie III, CEO
6. Jennifer Misegan, Treasurer – Shelter Home Motion/Donation

**5:00 p.m. - 2<sup>nd</sup> Reading Public Hearing of the Proposed Ordinance 2008-03 Title 1 regarding the Appellate Division of Tribal Court Amendments to the Tribal Code**

Vice-President LaFernier read the Legislative Process Second Reading:

The Council will receive verbal and signed written comments from Tribal members in accordance with the legislative process public hearing procedure adopted by the Tribal Council.

Present at Hearing:

Susan LaFernier	Mike LaFernier
Toni Minton	Chiz Matthews
William Emery	Elizabeth Mayo
Jennifer Misegan	Fred Dakota (arrived at 5:18 p.m.)
Larry Denomie (left at 5:25 p.m.)	John Baker
Doreen Blaker	Heather Chapman
Jerry Lee Curtis	Debbie Parrish

Verbal Comments were received. (See Legislative File 2008-03)

Written Comments were submitted from Mike Cardinal, Lauri Denomie and Tom Smithson (Appellate Judge). (See Legislative File 2008-03)

After no further comments, Vice-President LaFernier officially closed the 2<sup>nd</sup> Reading of Proposed Ordinance 2008-03. The 3<sup>rd</sup> Reading date will be scheduled.

L. Adjournment:

**MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 5:51 P.M. SUPPORTED BY TONI J. MINTON. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Doreen G. Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, TWO ABSENT (Warren C. Swartz, Jr., Larry J. Denomie III), MOTION CARRIED.**

Respectfully submitted,

Peggy Minton  
Recording Secretary