



Kanatak Tribal Council
Emergency Meeting Minutes (Pending Council Approval)
9/13/2011

I. Meeting called to order by President Terrence Shanigan @ 4:45pm AKDT

II. Roll Call:

President Terrence Shanigan - Present
Vice President Alex Giacometti – Present
Secretary/Treasurer Kathy Lakoduk - Present
Council Member Henry F. Forshey - Present
Council Member Shawn Shanigan - Present

Members in attendance: Nicole Breneman, Ranae Booher, Tony Forshey and Tess McGowan

III. Quorum is established

IV. Emergency Business:

- A. Terrence stated that he called the meeting in order to assist the Election Committee with a decision that they had made. Terrence went on to say that the Tribe as an Election Ordinance that should be used to guide the Election Committee. Tess explained that the only election ordinance that she had was one given to her by Tony Olivera from 2008. She went on to say that this was a document that (according to Tony in March 2010) Attorney David Case had told Tony was not valid due to a clause in it regarding the Tribal voting quorum. The Constitution of the Native Tribe of Kanatak requires 30% participation from the Tribe in order for a Tribal Council election to be valid. However, the 2008 Election Ordinance changed the 30% requirement and reduced it to 20% but only if the Tribe was provided with a second election after a failed first election. Tess also stated that she had argued against the 2008 Election Ordinance during the election last year with the BIA's assistance because 3 of the 5 Council member's seated on the Tribal Council at the time the 2008 Election Ordinance was supposedly to have been passed, denied ever having seen, heard of, or signed this ordinance. Tess provided her copy of the 2008 Election Ordinance to the present Council. This document showed that it is signed by RONALDA OLIVERA, SHAWN OLIVERA and TONY OLIVERA.

Terrence agreed that the change on the quorum for Tribal participation was not permitted. Terrence stated that there should be an Election Ordinance that the Tribe has used in years past located in a binder at the office. Since no one has seen or can find this document, Terrence suggested that the Council devise a temporary election ordinance for the current election so that the Election Committee has a set of rules and guidelines to follow.

- B. Terrence then shared with those in attendance that the Election Committee has requested to rent a separate PO Box in Wasilla for all election ballots to be mailed. The Election Committee also requested that the post office hold the mail until the last business day before the election at which time two representatives (either Tess and Shawn, or election committee members) could pick up the ballots together. The Election Committee indicated that they felt it was the best solution to protect the integrity of each ballot and prevent any election ballot from being mixed with the daily office mail. Shawn stated that he felt insulted that the Election Committee did not trust him to collect the ballots. Shawn said that this is a new Council and the Election Committee should have faith in him to keep the ballots safe. Nicole Breneman explained that this request is not about not trusting Shawn but that the Election Committee is responsible for the ballots and since no election committee member lives in AK, they felt that the best place for the ballots was in a locked box that would not be touched by anyone until it is time for the ballots to be counted. There were several voices beginning to chime in with an opinion and/or question. Ranae Booher then stated that she didn't volunteer to sit on the election committee to be yelled at. Ranae stated that the election was important to the Tribe and she thought her participation was appreciated. She went on to say that there have been problems with other elections but that if she was going to get yelled at that she didn't want to be part of this. Nicole interrupted by saying that there have been many trust issues with prior councils and that while this is a new council, the new council is still going to have to earn the trust of the Tribe. She explained that while she does trust Shawn, there were a few elections last year that were not valid or not accepted. Nicole goes on to say that as an Election Committee member she needs to take extra steps to protect the Election ballots so that the members can feel confident in the election results. Terrence stated his concern over no one checking the ballots as they come in. He questioned how would we know if there were enough ballots coming in to reach a 30% quorum. Terrence said that by checking the ballots as they come in we can see who may not have voted yet or whether or not a ballot was received if a member called to check on it. Shawn stated that if not enough ballots are coming in that we would need to let the members know that they need to get theirs in.

Nicole interrupted to say that the Election Committee will send out reminders to the Tribe regardless of knowing how many have been received. Terrence stated that they can't offer "early bird" if they don't know when a member's ballot was received. Nicole stated that the ballot would be postmarked and that is how they confirm when a ballot is received. Terrence stated that he does not like the idea of no one checking on the ballots. Terrence explained that his concern was spending a large amount of money for the Election Committee to come to Alaska for the ballot count and then find out that there are not enough votes to equal a quorum. Tess stated that the only election that did not meet the quorum were the 2 elections held by Tony in 2009 where the Tribe was withholding their votes because the election was for one seat rather than three. She also stated that we might not know if the quorum is met until the week before the election. Tess asked if the Council was planning to wait to purchase the plane tickets until just days before the election. She also asked if AVN was another reason that the members would be coming. Alex indicated that he was fine with the Election Committee having a separate PO Box. Kathy stated that if the Election Committee felt that it was best to have a separate PO Box for the ballots that she had no problem with it. Terrence then suggested that the Election Committee obtain a PO Box or a mailbox from a mail company such as the UPS Store or Mailboxes etc. in their area. Terrence explained that this way the election committee can check on the number of ballots received. Tess stated that if the ballots are mailed to the Election Committee that the deadline for mailed ballots would need to be earlier than the last business day prior to the election to the day the Election Committee leaves for Alaska. Ranae and Nicole agreed to rent a mailbox in PA but stated that the ballots would only be picked up if at least two election committee members went together. They agreed to get a mailbox before the end of the week.

- C. Henry asked if the members of the Election Committee would receive a Stipend for attending today's meeting. Shawn explained that according to BBNA's rules, only Council members could receive a stipend for a Council meeting. Terrence said that maybe we could come up with a solution to compensate them.

V. Meeting Adjourned at 5:32 pm AKDT