

**BOARD OF DIRECTORS REGULAR MEETING
RAMADA INN
MARQUETTE, MICHIGAN
MINUTES
NOVEMBER 20, 2012**

The meeting was opened at 6:44 p.m. by Chairperson Payment.

Present: Cathy Abramson, Debra Pine, DJ Malloy, Jennifer McLeod, Dennis McKelvie, Lana Causley, Catherine Hollowell, Keith Massaway, Bridgett Sorenson, Denise Chase, Darcy Morrow, Joan Anderson, Aaron Payment.

Absent:

Moved by Director Massaway, supported by Director Abramson, to approve the agenda as written.

Motion carried unanimously.

Without Objection, as stated by the Chairperson, the Board will suspend the rules and add the issues of canceling the December 4, 2012 meeting; appropriating funding for the Washington DC trip; and usage of the Tribal Logo. No objections.

Presentation: Joe Gray, newly elected Chair of the Elderly Advisory Committee.

Moved by Director Massaway, supported by Director McLeod, to approve Res. 2012-246, To Develop and Implement a Tribal Action Plan for Comprehensive Prevention and Treatment Program for Alcoholism and Other Substance Abuse.

NOW, THEREFORE, BE IT RESOLVED, the Tribe endorses the establishment of a Tribal Action Plan Advisory Board and designates the following positions on the Advisory Board: the Tribal Chairperson, five (5) members of the Board of Directors, Jennifer McLeod, Lana Causley, Bridgett Sorenson, Denise Chase, and Joan Carr-Anderson, the Chief Judge, the Chief of Police, the Director of Sault Tribe Behavioral Health, the ACFS Division Director, the Housing Director, the Tribal Prosecutor, the Court Administrator/Magistrate, the Specialty Court Coordinator, the Health Division Director, a community representative, a representative from the Cultural Department, the Assistant Membership/Internal Services Executive Director, a Human Resources Manager, the Elder Services Division Director, a representative from Youth Education and Activities; a representative from Planning and Development; and at least one youth representative from each of the five units; and

BE IT FURTHER RESOLVED, the Tribal Action Plan Advisory Board is provided full Board of Directors' support to work with the assistance of the Bureau of Indian Affairs Agency and Bureau of Indian Education where appropriate, and the Indian Health Service, the Office of Justice Programs, and the Substance Abuse and Mental Health Services Administration, as those agencies are mandated by the Tribal Law and Order Act in fulfilling the Advisory Board's mission; and

BE IT FURTHER RESOLVED, the Tribe recognizes the importance of an active Board in developing and implementing the Tribal Action Plan and requires that all members of the Board prioritize their role on the Advisory Board and make every effort to attend all scheduled meetings and trainings, and only in the event that they cannot attend, send a designee on behalf of their department/agency; and

BE IT FURTHER RESOLVED, the Tribal Action Plan Advisory Board is provided full Board of Directors support with the authority to develop and implement a Tribal Action Plan; have the responsibility for on-going review and evaluation of, and making recommendations to the Tribe relating to the Tribal Action Plan; have the responsibility for scheduling Federal, Tribal, or other personnel for training in the prevention and treatment of alcohol and substance abuse among Indians; to identify and address problems that arise concerning service coordination; and incorporate minimum standards for this program and services which it encompasses, and

BE IT FURTHER RESOLVED, the Tribe charges the Tribal Action Plan Advisory Board to prioritize services to Indian youth in the development of the Tribal Action Plan; and

BE IT FURTHER RESOLVED, the Tribe has prioritized alcoholism and substance abuse prevention and treatment as a primary issue to deal with, and has directed that a comprehensive program in compliance with the Anti-Drug Abuse Act of 1986, P.L. 99-570, be developed to address the needs of Tribal members and other Indians living within the Tribal jurisdiction.

Motion carried unanimously.

Moved by Director Massaway, supported by Director McKelvie, to approve Res. 2012-247, Granting License Tribal Logo.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians does hereby grant a limited, non-exclusive, world-wide, royalty-free, transferable license to Travis Hamilton for the Tribal Logo, in the form set forth below, for the limited purpose of printing on the cover and jacket of the movie "More than Frybread; It was only Supposed to be a Contest . . ." in a size not to exceed one-inch squared, and in a non-disparaging manner;

BE IT FURTHER RESOLVED, that the this license shall expire on the date which is ten years from the date of the passage of this Resolution understanding that Travis Hamilton may request extension of this deadline in the future if he desires.

Motion carried unanimously.

Moved by Director Malloy, supported by Director Sorenson, to approve Res. 2012-248, IHS Multi Year Funding Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the proposed modification to the funding agreement for FY 2013 is hereby approved, and the Chairperson is authorized to execute such Agreement on behalf of the Tribe.

Motion carried unanimously.

Moved by Director Chase, supported by Director Morrow, to approve Res. 2012-249, Establish Adhoc Health Access Exploratory Group.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby directs the creation of an *Adhoc Health Access Exploratory Group* to analyze, determine feasibility, and recommend opportunities for health access revitalization and/or expansion in the geographic areas of: Escanaba, Marquette, Kinross, Detour, Drummond Island, Newberry, and after hour clinic access in partnerships in St. Ignace, Marquette, and additional areas to be identified.

BE IT FURTHER RESOLVED, that the following individuals from the Tribe's governing board are hereby appointed to the Adhoc Health Access Exploratory Group:

Tribal Chairperson: Aaron A. Payment

Unit 1: Cathy Abramson

Unit 1: Debra Pine

Unit 2: Lana Causley, Catherine Hollowell

Unit 3: Keith Massaway

Unit 4: Denise Chase

Unit 5: Joan Carr-Anderson

...and the following health division team members are also appointed: Bonnie Culfa, Health Division Director; Rebecca Werner MD, Medical Director; Krysta Hinman OD, Director of Optometry; Tony Abramson, STHC Clinic Manager; Marlene Glaesmann, Rural Health Clinic Manager; Bruce Anderson, DDS; and Jackie McLean, Health Care Administrator/Business Office Manager; Joel Lumsden, Operations Manager; and Dan Frye, Health Division Data Analyst.

BE IT FURTHER RESOLVED, the *Adhoc Health Access Exploratory Group* is hereby directed to report back to the Tribal Board of Directors preliminary findings by April 30, 2013 and with final recommendations made by May 30, 2013.

BE IT FINALLY RESOLVED, the *Adhoc Health Access Exploratory Group* shall also evaluate and bring back a recommendation for the creation of an autonomous *Tribally Designated Health Entity* patterned after the Tribal Housing Commission.

Motion carried unanimously.

Moved by Director Massaway, supported by Director Sorenson, to approve Res. 2012-250, Approval of Assignment of Purchase Agreement from Sibley Investors, LLC Authorization to Purchase Land in Huron Township, Michigan Using Income from the Self-Sufficiency Fund.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves the proposed Purchase Agreement and authorizes the Tribal Chairman to take an assignment of, and assume, that agreement in consideration of reimbursement of a \$25,000 deposit paid by Sibley Investors, LLC under the Purchase Agreement and to subsequently acquire the parcels of land described in that agreement, subject to the terms and conditions set forth in the agreement, and further authorizes the Chairman or his designee to sign, amend, and execute any documents necessary to effectuate the purposes of this resolution.

BE IT FURTHER RESOLVED, that the Board of Directors hereby determines that the purchase of the lands described in the Purchase Agreement and on Exhibit A attached hereto will consolidate or enhance tribal lands, will generate an economic development opportunity beneficial to the Tribe and its members, and that, accordingly, the Tribal Chairman is authorized and directed to accomplish that purchase using interest and/or income from the Self-Sufficiency fund, notwithstanding the provisions of Resolution 98-47, which shall otherwise remain in force and effect.

BE IT FURTHER RESOLVED, that prior to the closing date on each of the four parcels of land described in the Purchase Agreement, the Tribe's Chief Financial Officer is directed to identify alternative tribal funds that shall be used to supplement the next subsequent annual distribution to the tribal elders under Resolution 98-47 in an amount sufficient to avoid any reduction in the amount of that distribution that would otherwise result from the acquisition of that parcel as authorized by this resolution.

BE IT FINALLY RESOLVED, that at such time as the enterprise contemplated by this resolution begins to generate income from the Gaming Authority to the Tribe, after the payment of all necessary costs and expenses:

1. Ten percent (10%) of the annual income to the Tribe from this project shall be deposited in the Self-Sufficiency Fund as an addition to principal as authorized by section 108(1)(C) of the Act;
2. Three percent (3%) of the annual income to the Tribe from this project shall be distributed among and deposited in the following funds: the Elder Health Self-Sufficiency Fund, the Elder Employment Self-Sufficiency Fund, the Funeral Assistance Self-Sufficiency fund, and the Education Assistance Self-Sufficiency Fund; and
3. Two percent (2%) of the annual income to the Tribe from this project shall be deposited into a fund to establish a college scholarship program for tribal members irrespective of blood quantum.

Roll Call Vote: Motion carried with Directors Massaway, Pine, Anderson, Abramson, Malloy, McLeod, Chase, Morrow, Sorenson, McKelvie approving, Directors Hollowell, Causley opposing.

Moved by Director Massaway, supported by Director Abramson, to approve Res. 2012-251, Approval of Put Option for Certain Lands in Huron Township, Michigan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves the proposed put option with JLLJ Corporation and authorizes the Tribal Chairperson to execute that agreement and to subsequently exercise the option if the Chairperson determines that the subject property is no longer needed by the Tribe and that the interests of the Tribe would be best served by exercising the option to sell the property.

Roll Call Vote: Motion carried with Directors McKelvie, Pine, McLeod, Anderson, Hollowell, Massaway, Causley, Chase, Sorenson, Morrow, Abramson approving, Director Malloy opposing.

Moved by Director Massaway, supported by Director Morrow, to approve Res. 2012-252, Approval of Intergovernmental Agreement with Huron Township.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves the proposed INTERGOVERNMENTAL AGREEMENT By and Between the Sault Ste. Marie Tribe of Chippewa Indians and Huron Township, Michigan and authorizes the Tribal Chairperson to execute that agreement and to carry out the commitments contained therein.

BE IT FURTHER RESOLVED, that the Board of Directors hereby expressly approves and authorizes the specific limited waiver of sovereign immunity and of tribal court jurisdiction set forth in Article VII of the Agreement provided that, as is set forth more fully in that Agreement, this waiver:

1. is granted solely for the limited purpose of enforcement of the Agreement within which it is contained;
2. extends only to claims that are (a) brought by the Huron Township on its own behalf, (b) allege a breach by the Tribe of one or more specific obligations or duties under the applicable agreement, (c) seeks specific performance and/or injunctive relief; and (d) prior to filing the claim, the Township has made a good faith effort to utilize the dispute resolution provisions contained in the Agreement;

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3. shall continue for the longer of one (1) year following the termination of the agreement or two (2) years after the claim accrues or is discovered upon the exercise of due diligence; and
4. is enforceable in the United States District Court for the Eastern District of Michigan or any federal court having appellate jurisdiction over that court.

Motion carried with Directors Hollowell, Malloy, Causley opposing.

Moved by Director Abramson, supported by Director Morrow, to approve Res. 2012-253, Approval of Law Enforcement Agreement with Huron Township.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves the proposed LAW ENFORCEMENT AGREEMENT BETWEEN THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS AND HURON TOWNSHIP, MICHIGAN and authorizes the Tribal Chairperson and the Tribal Chief of Police to execute that agreement and to carry out the commitments contained therein.

Motion carried with Directors Causley, Hollowell opposing.

Moved by Director Causley, supported by Director Massaway, to approve the Board of Directors using tribal Letterhead, for official purposes only.

Motion carried unanimously.

Moved by Director McLeod, supported by Director Morrow, to cancel the Dec 4, 2012 Board of Directors meeting. The Board will be traveling Washington DC to meet with the President.

Motion carried unanimously.

Moved by Director Malloy, supported by Director Causley, to approve and appropriate funding for the Board members that are traveling to Washington DC.

Motion carried unanimously.

Moved by Director Abramson, supported by Director Pine, to appoint Jeff Holt as Chairman of the Health Board.

Motion carried unanimously.

Moved by Director Sorenson, supported by Director Abramson, to appoint Brian K. Smith to the Special Needs/Enrollment Committee, for a 2 year term, expiring November 2014.

Motion carried with Director Massaway opposing.

Moved by Director Pine, supported by Director Malloy, to move into Executive Session.

Motion carried with Director Causley opposing.

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Moved by Director Sorenson, supported by Director Causley, to move into Open Session.

Motion carried with Director Pine opposing.

Moved by Director Malloy, supported by Director Abramson, to approve the Interview Panel's (Committee) recommendation and hire Mike Lumsden as the Executive Director of Internal Services.

Roll Call Vote: Motion denied with Directors Abramson, Malloy approving, Directors Hollowell, McLeod, Sorenson, Anderson, Pine, Morrow, McKelvie, Causley, Chase, Massaway opposing.

Moved by Director Malloy, supported by Director Abramson, to approve the Interview Panel's (Committee) recommendation and hire Christine McPherson as the Human Resource Director.

Roll Call Vote: Motion carried with Directors Abramson, Anderson, Pine, Massaway, Causley, McKelvie, Chase, Sorenson, Morrow, Malloy approving, Directors Hollowell, McLeod opposing.

Moved by Director McKelvie, supported by Director McLeod, to adjourn the meeting.

Roll Call Vote: Motion denied with Director McKelvie approving, Directors Massaway, Hollowell, Pine, Anderson, Abramson, Malloy, McLeod, Chase, Causley, Morrow, Sorenson opposing.

Moved by Director Chase, supported by Director Morrow, to suspend the rules and add the issue of hiring Christine McPherson as the Executive Director of Internal Services.

Roll Call Vote: Motion carried with Directors Pine, McLeod, Anderson, Massaway, Causley, Chase, Sorenson, Morrow, Abramson approving, Directors McKelvie, Hollowell, Malloy opposing.

Moved by Morrow, supported by Director McLeod, to accept the second in line from the Interview Committee and hire Christine McPherson as the Executive Director of Internal Services.

Roll Call Vote: Motion carried with Directors McLeod, Sorenson, Abramson, Anderson, Pine, Morrow, Causley, Chase approving, Directors Hollowell, Malloy, McKelvie, Massaway opposing.

Moved by Director Massaway, supported by Director Malloy, to adjourn the meeting.

Motion carried unanimously.

Meeting adjourned: 9:10 p.m.

Date: 1-2-2013

Secretary: Cathy Abramson

Others present: John Wernet, Bill Connolly, Angeline Bouley, Russ McKerchie, Sheryl McKerchie, Tony Goetz, Officer Schlabach, Joanne Carr.