

**MINUTES
KEWEENAW BAY INDIAN COMMUNITY
SPECIAL COUNCIL MEETING
TRIBAL CENTER CONFERENCE ROOM
THURSDAY – APRIL 10, 2008 – 9:00 A.M.**

- A. Date: April 10, 2008
- B. Call to Order: President Swartz called the meeting to order at 9:07 a.m.
- C. Invocation: Lord’s Prayer and prayers for the family of Stella Lahti and also for Jerry Swartz who is home from the hospital.
- D. Roll Call: Present: Warren C. Swartz, Jr., President
Susan J. LaFernier, Vice-President
Toni J. Minton, Secretary (left 10:30 a.m. – 1:04 p.m.)
William E. Emery, Assistant Secretary
Jennifer Misegan, Treasurer
Larry J. Denomie III, CEO (left 1:09 – 2:14 p.m.)
Doreen G. Blaker (left 10:18 – 11:12 a.m., left 1:18 – 1:54 p.m.)
Jerry Lee Curtis
Michael F. LaFernier, Sr. (arrived at 9:25 a.m.)
Elizabeth “Chiz” Matthews (left at 4:18 p.m.)
Elizabeth D. Mayo
Fred Dakota
- E. Declaration of Quorum: President Swartz declared a quorum present and proceeded with the order of business.
- F. Approval of Agenda: April 10, 2008
- Addition: FYI- 4. Susan LaFernier – Flyer from the UP Environmental Coalition
Closed Session- 7. c) Warren C. Swartz, Jr., President - John Baker Contract
d) Warren C. Swartz, Jr., President - Executive Council

Fred Dakota stated he wanted the Attorney Conference Call moved to Open Session. President Swartz replied that he was going to inform everyone that it’s not ready for today because Dorsey and Whitney have not had time to review and do not have a recommendation for the Council at this time. President Swartz added that it has been past practice not to discuss strategies with the attorneys in open session. He said, “We have never done it before and we are not going to start including the community in

discussions with our attorneys and strategizing in what we intend to do because I don't want to read about it in the L'Anse Sentinel."

Fred changed his request to be added to Closed Session under Legal Department.

Deletion: New Business- 5. a) Larry Denomie – Building Inspector Job Description
 Closed Session- 4. Attorney Conference Call - 2:00 p.m.

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

G. For Your Information:

1. A copy of a memo from the Personnel Office regarding Employee Assistance Program with North Star
2. A copy of the Quarterly Vacancy Report from the Office of the Governor
3. September 29, 2005 Motion regarding Departments under Enterprise Personnel Policy Book
4. Flyer from the UP Environmental Coalition – Facing Mining: "What Rights Do Citizens and Landowners Have?" Public Forum in Marquette on April 19, 2008.

H. Old Business:

1. Warren C. Swartz, Jr., President/Dominic Picciano – Building Inspector Issues

Chris informed the Council there were issues that he had brought to the Council's attention before the issuance of a license for the sale of alcohol for Jeff Lamson. Chris had informed the Council he did not sign the license when he was the building inspector because it was a residential application for Commercial purposes.

An electrical inspection was done by Dominic Picciano on the site and a building permit was issued for residential use, not commercial, and it is not in compliance with the Tribal Code for on-sale alcohol. Dominic requested his license be revoked. (See letter from Dominic)

Chris stated that he would speak to Jeff about this issue prior to signing the license. Susan stated that to her knowledge the inspection had not been signed, approved, completed and Chris had not yet signed it but he is open for business. Jeff has not asked for a certification of occupancy. (Which is needed for insurance purposes). Chris will call Dale Dakota and inform him to stop Jeff from selling and he will discuss the commercial lease application with him.

Mike LaFerner arrived at 9:25 a.m.

I. New Business:

1. Brad Dakota, Chief Judge – Expungement Process (See handout by Western MI Legal Services)

Brad stated there is no process in the code, but it can be done if Council goes through the Legislative Process. The Court could expunge only in it's own jurisdiction.

2. Cherie Dakota, Health Director/Heather Wood – Native American Nike N7 Shoes Distribution

Cherie was unavailable. Heather brought samples of the Nike shoes for Council to look at. The cost of the shoes is \$45.00 and is available only through the Health Department and must be paid before the shoes are ordered. An ad will be placed in the Tribal Newsletter.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE KBIC-DHHS NIKE N7 SHOE POLICY. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Susan J. LaFerner, 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), ONE OPPOSED (Michael F. LaFerner, Sr.), ABSTAINING - 0, ABSENT - 0, MOTION CARRIED.

3. Colleen DeRoche/PowWow Committee By-Laws and Resolution KB-1600-2008
This year's Annual PowWow will be held on July 25-27, 2008.

Doreen Blaker left at 10:18 a.m.

MOTION MADE BY LARRY J. DENOMIE III TO APPROVE RESOLUTION KB-1600-2008 AND THE BY-LAWS FOR THE POWWOW COMMITTEE WITH THE TYPOGRAPHICAL ERROR CHANGES. SUPPORTED BY ELIZABETH “CHIZ” MATTHEWS. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

4. Gerry Cadeau, Slots Manager – Removal and Install of Machines in Marquette Casino

MOTION MADE BY FRED DAKOTA TO APPROVE THE REMOVAL OF SIX ATRONIC DEAL NO DEAL PARTICIPATION GAMES AND ONE IGT WHEEL OF FORTUNE GAME AND INSTALL SIX IGT INDIANA JONES PARTICIPATION GAMES AND ONE IGT WHEEL OF FORTUNE MULTI-WIN PARTICIPATION GAME IN THE MARQUETTE CASINO AS RECOMMENDED. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFerner, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Jerry Lee Curtis, Michael F. LaFerner, Sr., Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINING - 0, ONE ABSENT (Doreen G. Blaker), MOTION CARRIED.

Eddy Edwards, OHA Director – Eddy gave the Council information on NAHASDA with regards to the Cherokee Freedman Issue. The Congressional Black Caucus states they will oppose re-authorization of NAHASDA if a provision is not included excluding the Cherokee Nation from any federal funds unless they recognize the Black Freedmen as tribal citizens. In the end it appears the Congressional Black Caucus is going to hold all Tribes hostage for the federal block grant money from NAHASDA until this issue is resolved. Eddy is asking that if the Council has an opportunity at the NCAI meeting, to address NCAI and let them know the Tribe is opposed.

Break: 10:30 – 10:57 a.m.

Toni Minton left at 10:30 a.m.

5. Larry Denomie, CEO – Capital Costs for Hotel Renovation Project (See handout)

Capital expenditures were approved for the project. Larry is asking for approval to pay invoices from the hotel renovations. He stated there should have been bids and takes part of the responsibility that there were not. There will be separate costs for the new ventilation, heating and cooling systems. He will schedule another tour when the projects are completed.

Doreen Blaker returned at 11:12 a.m.

6. Todd Warner, NRD/Reggie Cadotte, GLIFWC Policy Analyst – Great Lakes Timeline and History of the Great Lakes Compact regarding levels, withdrawals, diversions of water, etc.

Four States have signed the compact. The Michigan legislature has packages of legislation under review in both the House and Senate. Todd will bring more information regarding these bills at a later date.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE \$200,949.25 FOR THE INVOICES FOR THE HOTEL RENOVATION PROJECT. SUPPORTED BY JERRY LEE CURTIS. SIX IN FAVOR (Susan J. LaFernier, William E. Emery, Jerry Lee Curtis, Elizabeth “Chiz” Matthews, Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (Jennifer Misegan), THREE ABSTAINING (Larry J. Denomie III, Doreen G. Blaker, Michael F. LaFernier, Sr.), ONE ABSENT (Toni J. Minton), MOTION CARRIED.

7. Diana Chaudier, Chair/Election Board – Primaries (Caucus or Ballot Election)

Also present from the Election Board: James Loonsfoot, Kim Klopstein, Jeanne Kauppila, Peggy Minton and Mike Cardinal. The Election Board discussed ballot elections versus a caucus with the Council. There was also a question regarding the Marquette voters.

Lunch: 12:05 – 1:04 p.m.

Toni Minton returned at 1:04 p.m.

Larry Denomie left at 1:09 p.m.

There was continued discussion regarding Article IV Section 4 of the Constitution regarding nominations and elections. The Section reads as follows:

Sec. 4. The L'Anse and Baraga districts shall formulate their own rules and regulations regarding nominations and candidates for the Tribal Council, such nominees being elected by majority vote of the entire tribe. Each district will be required to file the names of proposed candidates with the Tribal Secretary at least fifteen days prior to election. It shall be the duty of the Secretary of the Tribal Council to post at least ten days before election the names of all candidates for the Council.

Doreen Blaker left at 1:18 p.m.

MOTION MADE BY WILLIAM E. EMERY TO APPROVE A SECRET BALLOT ELECTION IN BARAGA AND L'ANSE DISTRICTS WITH EACH SIDE VOTING IN THEIR OWN DISTRICT TO DECIDE AS TO WHO THEY WANT TO RUN IN THE GENERAL ELECTION AND TO HAVE THE ELECTION COMMITTEE DEVELOP PROCEDURES FOR PRIMARY ELECTIONS. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews, Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINED - 0, TWO ABSENT (Larry J. Denomie III, Doreen Blaker), MOTION CARRIED.

J. Closed Session:

1. Kathy Mayo, RN, CDE-Edu – Dale Schmeisser Contract
2. Cherie Dakota, Health Director – Contract Health Service Budget
3. Jennifer Misegan, Treasurer
4. Larry Denomie, CEO
5. Susan LaFernier, Vice-President
6. Warren C. Swartz, Jr., President –
 - a) LP
 - b) Angela Pearson
 - c) John Baker Contract
 - d) Executive Council
7. John Baker, Attorney/Fred Dakota

MOTION MADE BY MICHAEL F. LAFERNIER, SR. TO GO INTO CLOSED SESSION AT 1:30 P.M. SUPPORTED BY WILLIAM E. EMERY. SEVEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth "Chiz" Matthews), TWO OPPOSED (Elizabeth D. Mayo, Fred Dakota), ABSTAINED - 0, TWO ABSENT (Larry J. Denomie III, Doreen Blaker), MOTION CARRIED.

Doreen Blaker returned at 1:54 p.m.

Larry Denomie returned at 2:14 p.m.

Break: 2:15 – 2:30 p.m.

Break: 4:18 – 4:28 p.m.

Chiz Matthews left at 4:18 p.m.

MOTION MADE BY ELIZABETH D. MAYO TO GO INTO OPEN SESSION AT 5:32 P.M. SUPPORTED BY JENNIFER MISEGAN. NINE IN FAVOR (Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Fred Dakota), ONE OPPOSED (Susan J. LaFERNIER), ABSTAINED - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.

MOTION MADE BY JENNIFER MISEGAN TO APPROVE A \$300.00 DONATION TO THE BHK CHILD DEVELOPMENT CENTER AND KBIC PRE-PRIMARY PROGRAM FOR A FIELD TRIP TO THE MARQUETTE CHILDREN’S MUSEUM FOR 26 CHILDREN. SUPPORTED BY MICHAEL F. LAFERNIER, SR. TEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED – 0, ABSTAINED - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE DALE SCHMEISSER’S SERVICE AGREEMENT FOR THE DIABETES PROGRAM. SUPPORTED BY JENNIFER MISEGAN. TEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINED - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE UP TO \$1500.00 FOR ANGELA PEARSON PAYABLE TO HER VENDORS. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINED - 0, ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.

MOTION MADE BY ELIZABETH D. MAYO TO ADD MARQUETTE TO THE L’ANSE DISTRICT FOR THE PRIMARY BALLOT ELECTION PROCESS. SUPPORTED BY FRED DAKOTA. FIVE IN FAVOR (Doreen Blaker, Jerry Lee Curtis, Michael F. LaFERNIER, Sr., Elizabeth D. Mayo, Fred Dakota), FOUR OPPOSED (Susan J. LaFERNIER, Toni J. Minton, William E. Emery, Jennifer Misegan), ONE ABSTAINED (Larry J. Denomie III), ONE ABSENT (Elizabeth “Chiz” Matthews), MOTION CARRIED.

President Swartz stated the motion was out of order because it was unconstitutional, but a vote was taken.

MOTION MADE BY ELIZABETH D. MAYO TO APPROVE THE BUILDING INSPECTOR'S JOB DESCRIPTION. SUPPORTED BY FRED DAKOTA. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINED - 0, ONE ABSENT (Elizabeth "Chiz" Matthews), MOTION CARRIED.

3rd Reading – Right To Work Ordinance 2008-01 – Title 19 Employment Chapter 19.A

MOTION MADE BY FRED DAKOTA TO ADOPT THE RIGHT TO WORK ORDINANCE 2008-01. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINED - 0, ONE ABSENT (Elizabeth "Chiz" Matthews), MOTION CARRIED.

K. Adjournment:

MOTION MADE BY ELIZABETH D. MAYO TO ADJOURN AT 5:39 P.M. SUPPORTED BY WILLIAM E. EMERY. TEN IN FAVOR (Susan J. LaFernier, Toni J. Minton, William E. Emery, Jennifer Misegan, Larry J. Denomie III, Doreen Blaker, Jerry Lee Curtis, Michael F. LaFernier, Sr., Elizabeth D. Mayo, Fred Dakota), OPPOSED - 0, ABSTAINED - 0, ONE ABSENT (Elizabeth "Chiz" Matthews), MOTION CARRIED.

Respectfully submitted,

Peggy Minton
Recording Secretary