

**BOARD OF DIRECTORS REGULAR MEETING
MANISTIQUE TRIBAL CENTER
MANISTIQUE, MICHIGAN
April 23, 2024
5:00 P.M.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION: Prayer, Smudging
- IV. MEMBERSHIP PARTICIPATION
- V. PRESENTATION:
- VI. MINUTES: 04/02/24
- VII. RESOLUTIONS: NIHB Stronger Systems/Communities Establish FY24 Budget
SAMHSA FY24 Budget Modification
St. Ignace Medical Office Building Establish FY24 Budget/3rd
Party Revenue FY24 Budget Modification
Sault Medical/Nursing Establish FY24 Budget/3rd Party
Revenue FY24 Budget Modification
Continuing Funding – FY24 Sault Ste. Marie Medical/Nursing
Authorization to Use Funds for Food Sovereignty Committee
SMART FY24 Adam Walsh Grant Application
Accept Bid for Design of Make Up Air Units Health Center
Award Contract Bonacci – Odenaang Storm Sewer Project
Approval of Addendum Contract to Blue Stone
Accept 2023 Kewadin Casinos Gaming Authority Audit
Accept 2023 Kewadin Casinos Audit
Award Contract Baker Tilly - ARPA Compliance Services
Waiver of Immunity Yamaha Motor Finance Lease
Establishing Protection of our First Family
Amending Resolution 2024-106 Removing Sault Tribe Inc.
Chairperson and Vice Chairperson
Approving Viejas Project
- VIII. NEW BUSINESS: Health Survey by Blue Stone
- IX. ADJOURN TO EXECUTIVE SESSION
- X. RECONVENE AND REAFFIRM
- XI. ADJOURN

RESOLUTION NO: _____

**HEALTH DIVISION – NIHB STRONGER SYSTEMS
STRONGER COMMUNITIES
ESTABLISHMENT OF FY 2024 BUDGET**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2024 budget for Health Division – NIHB Stronger Systems Stronger Community with Other Revenue monies of \$17,000.00. The Health Division received a no cost extension on these funds.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**HEALTH DIVISION – SUBSTANCE ABUSE AND
MENTAL HEALTH ADMINISTRATION
FY 2024 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to Substance Abuse and Mental Health Administration for an increase in Federal HHS Revenue monies \$553,507.00. The Health Division received additional grant funding. No effect on Tribal Support.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**HEALTH DIVISION – ST. IGNACE MEDICAL OFFICE BUILDING
ESTABLISHMENT OF FY 2024 BUDGET
AND THIRD-PARTY REVENUE FY 2024 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2024 budget for Health Division – St. Ignace Medical Office Building with Third-Party Revenue monies of \$1,620,341.15.

BE IT FURTHER RESOLOVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to Third Party Revenue increasing the transfer out of \$1,620,341.15 to Health Division – St. Ignace Medical Office Building.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**HEALTH DIVISION – SAULT STE. MARIE MEDICAL/NURSING
ESTABLISHMENT OF FY 2024 BUDGET
AND THIRD-PARTY REVENUE FY 2024 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2024 budget for Health Division – Sault Ste. Marie Medical/Nursing with IHS Revenue monies of \$4,431,336.75 and Third-Party Revenue monies of \$2,489,804.79.

BE IT FURTHER RESOLOVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2024 budget modification to Third Party Revenue increasing the transfer out of \$2,489,804.79 to Health Division – Sault Ste. Marie Medical/Nursing.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**CONTINUING FUNDING AUTHORITY
FOR FISCAL YEAR 2024
HEALTH DIVISION - SAULT STE. MARIE MEDICAL/NURSING**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors approves continuing funding for Sault Ste. Marie Medical/Nursing for fiscal year 2024, at their 2023 spending levels, for a period not to exceed July 2, 2024.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AUTHORIZATION TO USE FUNDS FOR THE FOOD SOVEREIGNTY
COMMITTEE**

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 Tribe has established an Indigenous Food Sovereignty Committee; and

WHEREAS, the Indigenous Food Sovereignty Committee is provided full support from the Board of Directors and is authorized to serve in an advisory role; and

WHEREAS, the Food Sovereignty Committee seeks tribal member input to strengthen the recommendations provided to the Board of Directors; and

WHEREAS, the Food Sovereignty wishes to distribute native/regional perennial plants and leverage the distribution to collect member input (voluntary responses) on how the committee can best serve membership needs regarding Indigenous Food Sovereignty.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorize up to \$10,000 for the plant distribution in FY 2024 from tribal operations Cost Center 1202 and authorizes an internal budget mod.

BE IT FINALLY RESOLVED, that the Board of Directors hereby authorizes and approves the Tribal Chairman, or his designee, to execute any and all documents, including ancillary or supplemental documents or forms as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**SMART FY 2024 SUPPORT FOR ADAM WALSH ACT
IMPLEMENTATION GRANT PROGRAM - APPLICATION**

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

WHEREAS, the U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender sentencing, Monitoring, Apprehending, Registering (SMART) has funding available to assist states, the District of Columbia, territories and certain federally recognized Indian tribes with implementation and enhancement of requirements, programs, and projects under the Adam Walsh Child Protection and Safety Act of 2006, specifically Subtitle A of Title I, the Sex Offender Registration and Notification Act (SORNA); and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians has a compelling interest in promoting public safety and in the protection of Tribal sovereignty and Tribal jurisdiction over Tribal lands, Tribal enterprises, Tribal housing; and keep safe our tribal members, tribal employees and the general public visiting tribal lands; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is eligible to apply for the Implementation Grant in an amount of up to \$600,000, with no match required, for a grant period of 36 months to assist in the continuing compliance with SORNA; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians has elected, through passage of Tribal Resolution Number 2007-108, to participate, as a registration jurisdiction, in the National Sex Offender Registry system, as outlined in Section 127 of United States Public Law 109-248 (P.L. 109-248).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Sault Tribe Law Enforcement to apply to the SMART Office for the SMART FY 2024 Adam Walsh Act Implementation Grant Program.

BE IT FURTHER RESOLVED, that Austin Lowes, Tribal Chairman, or his designee, is hereby authorized to submit said proposal to the Department of Justice, to negotiate, execute and amend any documents on the Tribe's behalf.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13

Resolution No: _____

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members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**ACCEPTANCE OF THE BID FOR
DESIGN OF MAKE UP AIR UNITS FOR TRIBAL HEALTH CENTER**

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

WHEREAS, the Sault Tribe Health Division wishes to pursue updating the existing Sault Tribe Health Centers Make Up Air Units to modernize the system and continue provide a safe, healthy, and controlled environment for patients and staff; and

WHEREAS, the Sault Tribe Health Division, has identified a qualified contractor to perform design of the new makeup Air Units for the Sault Tribal Health Center and wish to engage in a contractual agreement for these services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves recommended contractor; and

BE IT FINALLY RESOLVED that the Board of Directors authorizes the Chairman of the Tribe or his designee to negotiate, amend and execute the agreement with selected contractor on behalf of the Tribe.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AWARD CONTRACT TO BONACCI CONTRACTING
FOR
ODENAANG STORM SEWER CATCH BASIN PROJECT**

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, bids were solicited for this work, and it has been determined that Bonacci Contracting is the lowest and most qualified bidder.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby approves the award of Odenaang Catch Basin Project to Bonacci Contracting.

BE IT FURTHER RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves \$53,889.14 for construction.

BE IT FINALLY RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorize Austin Lowes, Tribal Chairman or his designee, to negotiate, execute and amend any documents resulting therefrom on the Tribe's behalf on a contract between the Sault Ste. Marie Tribe of Chippewa Indians and Bonacci Contracting, for General Contracting Services for Odenaang Catch Basin Project, and authorizes expenditures from BIA Tribal Transportation Program funds, Cost Center # 2932.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**APPROVAL OF ADDENDUM CONTRACT TO
BLUE STONE STRATEGY GROUP LLC**

WHEREAS, the Sault Tribe of Chippewa Indians (“Tribe”) is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the Tribe entered a contract with Blue Stone Strategy (“Blue Stone”) on November 17, 2023 to perform an analysis of Tribal Health; and

WHEREAS, during Blue Stone’s analysis of Tribal Health the need for additional projects/support services not included in the original contract are needed; and

WHEREAS, the Tribe wishes to contract with Blue Stone to perform these additional projects/support services for Tribal Health.

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the addendum contract with Blue Stone.

BE IT FURTHER RESOLVED, the Board of Directors hereby authorizes the Chairman or his designee to execute any and all documents for the services of Blue Stone, and authorizes the Executive Director and CFO to create the necessary budget documents that appropriate the funds, utilizing a combination of ARPA and third-party funds necessary to complete the project.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**ACCEPTANCE OF THE 2023 KEWADIN CASINOS GAMING
AUTHORITY AUDIT**

BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby accepts and approves the 2023 Kewadin Casinos Audit, which includes the Downstate Developments, as accepted by the Audit Committee, on April 11, 2024.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

ACCEPTANCE OF THE 2023 KEWADIN CASINOS AUDIT

BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby accepts and approves the 2023 Northern Kewadin Casinos Audit as accepted by the Audit Committee, on April 11, 2024.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AWARD A CONTRACT TO BAKER TILLY US, LLP
FOR ARPA RELATED COMPLIANCE SERVICES**

WHEREAS, the Tribe presents yearly audited financial statements in compliance with Generally Accepted Accounting Principles (“GAAP”), and Governmental Accounting Standards Board (“GASB”) Statements and Interpretations for governmental entities; and

WHEREAS, as of December 31, 2023 the tribe has been awarded \$235,427,629 in ARPA funding which have specific guidelines that are constantly being amended per the US Department of Treasury.

BE IT RESOLVED, the tribe wishes to enter into a Master Services Agreement, with a term of up to three years with Baker Tilly US, LLP for ARPA, Accounting and Compliance Services, fees not to exceed \$100,000.

BE IT FINALLY RESOLVED, the Board of Directors hereby authorizes the Chairman to execute all documents needed to engage the accounting services of Baker Tilly US, LLP, and authorizes the CFO and/or the Executive Director to utilize the current ARPA funding budgeted in Governmental Admin. (Cost Center #12291) to pay for this service.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**WAIVER OF SOVEREIGN IMMUNITY AND CONSENT TO
WAIVER OF TRIBAL COURT JURISDICTION
YAMAHA MOTOR FINANCE LEASE**

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 wishes to enter into a Lease (“Lease”) with Yamaha Motor Finance (“Lessor”) as negotiated by the Director of Enterprise Operations; and

1.3 Lessor will not consent to such agreement without a waiver of sovereign immunity or Tribal Court jurisdiction; and

1.4 In order to induce Lessor to enter into an Lease, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim sovereign immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the Tribe and Lessor that might arise from, or relate to, in any respect, the Lease, or object to the venue clauses found in the Lease. All the foregoing are referred to herein as the “Waiver and Consent Obligations”; and

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 Lessor only should an action be commenced under the Lease referenced above.

This waiver:

- i) Shall terminate upon performance by the Tribe of all of its obligations under the Lease; and
- ii) Is granted solely to Lessor; 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 Lessor 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 Lease; and

- iv) Shall be enforceable only in a court of competent jurisdiction, including courts in the State of California, the Tribal Court and federal courts in California (including the United States Bankruptcy Court or any arbitrator or arbitration pane); and
- v) Shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation in the Lease; and
- vi) The Agreement, and other associated finance documents shall be construed in accordance with and governed by all applicable laws and regulations of governmental bodies with competent jurisdiction, as set forth in such documents.

Section 3. WAIVER OF TRIBAL COURT JURISDICTION

3.1 The Board of Directors waiver the exclusive jurisdiction of the Tribal Court over any action arising under the Agreement. The Board authorized the Tribe to consent to the jurisdiction of any courts with competent jurisdiction, 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 Lease.

Section 4. EFFECTIVE DATE

4.1 This waiver shall become effective upon the final execution of the Lease executed by the Chairman or his designee. Failure or refusal of any individual to execute the Lease shall render the waivers and consents granted in this resolution to become void immediately. Failure or refusal to execute the Lease prior to the close of business on December 31, 2024, shall render the waivers and consents granted in this resolution to become void immediately.

BE IT FURTHER RESOLVED, that the Board of Directors hereby rescinds Resolution 2024-29.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**ESTABLISHING PROTECTION OF OUR FIRST
FAMILY**

WHEREAS, Anishinaabe izhitwaawin, ways of thinking and being, includes a de-centralized view of human beings who are not on top of an evolutionary hierarchy, but rather dependent upon the older wiser More Than Human Relatives that our first ancestral family created before the human beings; and

WHEREAS, the rest of Creation precedes Anishinaabeg and have stood up for Anishinaabeg ensuring our survival through their gifts as the youngest siblings in a large family of relational existence, Anishinaabe izhitwaawin; and

WHEREAS, Rights of More Than Human Relatives are based upon their own inherent value beyond function of their ecological services and responsibilities to human beings; and

WHEREAS, the 7th generations of More Than Human Relatives need be taken into consideration when decisions are made that affect their habitat, populations, and wellbeing; and

WHEREAS, all More Than Human Relatives are considered by the Anishinaabe people to be gifts from the Creator or Great Spirit and continue to provide ecological services and responsibilities to sustain according to Natural Law; and

WHEREAS, we engage reciprocity as a foundational tenet of Anishinaabe izhitwaawin and give back through our inherent role of stewardship for our More Than Human Relatives as the Indigenous peoples; and

WHEREAS, More Than Human Relatives continue to provide important staple nutrition in the diets of Native peoples. More Than Human Relative's food relationships are a central element of the culture, heritage, and history of the Anishinaabe people, and are an integral part of the ecosystems and natural communities of our inherent lands; and

WHEREAS, we have a treaty responsibility of stewardship to ensure More Than Human Relatives can continue the ecological services and responsibilities they provide to their More Than Human community relations as well as those ecological services they gift to the human beings; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians holds inherent stewardship over our inherent lands, waters, and air; and

Resolution No: _____
Page 2

WHEREAS, the State of Michigan has no federal trust responsibility or legal authority to regulate tribal citizens' harvest rights under federal treaties or the Congressional act granting limited civil or criminal jurisdiction under Public Law 83-280 (18 U.S.C. § 1162, 28 U.S.C. § 1360); and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians regulates harvest of our territories and retains jurisdictional sovereignty as steward to our inherent lands, minerals, waters, and air; and

WHEREAS, More Than Human Relatives and the habitats within which they thrive are threatened by various practices, and we recognize that to protect our more than human relatives and our people, we must secure highest protection through the recognition of legal rights, and call upon the bands of the Anishinaabeg Nation, and other relevant federations, commissions, and government entities, to secure and protect the legal rights of More Than Human Relatives and our peoples; and

NOW THEREFORE BE IT RESOLVED, that Sault Ste. Marie Tribe of Chippewa Indians now establishes the Rights of More than Human Relatives and operate in a manner not to threaten and endanger the clean, freshwater and land resources and necessary habitats for More than Human Relatives, and take the steps to conduct business in a way necessary to protect More than Human Relatives including winged, swimmers, insects, plants, 4-legged, fresh water, air, mineral and land as part of our treaty foods and foundational relationships for future generations of Anishinaabeg.

CERTIFICATION

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AMENDING RESOLUTION, NO: 2024-106
REMOVING SAULT TRIBE INC CHAIRPERSON AND VICE
CHAIRPERSON**

NOW, THEREFORE BE IT RESOLVED, that Resolution No: 2024-106 is amended to apply only to the Chairperson and Vice-Chairperson of Sault Tribe Inc.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

APPROVING VIEJAS PROJECT

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (the “Tribe”) is a federally recognized Indian tribe, as provided in that certain notice published at 87 Fed. Reg. 4636, that is governed by the Board of Directors authorized by Article IV of the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians, effective as of November 13, 1975 (the “Board”).

WHEREAS, the Tribe directly owns 15% of Indian Energy LLC, a California limited liability company (“Indian Energy”) and 100% of Jingtamok Tribal FinCo LLC, a California limited liability company (“Tribal FinCo”). Indian Energy and Tribal FinCo collectively and directly own 70% of Jingtamok LLC, a California limited liability company (“Jingtamok I”). Jingtamok I directly owns 100% of Jingtamok B Corporation, a Delaware corporation (“B Corp”). B Corp indirectly owns part of Jingtamok II LLC, a California limited liability company (the “Project Company”).

WHEREAS, the Tribe and the Board are aware that the Project Company intends to develop, construct, own, operate, and manage a 15 MWDC carport solar and up to 70 MWh battery energy storage project (the “Viejas Project”) located on the Federally recognized land of the Viejas Band of Kumeyaay Indian Tribe, near Alpine, California.

WHEREAS, the Tribe and the Board understand that each of Jingtamok I, B Corp, the Project Company, and certain of their respective subsidiaries (collectively, along with Indian Energy and Tribal FinCo, the “Subsidiaries”) have entered into, or intend to enter into, certain transaction documents in connection with the construction, operation, maintenance, and debt and tax equity financing of the Viejas Project, including certain re-organizations of the internal corporate structure of Jingtamok I and its subsidiaries (collectively, the “Viejas Transaction”).

WHEREAS, the Tribe and the Board are aware that another federally recognized Indian tribe, the Turtle Mountain Band of Chippewa Indians, indirectly owns some of the remaining equity interests in B Corp and understands that, consequently, B Corp is treated as a tax-exempt controlled entity for purposes of section 168(h)(6) of the U.S. Internal Revenue Code of 1986, as amended and restated (the “Code”).

WHEREAS, the Tribe and the Board are aware that B Corp has made an election pursuant to Code Section 168(h)(6)(F)(ii) (the “Election”). To the extent the Tribe or the Board was required by the organizational documents of B Corp or any other entity to consent to the Election, it has properly so consented. The Board understands that the Election will cause the Tribe (represented by the Board) to be subject to U.S. federal income tax on any gain recognized by it (directly or

indirectly) on a sale of B Corp and any dividends or interest received or accrued by the Tribe from B Corp. The Board understands that the Election cannot be revoked.

WHEREAS, the Board understands that Temporary Treasury Regulations Section 301.7701-7T requires that B Corp submit to the Internal Revenue Service a written statement memorializing the Election with B Corp's U.S. federal income tax return for the year in which the Election was made. WHEREAS the Tribe does not file U.S. federal income tax returns. However, the Board shall (i) cause the Tribe to file a copy of B Corp's Election statement with the IRS no later than 30 days after the Tribe receives a copy of B Corp's Election statement and (ii) deliver to B Corp a copy of such filing with proof of mailing.

NOW, THEREFORE BE IT RESOLVED, that to the extent the Tribe is required by the organizational documents of any Subsidiary to consent to the Viejas Transaction, the Board hereby authorizes, approves, ratifies, and affirms (i) the execution and delivery by such Subsidiary of those applicable documents and agreements relating to the Viejas Transaction, (ii) the performance by such Subsidiary of any and all obligations of such Subsidiary under such documents and agreements relating to the Viejas Transaction, and (iii) any and all actions and activities performed by such Subsidiary in connection with the Viejas Transaction.

BE IT FURTHER RESOLVED, that the Chairman is a duly authorized to execute any and all documents necessary to effectuate the forgoing.

BE IT FURTHER RESOLVED, Each of Indian Energy LLC and Jingtamok LLC, as California limited liability companies, and subsidiaries of Jingtamok LLC are not sovereign entities, have no sovereign rights, powers or privileges, and have no sovereign immunity from suit or other legal process or arbitration, despite, in the case of Jingtamok LLC, its partial ownership by Jingtamok Tribal FinCo LLC and Indian Energy LLC-and its indirect ownership by the Sault Saint Marie Tribe of Chippewa Indians, or, in the case of Indian Energy LLC, its direct ownership by the Sault Saint Marie Tribe of Chippewa Indians. Solely for the avoidance of doubt should anything to the contrary ever be claimed by Indian Energy LLC, Jingtamok LLC, or its subsidiaries, the Sault Saint Marie Tribe of Chippewa Indians-or any other person, or held to the contrary by a court, Indian Energy LLC, Jingtamok LLC or its subsidiaries, and the Sault Saint Marie Tribe of Chippewa Indians as direct or indirect owners of such entities, hereby expressly waive any and all sovereign immunity Indian Energy LLC, Jingtamok LLC or its subsidiaries may possess or be claimed to have, consent to the jurisdiction of the courts specified in contracts Indian Energy LLC, Jingtamok LLC and its subsidiaries have entered or will enter into, and waive any requirement for the exhaustion of tribal remedies regarding any matter concerning Indian Energy LLC, Jingtamok LLC or its subsidiaries. For the further avoidance of doubt, Indian Energy LLC and Jingtamok LLC and its

Resolution No: _____
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subsidiaries and the contracts such entities have entered or will enter into, are not governed by the laws of the Sault Saint Marie Tribe of Chippewa Indians.

BE IT FINALLY RESOLVED, that nothing herein shall be construed to be a waiver of immunity pursuant to Tribal Code Chapter 42: Waiver of Immunities and Jurisdiction in Commercial Transactions.

C E R T I F I C A T I O N

We, the undersigned, as Chairman 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2024; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Austin Lowes, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Hampton, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

BOARD OF DIRECTORS REGULAR MEETING

April 23, 2024

Sponsor's List

RESOLUTIONS:

NIHB Stronger Systems Stronger Communities Establishment of FY 2024 Budget – Heather Kerfoot

Substance Abuse and Mental Health Administration FY 2024 Budget Modification – Dr. Karen Alexander

St. Ignace Medical Office Building Establishment of FY 2024 Budget – Cheryl LaPlaut
Sault Ste. Marie Medical/Nursing Establishment of FY 2024 Budget and Third-Party Revenue
FY 2024 Budget Modification – Carrie Horton

Continuing Funding Authority for Fiscal Year 2024 Health Division – Sault Ste. Marie Medical /
Nursing – Budget Department

Authorization to Use Funds for the Food Sovereignty Committee – Larry Jacques

Smart FY 2024 Support for Adam Walsh Act Implementation Grant Program Application –
Robert Marchand

Acceptance of Bid for Design of Make Up Air Units for Tribal Health Center – Joel Lumsden
Award Contract to Bonacci Contracting for Odenaang Storm Sewer Catch Basin Project –
Wendy Hoffman

Approval of Addendum Contract to Blue Stone Strategy Group LLC – Christine McPherson

Accept 2023 Kewadin Casinos Gaming Authority Audit – Michael Jackson/Allen Kerridge

Accept 2023 Kewadin Casinos Audit – Michael Jackson/Allen Kerridge

Award Contract to Baker Tilly US, LLP for ARPA Related Compliance Services – Robert
Schulte

Waiver of Sovereign Immunity and Consent to Waiver of Tribal Court Jurisdiction Yamaha
Motor Finance Lease – Josh Elliot/Helen Wilkins

Establishing Protection of our First Family – Director McRorie

Amending Resolution 2024-106 Removing Sault Tribe Inc. Chairperson and Vice Chairperson –
Directors LaPlaut and McKechnie

Approving Viejas Project – Directors LaPlaut and McKechnie

NEW BUSINESS:

Health Survey by Blue Stone – Directors' Morrow and Sorenson

MEMORANDUM

TO: Board of Directors
FROM: Lona Stewart, Board Administrator
DATE: April 18, 2024
RE: Workshop Agenda for April 23, 2024

AGENDA

11:30 – 12:30
Lunch with Manistique Elders

1:00
Kewadin Gaming Authority Meeting (CLOSED)

1:15
Budgets (CLOSED)

1:30
Legal Department (CLOSED)

4:00
Agenda Review

5:00
Board of Directors Regular Meeting