

## ROLL CALL MATRIX

Meeting Date: 12-11-2018

P	A	Res. Number 2018	285	286	287	288	289	290	291	292	293	294	295
		Unanimous	U	U	U	U			U	U	U	U	U
X		Michael McKerchie		Y	2	Y	Y	Y					
X		Kim Gravelle	1	Y	1	Y	N	Y					2
X		Denny McKelvie		Y		Y	Y	N				1	
X		DJ Hoffman		Y		Y	N	Y					
	X	Jennifer McLeod	---	---	---	---	---	---	---	---	---	---	---
X		Lana Causley		2Y		2Y	Y	1Y	1		1		
X		Cath Hollowell		Y		Y	2Y	Y					
X		Bridgett Sorenson		Y		Y	1Y	2Y	2	1			1
X		Keith Massaway	2	Y		Y	Y	Y		2	2	2	
X		Denise Chase		1Y		1Y	N	Y					
X		Darcy Morrow		Y		Y	Y	Y					
	X	Charles Matson	---	---	---	---	---	---	---	---	---	---	---
X		Aaron Payment											

- 1 = Made Motion
- Y = Voted Yes
- A = Abstained
- 2 = Second/Support Motion
- N = Voted No
- U = Unanimous

# ROLL CALL MATRIX

Meeting Date: 12-11-2018

P	A	Res. Number 2018	296	297	298	299							
		Unanimous		U	U								
X		Michael McKerchie			Y	Y							
X		Kim Gravelle			Y	N							
X		Denny McKelvie			Y	2Y							
X		DJ Hoffman	1	2	1Y	N							
	X	Jennifer McLeod	---	---	---	---							
X		Lana Causley	A	1	Y	Y							
X		Cath Hollowell	A		2Y	Y							
X		Bridgett Sorenson	2		Y	1Y							
X		Keith Massaway			Y	Y							
X		Denise Chase			Y	N							
X		Darcy Morrow			Y	N							
	X	Charles Matson	---	---	---	---							
X		Aaron Payment											

- 1 = Made Motion
- Y = Voted Yes
- A = Abstained
- 2 = Second/Support Motion
- N = Voted No
- U = Unanimous



RESOLUTION NO: 2018-285

**GLRI AMERICAN MARTEN  
ESTABLISHMENT OF FY 2019 BUDGET**

**Min Waban Dan**

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Office**

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**Government  
Services**

**Membership  
Services**

**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2019 budget for GLRI American Marten with Federal BIA monies of \$9,298.83. No effect on Tribal Support.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2018-286

**TOTR OPIOID  
ESTABLISHMENT OF 2019 BUDGET**

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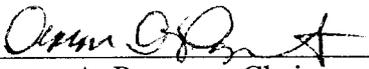
**Membership  
Services**

**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2019 budget for Tribal Opioid Treatment and Recovery (TOTR) grant with Other Revenue – Inter-Tribal monies of \$60,000.00.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2018-287

**TOP OPIOID  
ESTABLISHMENT OF 2019 BUDGET**

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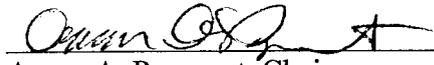
**Membership  
Services**

**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2019 budget for Tribal Opioid Prevention (TOP) grant with Other Revenue – Inter-Tribal monies of \$17,904.00.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2018-288

**PERINATAL OPIOID USE DISORDER  
ESTABLISHMENT OF 2019 BUDGET**

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**Government  
Services**

**Membership  
Services**

**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2019 budget for Perinatal Opioid Use Disorder grant with Other Revenue – Inter-Tribal monies of \$90,600.00.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2018-289

**BIG BEAR – PRO SHOP  
ESTABLISHMENT OF FY 2019 BUDGET**

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Services**

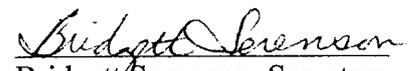
**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2019 budget for Big Bear Prop Shop with Other Revenue monies of \$106,133.00 and Tribal Support monies of \$169.62.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 7 members for, 3 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2018-290

**CONTINUING FUNDING AUTHORITY  
GOVERNMENTAL SCHEDULE C  
FOR FISCAL YEAR 2019**

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Services**

**Economic  
Development  
Commission**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (“Tribe”) is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Board of Directors and tribal staff have not completed the process of reviewing budgets for their respective budget year 2019; and

WHEREAS, the attached governmental center list, for budget year 2019 is still under review and will not be completed until after the fiscal year start date of January; and

WHEREAS, the Board of Directors wants to ensure that services are not left unfunded for a period between the expiration of the fiscal year 2018 budgets and approval of the fiscal year 2019 budgets.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing funding for the attached cost centers for fiscal year 2019, at their 2018 spending levels, for a period not to exceed 60 days:

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians

## Budget Department - Cost Center Information

Cost Center #	Division	Program/Cost Center Name	Program Manager
2050	ACFS	Indian Child Welfare	Melissa VanLuven
2110	ACFS	Lodge of Bravery	Jami Moran
2113	ACFS	Advocacy Resource Center	Jami Moran
2340	ACFS	Social Work	Melissa VanLuven
2400	ACFS	Binogii Placement Agency	Melissa VanLuven
2500	ACFS	Staffing Operations	Melissa VanLuven
3100	ACFS	ACFS Department - Fundraising	Juanita Bye
3740	ACFS	General Assistance	Juanita Bye
3860	ACFS	Victim's Services Vehicle	Jami Moran
3861	ACFS	Victim's Services Fundraising	Jami Moran
3920	ACFS	Foster Care	Melissa VanLuven
4060	ACFS	ACFS Government Vehicle	Juanita Bye
4540	ACFS	Employee Assistance	Juanita Bye
4541	ACFS	Emergency Assistance	Juanita Bye
4542	ACFS	Elder Heating	Juanita Bye
9070	ACFS	Funeral Assistance	Juanita Bye
1211	Big Bear	CRC - Administration	Tammy Grahman
1215	Big Bear	CRC - Youth Programs	Tammy Grahman
1216	Big Bear	CRC - Events Management	Tammy Grahman
1217	Big Bear	CRC - Building Operations	Tammy Grahman
6813	Big Bear	CRC - Pro Shop	Tammy Grahman
6814	Big Bear	CRC - Concessions	Tammy Grahman
1069	Cultural	New Year's Eve Pow Wow	Lisa Corbiere - Moran
1070	Cultural	Pow Wows	Lisa Corbiere - Moran
1073	Cultural	Pow Wow General	Lisa Corbiere - Moran
1080	Cultural	Cultural Camp	Lisa Corbiere - Moran
1182	Cultural	Cultural - Ojibway Language	Colleen Medicine
1191	Cultural	Cultural - Repatriation	Colleen Medicine
1206	Cultural	Fee-Based Consultation	Colleen Medicine
11842	Cultural	Cultural	Lisa Corbiere - Moran
2060	Education	Higher Education	Lisa Corbiere - Moran
2080	Education	Youth Education & Activities	Laura Porterfield
2083	Education	Sponsorships	Lisa Corbiere - Moran
3960	Education	Child Care Center	Anne Suggitt
9050	Education	Higher Education	Lisa Corbiere - Moran
11841	Education	Education	Lisa Corbiere - Moran
1168	Elder	Elder Recreation	Latisha Willette
3830	Elder	Eldercare Services	Latisha Willette
3831	Elder	Eldercare Transportation	Latisha Willette
3832	Elder	Elder Ramp Program	Latisha Willette
9090	Elder	Elder Health Care	Latisha Willette
3950	Employment	Tribal Employment	Brenda Cadreau
3951	Employment	Elder Employment	Brenda Cadreau
3952	Employment	WIA Youth/Senior Employment	Brenda Cadreau
2460	Fisheries Natural Resources	Inter - Tribal Fisheries	Brad Silet
2870	Fisheries Natural Resources	Nunn's Creek Fisheries	Brad Silet
2871	Fisheries Natural Resources	Rehab Hatchery	Brad Silet
4490	Fisheries Natural Resources	Inland Fish & Wildlife	Eric Clark
11191	Fisheries Natural Resources	Tribal Climate Change Program	Eric Clark
11403	Fisheries Natural Resources	GLRI Adaptive Management	Eric Clark
11404	Fisheries Natural Resources	Ruffed Grouse	Eric Clark
4000	Fund	BIA	Rita Bricker
4510	Fund	Federal Subrecipient	Rita Bricker
9100	Fund	Sault Tribe Memorial & Honorary	Jessica Dumback
1022	General	Youth Development Fund	Jessica Dumback
1160	General	Tribal Operations	Robert Schulte
1173	General	Debt	Robert Schulte
1180	General	Tribal Gaming Commission	Ken Ermatinger
1015	Governmental	Enrollment	Julie Salo
1025	Governmental	Chairperson Travel	Christine McPherson
1155	Governmental	EDC	Joel Schultz
1161	Governmental	Special Events	Joanne Carr
1163	Governmental	Elections	Joanne Carr
1165	Governmental	Board of Directors	Joanne Carr
1201	Governmental	Executive Office	Christine McPherson

Cost Center #	Division	Program/Cost Center Name	Program Manager
1202	Governmental	Strategic Director	Larry Jacques
1203	Governmental	Admin Staff	Jessica Dumback
1205	Governmental	Executive to Assit Exec	Jessica Dumback
2930	Governmental	Transportation Grant	Wendy Hoffman
2931	Governmental	IRR Roads Maintenance	Wendy Hoffman
2932	Governmental	IRR Roads	Wendy Hoffman
2934	Governmental	Road Maintenance	Wendy Hoffman
2936	Governmental	Bridge Maintenance	Wendy Hoffman
4041	Governmental	Environmental Contracts	Kathleen Brosemer
4042	Governmental	Environmental Services	Kathleen Brosemer
1207	Governmental	Employee Recognition	Jessica Dumback
2040	Health	Detention Therapist	Tony Abramson
11621	Health	IHS Special Diabetes Grant	Devin Krause
2480	Law Enforcement	Conservation Management	Bob Marchand
2481	Law Enforcement	Permitting	Bob Marchand
2580	Law Enforcement	Public Safety Enforcement	Bob Marchand
2582	Law Enforcement	Trident Forfeiture Fund	Bob Marchand
2940	Law Enforcement	Juvenile Detention Ops	Bob Marchand
3180	Law Enforcement	Juvenile Detention Repairs & Maint.	Bob Marchand
11501	Law Enforcement	Adult Incarceration	Bob Marchand
1019	Legal	Legal Special Projects	John Wernet
1020	Legal	Tribal Attorney	John Wernet
1050	Legal	Tax Agreement Admin	Candace Blocher
1169	Legal	Government Relations	Mike McCoy
1204	Legal	Employee Specialist	John Wernet
2785	Legal	Proscutors Office	John Wernet
9080	Self Sufficiency	Land Claims	Robert Schulte
9091	Self Sufficiency	Employment	Robert Schulte
2780	Tribal Court	Judicial Services	Jocelyn Fabry
2781	Tribal Court	Apellate Court	Traci Swan
2782	Tribal Court	Juvenile Detention	Jocelyn Fabry
2783	Tribal Court	Appellate Defense	Jocelyn Fabry
3850	Tribal Court	Tribal Court	Jocelyn Fabry
3851	Tribal Court	Tribal Court	Jocelyn Fabry
3853	Tribal Court	Tribal Court Drug Court	Jocelyn Fabry
3854	Tribal Court	Tribal Court Juvenile Fund	Jocelyn Fabry
6010	Utility Authority	Utility Authority - Admin	Joni Talentino
6012	Utility Authority	Utility Authority - Hessel	Joni Talentino
6014	Utility Authority	Utility Authority - Manistique	Joni Talentino
6015	Utility Authority	Utility Authority - Wetmore	Joni Talentino
8250	Internal Service	Northern Travel	Robert Schulte
8500	Internal Service	Central Supply	Robert Schulte
8506	Internal Service	Central Supply - St. Ignace	Robert Schulte
8510	Internal Service	Accounting	Robert Schulte
8511	Internal Service	Accounting - Fixed Asset Manager	Robert Schulte
8512	Internal Service	Payroll	Robert Schulte
8520	Internal Service	M.I.S.	Jay Eggert
8531	Internal Service	Communications - W.A.N.	Jennifer Dale Burton
8540	Internal Service	Indirect Costs	Budget Department
8541	Internal Service	Indirect Costs - Planning & Development	Larry Jacques
8543	Internal Service	Indirect Costs - Membership Services	Stephanie Sprecker
8545	Internal Service	Indirect Costs - Office Management	Stephanie Sprecker
8546	Internal Service	Indirect Costs - Executive Director	Christine McPherson
8551	Internal Service	Human Resources - Administration	Mark Dumbeck
8560	Internal Service	OMB	Budget Department
8570	Internal Service	Telecommunications	Nick Eitrem
8571	Internal Service	Telecommunications Sales	Nick Eitrem
8580	Internal Service	Internal Auditor	Robert Schulte
76300	Internal Service	Sault Tribe Construction - Commercial	William Sams
76600	Internal Service	Sault Tribe Construction - Public Works	William Sams
76733	Internal Service	Sault Tribe Construction - Fleet	William Sams
8750	Internal Service	Self Insurance - Administration	Doug Goudreau
8751	Internal Service	Self Insurance - Worker's Compensation	Doug Goudreau
8753	Internal Service	Self Insurance - Except WC, Health	Doug Goudreau
8755	Internal Service	Self Insurance - Safety	Doug Goudreau
8756	Internal Service	Self Insurance - Health	Doug Goudreau



RESOLUTION NO: 2018-291

**UNDERSTANDING NORTHERN WHITE CEDAR DYNAMICS IN BOREAL  
TRANSITION FORESTS: PARTNERSHIP WITH MICHIGAN  
TECHNOLOGICAL UNIVERSITY AND  
INTER-TRIBAL COUNCIL OF MICHIGAN**

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Services**

**Economic  
Development  
Commission**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a Federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the mission of the Sault Ste. Marie Tribe of Chippewa Indians is to provide for the perpetuation of our way of life and the welfare and prosperity of our people, to preserve our right to self-government and to protect our property and resources as ordained by the establishment of our constitution and bylaws; and

WHEREAS, the Tribe has on-going partnerships with Inter-Tribal Council of Michigan and Michigan Technological University, focused on understanding the impacts of climate change on forest and more specifically giiziek (northern white cedar) resources in the 1836 Ceded Territory; and

WHEREAS, to further this work, the Inter-Tribal Council of Michigan was awarded funding from the Bureau of Indian Affairs for a proposal titled "Understanding Northern White Cedar Dynamics in Boreal Transition Forests".

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians formally supports work contained in this proposal.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2018-292

**TRIBAL TRANSPORTATION  
2019-2022 TRANSPORTATION IMPROVEMENT PLAN (TTIP)**

WHEREAS, transportation plays an integral role in serving local infrastructure and community needs; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors is a federally recognized governing body of the Tribal members of the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, the Tribe has worked to developed the 2019-2022 Sault Ste. Marie Tribe of Chippewa Indians Tribal Transportation Improvement Plan, which we are using to request the Bureau of Indian Affairs to incorporate into their Control Schedule Transportation Improvement Plan as a required step to help us receive our "Tribal Shares" funding, and

WHEREAS, the Board of Directors agrees with the needs and priorities presented in the 2019-2022 Sault Ste. Marie Tribe of Chippewa Indians Tribal Transportation Improvement Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors supports and adopts the 2019-2022 Sault Ste. Marie Tribe of Chippewa Indians TIP for the projects listed in the attached CSTIP forms that were developed between us and the BIA for Tribal Shares Funding.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 0 members against, 1 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
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RESOLUTION NO: 2018-293

**CHILD PROTECTION BACKGROUND CHECK INVESTIGATIONS  
FOR TEAM MEMBERS HAVING  
REGULAR CONTACT WITH OR CONTROL OVER CHILDREN**

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WHEREAS, 25 USC 3201 requires the Tribe to conduct background checks of all employees and volunteers whose positions involve regular contact with or control over children; and

WHEREAS, in order to comply with this requirement, and to assure that tribal children are protected from harm, the Board of Directors adopted Resolution 2001-125 enacting a comprehensive Background Investigation Policy for all employees and volunteers working with or near children, as subsequently modified by Resolution 2002-87; and

WHEREAS, the Board of Directors has determined that the existing Background Investigation Policy may be excessive, imposing restrictions and timeframes that are not mandated by the federal statute, that may be unnecessary for the protection of tribal children, and that unduly restrict the Tribe's ability to provide employment to otherwise qualified tribal members; and

WHEREAS, the Board has concluded that the attached amended version of the policy will more accurately reflect the needs of the Tribe while remaining in full compliance with 25 U.S.C 3201.

NOW, THEREFORE, BE IT RESOLVED, the Sault Tribe Board of Directors hereby adopts the attached policy entitled "Child Protection Background Investigations for Team Members Having Regular Contact with or Control over Children" and, further, rescinds the former policy entitled "Background Investigations."

BE IT FURTHER RESOLVED, that the Human Resources Department is directed to work with program directors, managers, and supervisors to review all existing job descriptions to ensure that they are in compliance with this revised policy.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians

**SAULT STE. MARIE TRIBE**

**OF**

**CHIPPEWA INDIANS**

**CHILD PROTECTION BACKGROUND INVESTIGATIONS**

**FOR TEAM MEMBERS HAVING**

**REGULAR CONTACT WITH OR CONTROL OVER CHILDREN**

**POLICY AND PROCEDURES**

## **I. Purpose.**

This document establishes and describes the policy and procedure for assuring the suitability for employment of all individuals employed by the Tribe in any position that has regular contact with or control over children. It is intended to comply with the requirements of the federal Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. §3201 et seq, by assuring that individuals employed in such positions have not been convicted of certain types of crimes and have not acted in a manner that places others at risk or raises questions about their trustworthiness.

## **II. Scope.**

The Child Protection Background Investigation policy is exclusively for the purpose of complying with the requirements of the federal Indian Child Protection and Family Violence Prevention Act by determining suitability for employment for those specific individuals who fall under this policy as having regular contact with, or control over children. There are other kinds of background checks that may be performed for employment and/or gaming licensing purposes. Those background checks serve different purposes, will typically involve different standards, and are not covered by this policy.

## **III. Policy.**

The Tribe shall conduct Child Protection Background Investigations and determine the suitability of all applicants, volunteers, and team members applying for, transferring to, or currently holding positions that involve regular contact with, or control over, children.

The Tribe shall not place an applicant, volunteer, or team member in a position that involves regular contact with, or control over, children, if such individual has been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense or any of two or more misdemeanor offenses, under federal, state, or tribal law involving crimes of violence; sexual assault, molestations, exploitation, contact or prostitution; crimes against persons; or crimes committed against children.

The Tribe may not place an applicant, volunteer, or team member in a position that involves regular contact with, or control over children, if such individual has been convicted of an offense involving a sex crime or drug felony.

All applicable provisions of the Indian Child Protection and Family Violence Prevention Act and the applicable regulations shall apply to the administration of this policy and procedures. Specifically, a copy of the Act and 25 CFR part 63 shall be kept at Human Resources for guidance and reference.

The scope of the Indian Child Protection and Family Violence Prevention Act and its applicable regulations is limited to "Indian children." As a result of contact with Indian

and non-Indian children, the Tribe extends this policy and procedures to cover all children.

#### **IV. Definitions.**

- A. “Adjudication” means a Child Protection Background Investigation to determine the suitability of an applicant, volunteer, or team member for an applicable position, and includes, without limitation, questioning and gathering information through an employment application, a questionnaire, a criminal history check, and a central registry check through a child protective service information system.
- B. “Adjudicating official” means the person who collects the information obtained through the Child Protection Background Investigation and determines, based upon that information, the suitability of an applicant, volunteer, or team member for an applicable position.
- C. “Appeal” means the process under which an applicant, volunteer, or team member may explain, deny, or refute unfavorable or incorrect information contained in the Notice of Receipt of Derogatory Information.
- D. “Applicable position” means a position with the Tribe, or any of its entities that involves regular contact with, or control over, children.
- E. “Applicant” means a person that is first applying for an applicable position, either as a volunteer or team member.
- F. “Central registry check” means any state, federal, or tribal registry.
- G. “Child” or “Children” means any unmarried person under the age of 18 years or any unmarried person over the age of 18 years who is mentally disabled and participating in a Tribal program.
- H. “Crime against person” means an offense that has an element of use, attempted use, or threatened use of physical force or other abuse of a person and includes, but is not limited to, homicide; assault; kidnapping; false imprisonment; reckless endangerment; robbery; rape; sexual assault, molestation, exploitation, contact, or prostitution; and other sexual offenses. The adjudicating official must contact the Tribal Prosecutor to determine if a particular crime is defined as a crime against persons pursuant to state, federal, or tribal law.
- I. “Crime of violence” means an offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another and includes, but is not limited to, homicide, rape, mayhem, kidnapping, robbery, and burglary. The adjudicating official must contact the Tribal Prosecutor to determine if a particular crime is defined as a crime of violence pursuant to state, federal, or tribal law.

- J. “Government” means any state, federal, or tribal government.
- K. “Human Resources Department” or “Human Resources” means the Human Resources Department of the Sault Ste. Marie Tribe of Chippewa Indians.
- L. “Indian Child Protection and Family Violence Prevention Act” means 25 U.S.C. § 3201, et seq.
- M. “Investigative Report” means the written decision of the adjudicating official as to the suitability of an applicant, volunteer, or team member for an applicable position.
- N. “Notice of Derogatory Information” means a written summary of all unfavorable information gathered in a Child Protection Background Investigation.
- O. “Regular contact with or control over children” means a responsibility for a child within the scope of the person’s duties and responsibilities or access to a child on a recurring and foreseeable basis. For a team member to qualify under this definition, the team member’s duties must include or must reasonably be expected to involve personal interaction with a child(ren) at least once per week or the authority to direct, supervise, mentor, care for, detain, or control children in any manner.
- P. “Team member” means a person that is currently employed in an applicable position.
- Q. “Volunteer” means a person that is in a non-paid applicable position, but shall not include parents meeting court or legal mandates to participate in the Head Start or Early Head Start Programs.
- V. **Applicable Positions.**
  - A. The following positions shall require a Child Protection Background Investigation under this policy and a determination of suitability regardless of whether they are to be performed by an existing employee, an applicant to be hired for the position, or a volunteer:
    1. Any position within the day care center, including, but not limited to, sanitation and janitorial positions.
    2. Any position within law enforcement, except, however, receptionist and secretarial positions that do not involve regular contact with, or control over, children.

3. Any position within the community recreation center, including, but not limited to, sanitation, janitorial, concession, and pro shop positions.
4. Any position within health services, including, but not limited to, sanitation and janitorial positions, except, however, receptionist and secretarial positions that do not involve regular contact with, or control over, children.
5. Any position within the cultural center, including, but not limited to, sanitation and janitorial positions.
6. Any position within child placement, except, however, receptionist and secretarial positions that do not involve regular contact with or control over children.
7. Any position within youth education, except, however, receptionist and secretarial positions that do not involve regular contact with, or control over, children.
8. Any position within Head Start or Early Head Start Programs, including, but not limited to, sanitation and janitorial positions, and any other position that performs work at the program location. Parents participating in the Head Start or Early Head Start Programs are exempt from this classification for the purposes of these Programs only.
9. Any bus driver position or any other position in which the person is responsible for the transportation of children.
10. Any social service or mental health case worker position.
11. Any Court Appointed Special Advocate position.
12. Any victim's advocate position.
13. Any probation officer position.
14. Any youth program position.
15. Any other position that has regular contact with or control over children.

B. Excluded positions.

1. Except in case of emergency, the following tribal employees are prohibited from entering a residence located on tribal reservation or trust land if children are present in the residence unless a parent or other adult responsible for the child is present:

- a. Housing Authority employees;
  - b. Tribal construction or maintenance employees.
2. Notwithstanding the provisions of subsection A, above, other positions may be excluded from this policy if:
- a. The Program or Department promulgates and enforces a strict policy prohibiting all employees in that position from entering any premises where minor children are present unless a parent or other adult responsible for the child is present or otherwise assuring that employees in that position will not have unsupervised contact with children; and
  - b. The Program or Department obtains approval of that policy by the Director of Human Resources and by resolution of the Tribe's Board of Directors.

C. The Director of Human Resources, or the Director's designee, shall have the authority to determine whether a position is included within the above applicable positions and the extent of any exception(s) to such inclusion.

D. The Director of Human Resources, or the Director's designee, shall have the authority to designate other applicable positions not specifically identified in the above Paragraph A, which require a Child Protection Background Investigation.

## **VI. Procedure.**

A. Human Resources shall conduct the adjudication of all applicants, volunteers, and team members applying for, transferring to, or currently holding applicable positions under this policy.

1. Child Protection Background Investigations and determinations of suitability shall be conducted in a consistent, uniform manner in accordance with these policies and procedures for all applicants, volunteers, and team members.
2. Child Protection Background Investigations and determinations of suitability shall be conducted every five (5) years for volunteers and team members holding applicable positions.

B. Human Resources shall ensure that all applicants, volunteers, and team members for applicable positions complete a questionnaire, which shall include the following questions and statements:

1. Please identify your previous employment, in reverse chronological order, starting with the most recent and going back ten (10) years.

2. Please identify your supervisor for every position identified above.
3. Please identify every school you have attended starting with high school.
4. Please identify every place you have lived for the previous ten (10) years.
5. Have you ever been arrested or convicted of a crime involving a child, violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against persons? If yes, please describe the disposition of the arrest or conviction.
6. Have you ever been arrested or convicted of a sex crime, other than those listed in question five, or drug felony? If yes, please describe the disposition of the arrest or conviction.
7. Have you ever been terminated from a position that involved regular contact with, or control over, children? If yes, please describe the circumstances surrounding the termination and identify the employer.
8. Do you have an alcohol or substance abuse problem? If yes, please describe.
9. Have you ever sought counseling or treatment for alcohol or substance abuse of any nature? If yes, please describe the counseling or treatment, including the type, date(s), and whether completed.
10. Have you ever illegally used narcotics, drugs, or other controlled substances? If yes, please describe.
11. Have you ever sought counseling or treatment for narcotic, drug or controlled substance abuse of any nature? If yes, please describe the counseling or treatment, including the type, date(s), and whether completed.
12. Have you ever knowingly or willfully engaged in an act or activities designed to disrupt government programs? If yes, please describe the act or activities, including the date(s).
13. Have you ever engaged in misconduct or negligence that interfered with or affected a current or prior employer's performance of duties and responsibilities? If yes, please describe the misconduct or negligence, including the date(s).

14. Have you ever made an intentional false statement, deception, or fraud on an examination or in obtaining employment? If yes, please describe the statement, deception, or fraud, including the date(s).
  15. Have you ever refused to furnish testimony or cooperate with an investigation? If yes, please describe the event or investigation, including the date(s).
  16. You hereby verify, under penalty of perjury, that all of the information contained in this questionnaire is complete, accurate, and true.
- C. Human Resources shall ensure that all applicants, team members, and volunteers, if appropriate, for applicable positions complete an employment application, which shall include the following questions and statements:
1. Have you ever been arrested or convicted of a crime involving a child, violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution, or crimes against persons? If yes, please describe the disposition of the arrest or conviction.
  2. Have you ever been arrested or convicted of a sex crime, other than those listed in the above question one, or drug felony? If yes, please describe the disposition of the arrest or conviction.
  3. As an applicant, volunteer, or team member applying for, transferring to, or currently holding an applicable position, you must immediately report to the Tribe any arrest or conviction involving any above listed crime.
  4. As an applicant, volunteer, or team member applying for, transferring to, or currently holding an applicable position, a criminal history check and a Child Protection Background Investigation are conditions of employment. Will you consent, in writing, to a record check and a Child Protection Background Investigation? If yes, you must sign separate release and authorization form(s).
  5. You hereby verify, under penalty of perjury, that all of the information contained in this application is complete, accurate, and true.
- D. Human Resources shall ensure that a central registry check is completed by requesting a report from the Family Independent Agency and in the event the applicant, volunteer, or team member has not lived in Michigan for the previous ten (10) years, a similar check is completed by requesting a report from the applicable other state or country of residence, as applicable. In addition, Human Resources may request reports from agencies similar to the Family Independent Agency, such as tribal social service agencies.

- E. Human Resources, in its discretion, may conduct the criminal history check through the Bureau of Indian Affairs, Division of Law Enforcement Services, Operational Support Branch. The Department where the team member works shall be responsible for all fees or costs for conduction the criminal history checks.
  - 1. Human Resources, in the interest of efficiency, may also use, in accordance with 25 CFR Part 63.16, tribal resources such as the tribal police, a private firm, the Office of Personnel Management or the Michigan State Police in order to conduct a Child Protection Background Investigation for applicants, volunteers, and team members. The investigation must be as comprehensive as that of the BIA and review, at a minimum, the applicant's criminal history for the previous ten (10) years.
  - 2. Human Resources, in addition to the BIA or other method, shall also conduct a criminal history check through local law enforcement agencies in order to obtain a written record of any criminal history.
- F. Human Resources shall be responsible for ensuring that applicants, volunteers, and team members for applicable positions submit appropriate fingerprint samples.
- G. Human Resources shall be responsible for checking non-criminal history information such as, but not limited to, past employment history, employment references, personal references, residency history, and education history.

## **VII. Adjudication Official.**

- A. The Director of Human Resources, or the Director's designee, shall be the adjudicating official. The adjudicating official must be well qualified to conduct and must be trained in Child Protection Background Investigation techniques and thoroughly familiar with all laws, regulations, and criteria involved in making a determination for suitability. The Legal Department shall assist Human Resources in preparing the adjudication official with instructions on, and copies of, laws and regulations.
- B. The adjudicating official, after having been subject to a Child Protection Background Investigation with a determination of suitability, shall be responsible for the compilation and assessment, in terms of accuracy, completeness, relevance, seriousness, and overall significance of the information obtained in each Child Protection Background Investigation.
- C. The adjudicating official must complete an investigative report for each applicant, volunteer or team member for an applicable position.

1. Determining suitability for employment does not evaluate skills, knowledge, and experience. Rather, it is limited to the background of each applicant, volunteer, and team member with regard to criminal history, certain non-criminal conduct, and past interaction with children.
  2. The adjudicating official must, upon the collection and assessment of the information obtained through the Child Protection Background Investigation under this policy:
    - (a) Review each security investigation form, questionnaire, and employment application and compare the information;
    - (b) Review the results of written records searches requested from local law enforcement agencies, former employers, former supervisors, employment references, and schools;
    - (c) Review the results of the fingerprint charts maintained by the Federal Bureau of Investigation or other law enforcement information maintained by other agencies;
    - (d) Determine the degree of risk the applicant, volunteer, or team member brings to the applicable position;
    - (e) If appropriate, certify that the past conduct of the applicant, volunteer, or team member would not interfere with his or her performance, nor would it create an immediate or long-term risk to any child.
- D. Relevancy is a key standard in evaluating investigative data. The adjudicating official must consider prior conduct in light of:
1. The nature and seriousness of the conduct in question;
  2. The recency and circumstances surrounding the conduct in question;
  3. The age of the individual at the time of the incident;
  4. Societal conditions that may have contributed to the nature of the conduct;
  5. The probability that the individual will continue the type of behavior in question; and
  6. The individual's commitment to rehabilitation and a change in the behavior in question.

- E. In conjunction with a review under this Section VII, an applicant, volunteer, or team member may be disqualified from consideration or continuing employment in an applicable position if it is found that:
1. The individual's misconduct or negligence interfered with or affected a current or prior employer's performance of duties and responsibilities;
  2. The individual's criminal or dishonest conduct affected the individual's performance or the performance of others;
  3. The individual made an intentional false statement, deception, or fraud on an examination or in obtaining employment;
  4. The individual refused to furnish testimony or cooperate with an investigation;
  5. The individual's alcohol or substance abuse is of a nature and duration that suggests the individual could not perform the duties of the position or would directly threaten the property or safety of others;
  6. The individual has illegally used narcotics, drugs, or other controlled substances without evidence of substantial rehabilitation;
  7. The individual knowingly and willfully engaged in an act or activities designed to disrupt government programs; or
  8. The individual has engaged in other criminal activity that raises questions as to trustworthiness.
- F. The adjudicating official may consider the weight and significance of crimes other than those listed in Section VIII, Paragraphs A and B in determining the suitability of an applicant, volunteer, or team member for an applicable position.

### **VIII. Disposition of Investigation.**

- A. Human Resources shall deny employment to an applicant or dismiss a volunteer or team member for an applicable position, if such individual has been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense or any of two or more misdemeanor offenses, under federal, state or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or crimes committed against children.
- B. Human Resources may not place an applicant, volunteer, or team member in an applicable position, if such individual has been convicted of an offense involving a sex crime or drug felony.

1. The discretion allowed in the above paragraph B is dependent upon the adjudicating official's conclusions after following the procedures established in the above Section VII, Paragraphs C, D, E, F.
  2. If the Director of Human Resources is not the adjudicating official, the Director shall review the recommendation of the adjudicating official, and shall have final authority to deny or grant employment pursuant to the above Paragraph B.
- C. Human Resources shall deny an applicant or volunteer employment if such individual has been charged with an offense noted in Paragraphs A and B, above, but the charge is pending and no disposition has been made by a court or the charge has not been dismissed by the prosecuting attorney. If a charge is dismissed or resolved in favor of the applicant or volunteer, Human Resources may review the application and make a determination based on the requirements of the above Section VII, Paragraphs C, D, E, and F.
- D. Human Resources may deny any on-the-job contact of children or place a current volunteer or team member on disciplinary leave of absence, if the individual has been charged with an offense but the charge is pending and no disposition has been made by a court or the charge has not been dismissed by the prosecuting attorney. Such disciplinary leave of absence shall last until the final disposition of the matter. Upon final disposition Human Resources shall make a determination as to the suitability for employment before returning the volunteer or team member to the applicable position.
1. Human Resources shall notify and work with the management of the department where the team member works in order to implement the above Paragraph D.
  2. Human Resources shall follow the procedure outlined in Section X upon notification that a volunteer or team member has been charged with an offense.
  3. The volunteer or team member retains the right to appeal the disciplinary leave of absence pursuant to Section X. However, the disciplinary leave of absence shall not be stayed during the appeal process. Upon a successful appeal the volunteer or team member shall be reinstated in the applicable position.
  4. If final disposition is not forthcoming within thirty (30) days, Human Resources, together with the volunteer's or team member's department, shall reassess the disciplinary leave of absence and determine an appropriate action.

## **IX. Handling and Storage of Investigation Reports.**

- A. The results of a Child Protection Background Investigation cannot be used for any purpose other than to determine suitability for employment in an applicable position.
- B. Investigative reports are of a highly personal nature and shall be maintained in a secure location in a locked filing cabinet. Investigative materials are to be viewed only by those personnel, who in performing their official duties, need to know the information contained in the report.
- C. At no time shall an investigative report be placed within an applicant's, volunteer's or team member's regular personnel file. All investigative reports shall be separately maintained and stored in a secure location in a locked filing cabinet within Human Resources.
  - 1. Human Resources shall destroy an investigative report within thirty (30) days after an applicant has been rejected for employment, provided the applicant did not take an appointment to a position other than an applicable position.

In such a circumstance, the report shall be maintained with other reports, subject to the provision of Paragraph 2, below, in the event the person should reapply to an applicable position.
  - 2. Human Resources shall destroy an investigative report five (5) years after a volunteer or team member has separated from his or her position.
  - 3. Human Resources shall maintain a log of the names of persons upon whom the Human Resources has conducted a Child Protection Background Investigation. The log shall include the dates the investigation commenced and was completed covered along with the indication as to whether the person passed or failed the investigation. The purpose of this procedure is to aid the adjudicating official in determining the suitability for employment of re-hires, re-applicants, or transfers into applicable positions by only requiring investigations for years not covered in previous reports. The log shall be maintained in the same cabinet as that of full investigative reports. A full new investigation will be required for rehires and re-applicants for applicable positions if their last previous investigation is more than one (1) year old.
- D. Human Resources, the adjudicating official, and any director or manager shall not release the actual Child Protection Background Investigation report to an applicant, volunteer, or team member.

- E. All previously completed Child Protection Background Investigations shall be delivered to Human Resources for the purpose of storage pursuant to Paragraph C, above.
  - F. Nothing contained in this Section shall prohibit Human Resources from forwarding criminal background and central registry check results to Anishnabek Community and Family Services (“ACFS”) or to other programs or departments of the Tribe that are required to maintain licenses in connection with activities involving children, to assist ACFS and such other programs or departments in complying with record keeping requirements. In such event, ACFS and such other programs or departments shall comply with handling and storage standards at least as restrictive as those contained in this Section IX.
- X. Applicants,’ Volunteers,’ and Team Members’ Rights.**
- A. All applicants, volunteers, and team members subject to Child Protection Background Investigations shall receive a Notice of Derogatory Information when unfavorable information is gathered in a Child Protection Background Investigation.
    - 1. Human Resources shall notify the applicant, volunteer, or team member, in writing, that unfavorable information has been obtained. The writing shall be entitled “Notice of Receipt of Derogatory Information.” The envelope shall be stamped “Personal and Confidential.”
    - 2. The Notice of Derogatory Information shall state that the Child Protection Background Investigation discovered unfavorable information regarding the applicant, volunteer, or team member which effects his or her appointment to or continued employment in an applicable position.
    - 3. The Notice of Derogatory Information shall inform the applicant, volunteer, or team member that he or she may obtain a copy of the reports contained in the investigation from the originating agency and challenge the accuracy and completeness of any information maintained by that agency. The Notice of Derogatory Information shall indicate the agency or agencies used in gathering reports.
    - 4. The Notice of Derogatory Information shall state that the applicant, volunteer, or team member has five (5) business days from receipt in which to appeal the Notice of Derogatory Information, in writing, to the Director of Human Resources.
  - B. All applicants, volunteers, and team members subject to this policy have the right to appeal unfavorable information contained in the Notice of Derogatory Information within the time stated in the above Paragraph 4 before the adjudication is final.

1. Upon receipt of an appeal, the Director of Human Resources shall schedule a meeting between the applicant, volunteer, or team member, the Director and the adjudicating official (if not the Director) and an attorney from the Legal Department within fifteen (15) days of receipt of the appeal.
  2. If the applicant, volunteer, or team member provides, in the appeal, indisputable proof or uncontroverted evidence that the information obtained in the Child Protection Background Investigation is incorrect, such information shall be excluded from the investigative report and not considered in determining suitability.
  3. It is within the discretion of the Director of Human Resources and the adjudicating official (if not the Director) as to whether an applicant, volunteer, or team member has sufficiently explained unfavorable information as to permit the individual to be appointed to or maintained in an applicable position. The provisions of this Paragraph D are limited to circumstances which do not conflict with the policy established in Section VII, Paragraphs A, B, C and D.
- C. The applicant, volunteer, or team member adjudicated under this policy has the right to the utmost confidentiality and it is the responsibility of Human Resources and the adjudicating official that confidentiality be maintained at all times, during and after adjudication.



RESOLUTION NO: 2018 - 294

**AUTHORIZE SUBMISSION OF REQUEST FOR FY 2019 LITIGATION SUPPORT FUNDS - CORA**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians enjoys the right to harvest fish from the ceded waters of the upper Great Lakes as reserved in the Treaty of March 28, 1836 (7 Stat. 491); and

WHEREAS, the nature, scope and extent of the Tribe's right have been the subject of litigation in United States, et al, v. State of Michigan, Case No. 2:73 CV 26 (W.D. MI), and resulted in a 15 year management and allocation order of the court entered in 1985 and a 20 year management and allocation order entered in 2000; and

WHEREAS, the conduct of the treaty fishery and its exclusive regulation by the tribes after expiration of the current allocation order are issues to be resolved by future court action and or negotiated settlement, causing the Tribe substantial costs; and

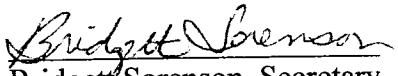
WHEREAS, it is determined to be in the best interests of the Tribe to participate in a joint effort with the other federally recognized 1836 treaty tribes to protect and defend the right to fish in the Great Lakes by developing a common management plan and litigation strategy.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians through its Board of Directors, hereby approves and supports submission of the request for FY 2019 Litigation Support funds by the Chippewa Ottawa Resource Authority to the Bureau of Indian Affairs and said body is herein authorized to take and all action necessary to obtain approval of the forgoing.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians

**Min Waban Dan**

**Administrative Office**

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Michigan  
49783

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**Government Services**

**Membership Services**

**Economic Development Commission**



RESOLUTION NO: 2018-295

**FINANCIAL INSTITUTION CHANGE  
OPEN DEPOSIT ACCOUNT WITH FLAGSTAR BANK  
SAWYER VILLAGE**

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**Government  
Services**

**Membership  
Services**

**Economic  
Development  
Commission**

BE IT RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians authorizes the Chief Financial Officer of the Tribe to remove funds and close two Wells Fargo accounts. One account is used for Security Deposits and the other for Operations at Sawyer Village, and then opens a new Security Deposit account with Flagstar Bank in Gwinn, MI.

BE IT FURTHER RESOLVED, that the following list is the approved signers for the Sawyer Village Security Deposit Account and that 2 signatures are needed, consisting of one Board of Director Member, and one Executive Team Member as listed below.

Aaron Payment – Tribal Chairperson

Keith Massaway – Tribal Treasurer

Christine McPherson – Tribal Executive Director

DJ Hoffman – Tribal Vice Chairman

Robert Schulte – Tribal CFO

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



**WAIVER OF SOVEREIGN IMMUNITY AND CONSENT TO  
WAIVER OF TRIBAL COURT JURISDICTION  
LAND CONTRACT FOR KINCHELOE PROPERTIES WITH  
DEANNA JONES, KERRIE GILBERT, SARA MAURER  
AND MARCEY THORNE,  
AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP.**

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**Government  
Services**

**Membership  
Services**

**Economic  
Development  
Commission**

BE IT RESOLVED, by the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, as follows:

**Section 1. FINDINGS AND DETERMINATIONS:**

The Board of Directors finds and determines that:

1.1 The Sault Ste. Marie Tribe of Chippewa Indians ("Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.

1.2 The Tribe would like to enter into a Land Contract with Deanna Jones, Kerrie Gilbert, Sara Maurer and Marcey Thorne, as joint tenants with full rights of survivorship. ("Seller") in the amount of \$1,900,000.00 with \$300,000.00 down and the balance of \$1,600,000.00 amortized over thirty years with a five (5) year balloon payment. Payments will be \$8,589.15 per month.

1.3 Seller has refused to consent to such Land Contract without a waiver of sovereign immunity or Tribal Court jurisdiction.

1.4 In order to induce Seller to enter into the Land Contract, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim tribal immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the Tribe and Seller that might arise from, or relate to, in any respect, the Land Contract. All of the foregoing are referred to herein as the "Waiver and Consent Obligations."

1.5 It is in the Tribe's interest to resolve as stated herein.

**Section 2. WAIVER OF SOVEREIGN IMMUNITY; CONSENT TO JURISDICTION;  
GOVERNING LAW**

2.1 The Tribe hereby waives its sovereign immunity from suit in favor of Seller only should an action be commenced under the Land Contract referenced above.

This waiver:

i) shall terminate upon performance by the Tribe of all of its obligations under the Land Contract; and

ii) is granted solely to Seller; and

iii) shall extend to inter alia, any judicial or non-judicial action, including, but not limited to, any lawsuit, arbitration, and judicial or non-judicial action to resolve disputes between the Tribe and Seller and the assertion of any claim in a court of competent jurisdiction or with any arbitrator or arbitration panel to enforce the obligations under the Land Contract; and

iv) shall be enforceable only in a court of competent jurisdiction, including courts of the State of Michigan the Tribal Court and federal courts in Michigan (including the United States Bankruptcy Court) or any arbitrator or arbitration panel; and

v) shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation under the Land Contract; and

vi) the Land Contract, and other associated finance documents shall be construed in accordance with and governed by the internal laws of the State of Michigan, as set forth in such documents.

Section 3. WAIVER OF TRIBAL COURT JURISDICTION

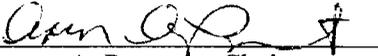
3.1 The Board of Directors waives the exclusive jurisdiction of the Tribal Court over any action arising under the Land Contract. The Board authorizes the Tribe to consent to the jurisdiction of the courts of the State of Michigan and the federal courts in Michigan, including any courts to which decisions may be appealed, with respect to any controversies arising from this resolution or any of the finance documents, note or Land Contract.

Section 4. EFFECTIVE DATE

4.1 This waiver shall become effective upon the final execution of the land purchase agreement executed by the Chairperson and Treasurer pursuant to Resolution 18-277, and not before. Failure or refusal of any individual to execute the land purchase agreement shall render the waivers and consents granted in this resolution to become void immediately. Failure or refusal to execute the land contract agreement prior to the close of business on March 29, 2019, shall render the waivers and consents granted in this resolution to become void immediately.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 8 members for, 0 members against, 2 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2018-297

**AUTHORIZATION TO APPLY FOR A GRANT OR LOAN FROM  
THE USDA RURAL DEVELOPMENT AGENCY  
RIVERSIDE VILLAGE**

**Min Waban Dan**

**Administrative  
Office**

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Sault Ste. Marie

Michigan

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**Government  
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**Membership  
Services**

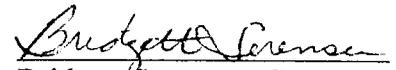
**Economic  
Development  
Commission**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes the Sault Tribe's EDC Executive Director to apply to the USDA Rural Development Agency for a grant or low-interest loan, in the amount of approximately \$250,000.00, for the purpose of upgrading and improving the water/sewer infrastructure at DeMawating Development Riverside Village.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2018-298

**TEMPORARY FUNDING AUTHORITY  
IN THE EVENT OF A FEDERAL GOVERNMENT FUNDING SHUTDOWN**

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**Economic  
Development  
Commission**

WHEREAS, continued funding for certain federal departments and programs is scheduled to expire on or after December 21, 2018, and news reports indicate that there is a growing possibility of an impasse that may result in at least a temporary interruption of that funding; and

WHEREAS, a number of tribal departments and programs are dependent upon the availability of such federal funding; and

WHEREAS, the Board of Directors wishes to assure that critical tribal programs and services are not interrupted by the threatened suspension of federal funding.

NOW, THEREFORE, BE IT RESOLVED, that, in the event of an interruption of federal funding during the next 60 days, the Board of Directors hereby authorizes the Tribe's CFO to temporarily utilize such legally available fund balances as may be identified by the CFO, subject to applicable restrictions on such funds, to assure the continued operation of federally funded tribal departments and programs until the necessary federal funding is restored or until further direction of the Board of Directors.

BE IT FURTHER RESOLVED, that the CFO is authorized, with the assistance of the Internal Auditor, to create temporary cost centers and to take such additional steps as may be appropriate to assure a full and proper accounting and reconciliation of any funds so utilized.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

Bridgett Sorenson  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2018-299

**AUTHORIZATION OF FULL SETTLEMENT  
TRIBAL COURT CASE WC-17-01**

WHEREAS a workers compensation claimant has asserted claims against the Tribe in relation to the events of May, 2015, when the claimant alleges he fell during work hours; and

WHEREAS litigation regarding this claim has been ongoing in Tribal Court case WC-17-01; and

WHEREAS, the attorneys for the Tribe advise that a settlement amount has been negotiated which will terminate the litigation and that the amount of the settlement offer is within a reasonable range given the nature of the claims and uncertainties of litigation; and

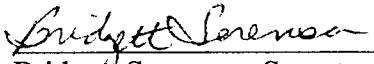
WHEREAS, this Board of Directors wishes to authorize settlement of Tribal Court case 17-01, on terms to be negotiated by the attorneys representing the Tribe.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves settlement on the terms described in the settlement agreement and release and authorizes and directs the Chairperson of the Tribe or his designee, to conclude and implement the settlement, including for the Chairperson or designee and the Tribe's attorneys, to execute the settlement agreement and associated pleadings and other papers necessary to carry out the settlement and this Resolution.

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 11 day of December 2018; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 6 members for, 4 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Aaron A. Payment, Chairperson  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians

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