

**BOARD OF DIRECTORS REGULAR MEETING
COMFORT INN
NEWBERRY, MICHIGAN
JANUARY 14, 2014
6:00 P.M.**

- I. CALL TO ORDER
- II. INVOCATION: Prayer, Smudging, Presentation of Grandfathers
- III. ROLL CALL
- IV. PRESENTATION:
- V. MINUTES:
 - 9-03-2013
 - 9-20/21-2013
 - 9-24-2013
 - 10-1-2013
 - 10-22-2013
 - 10-29/30/31-2013
 - 11-5-2013

- VI. RESOLUTIONS:
 - Auth Grant Agreement w/ Great Lakes Fishery Trust
 - Healthy Start Initiative
 - Lease Cancellation –Delmar /Sherry Shagen
 - Trust Land Lease – Delmar Shagen
 - Legal Assistance for Victims Grant
 - Renaming JKL Baweting Anishinaabe Grant School
 - AECOM Contract-Waiver of Immunity
 - Am. Ch. 21: Inland Fishing and Hunting
 - Loan Gam.Auth. to Tribe: Computer/JD Edwards
 - Rescinding Key Employee Res. (3 options)
 - FY 2014 Gov't Capital Purchases Budget
 - FY 2014 Enterprises Capital Purchases Budget
 - Budget Mod:
 - Tribal Climate Change Program
 - Fisheries-Epoufette/Trap Net Consent
 - JD Edwards
 - Gov't NCAI Initiative
 - Am Indian Substance Abuse/IHS Aftercare
 - Constitutional Amendments:
 - Separate and Independent Judicial Branch
 - Rights of Recall and Removal
 - Bill of Rights
 - Additional Election Unit
 - Right of Initiative
 - Amending Chapter 10
 - Amending Chapter 16
 - Enactment of Ethics Code
 - Referendum Vote: Board Salary \$100,000 or \$75,000
or \$67,000 or \$50,000 or \$30,000
 - Requiring Tribal Board to be Subject to the Sexual
Harassment Policy of the Tribe

**BOARD OF DIRECTORS REGULAR MEETING
COMFORT INN
NEWBERRY, MICHIGAN
JANUARY 14, 2014
6:00 P.M.
(continued)**

- VII. NEW BUSINESS: Committee Appointment
Administrative Review
Proof of Residency - B.O.D. in 2012 Election
Publish Board Attendance at Regularly Scheduled
Meetings and Tuesday's Workshops
- VIII. ADJOURN TO EXECUTIVE SESSION:
- IX. RECONVENE AND REAFFIRM
- X. ADJOURN

RESOLUTION NO: _____

AUTHORIZATION TO ENTER INTO GRANT AGREEMENT WITH THE GREAT LAKES FISHERY TRUST FOR DEVELOPMENT OF EPOUFETTE HARBOR

WHEREAS, the Sault Ste Marie Tribe of Chippewa Indians submitted a grant proposal application to the Great Lakes Fishery Trust (GLFT) on August 23, 2013 seeking funding for development of a fishery access facility at Epoufette Harbor near Epoufette Michigan; and

WHEREAS, the application for the project was authorized by the Board of Directors in Resolution #2013-179; and

WHEREAS, the GLFT selected the Epoufette Harbor proposal for full funding, and will provide \$610,000 toward the project; and

WHEREAS, GLFT grant agreement documents require an authorizing Resolution from the Board of Directors, and signature by the Tribal Chairperson; and

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians does hereby accept the terms of the Project Agreement as received from GLFT and does hereby specifically agree, but not by way of limitations, as follows:

- 1) To receive funding from the GLFT in the amount of \$610,00, and to authorize an additional \$50,000 as a match toward completion of the project pursuant to the Project Agreement with GLFT,
- 2) To maintain satisfactory financial accounts, documents, and records and to make them available to GLFC for auditing at reasonable times,
- 3) To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement,
- 4) To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

BE IT FURTHER RESOLVED, that the Chairperson and Treasurer, are authorized to execute any and all documents necessary to effectuate the construction of the harbor.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**PARTICIPATION IN HRSA
'HEALTHY START INITIATIVE FIVE YEAR GRANT PROGRAM, 2014-2019'
THROUGH INTER-TRIBAL COUNCIL OF MICHIGAN, INC.**

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

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a member of the Inter-Tribal Council of Michigan, Inc. duly organized under the State Charter; and

WHEREAS, Article II of the Articles of Incorporation of the Inter-Tribal Council of Michigan, Inc. established a joint organization representing the twelve (12) federally recognized tribes of the State of Michigan and is composed of a Board of Directors, including those who are elected officials from the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, the Board of Directors is the governing body of the Inter-Tribal Council of Michigan and meets every three months to review all contracts held by the Inter-Tribal Council of Michigan, Inc; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is eligible to participate with a consortium of other tribes in the U.S. Department of Health Resources and Services Administration (HRSA) Health Start Initiative Five Year Grant Program, 2014-2019, and wishes to collaborate with the Inter-Tribal Council of Michigan's proposed application to provide and enhance maternal and child home visiting services aimed at preventing infant mortality and improving the health and well-being of women, children and families.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized the Inter-Tribal Council of Michigan, Inc. to apply to grant opportunity CFDA 93.926 on its behalf, contracting with the HRSA Health Start Initiative: Eliminating Disparities in Perinatal Health Grant Program (HRSA-14-112).

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**LEASE CANCELLATION TO
DELMAR W. SHAGEN AND SHERRY W. SHAGEN
BIA LEASE NO.: BIA LEASE NO: 469-23-00003-12**

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

WHEREAS, Delmar W. Shagen and Sherry L. Shagen request BIA LEASE NO: 469-23-00003-12 be cancelled.

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairperson, Aaron Payment and Treasurer, Dennis McKelvie to execute this lease cancellation, and land being described as:

City of Sault Ste. Marie, Chippewa County, Michigan.

Part of Section 16, Town 47 North, Range 1 East, City of Sault Ste. Marie, Chippewa County, Michigan, more particularly described as commencing at the Northwest corner of said Section 16; thence S02°07'00"W 425.00 feet along the West line of said Section 16; thence S87°53'00"E 33.00 feet to the East right-of-way line of Shunk Road; thence S87°53'00"E 100.00 feet along the Southerly right-of-way line of Shawano Drive; thence Easterly 276.54 feet along a curve to the right in said right-of-way line, having a radius of 770.00 feet, a central angle of 20°34'39" and a long chord bearing S77°35'40" E 275.06 feet; thence Southeasterly 281.28 feet along a curve to the right in the Southerly and Westerly right-of-way line of Shawano Drive, having a radius of 230.00 feet, a central angle of 70°04'13" and a long chord bearing S32°16'14"E 264.08 feet; thence S02°45'52"W 100.00 feet along said Westerly right-of-way line; thence Southerly 195.78 feet along a curve to the right in said right-of-way line, having a radius of 891.23 feet, a central angle of 12°35'12" and a long chord bearing S09°03'25"W 195.39 feet to the POINT OF BEGINNING; thence Southerly 112.29 feet along a curve to the right in said right-of-way line, having a radius of 891.23 feet, a central angle of 07°13'18" and a long chord bearing S18°57'36" W 112.22 feet; thence N67°25'50"W 148.65 feet; thence N09°33'10" E 93.79 feet; thence S74°38'58"E 164.01 feet to the POINT OF BEGINNING. 0.037 acres more or less.

BE IT FURTHER RESOLVED, that Tribal staff is directed to prepare the appropriate lease cancellation documents.

BE IT FURTHER RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby requests the Bureau of Indian Affairs to cancel Lease No. 469-23-00003-12 pursuant to applicable law and regulations.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**SHAGEN
TRUST LAND LEASE – 2290 SHAWANO DRIVE
SAULT STE. MARIE, MICHIGAN**

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairman, and Treasurer to execute a lease to the land located at Sault Ste. Marie, Michigan to, Delmar W. Shagen, a singleman, land being described as follows:

Part of Section 16, Town 47 North, Range 1 East, City of Sault Ste. Marie, Chippewa County, Michigan, more particularly described as commencing at the Northwest corner of said Section 16; thence S02°07'00"W 425.00 feet along the West line of said Section 16; thence S87°53'00"E 33.00 feet to the East right-of-way line of Shunk Road; thence S87°53'00"E 100.00 feet along the Southerly right-of-way line of Shawano Drive; thence Easterly 276.54 feet along a curve to the right in said right-of-way line, having a radius of 770.00 feet, a central angle of 20°34'39" and a long chord bearing S77°35'40" E 275.06 feet; thence Southeasterly 281.28 feet along a curve to the right in the Southerly and Westerly right-of-way line of Shawano Drive, having a radius of 230.00 feet, a central angle of 70°04'13" and a long chord bearing S32°16'14"E 264.08 feet; thence S02°45'52"W 100.00 feet along said Westerly right-of-way line; thence Southerly 195.78 feet along a curve to the right in said right-of-way line, having a radius of 891.23 feet, a central angle of 12°35'12" and a long chord bearing S09°03'25"W 195.39 feet to the POINT OF BEGINNING; thence Southerly 112.29 feet along a curve to the right in said right-of-way line, having a radius of 891.23 feet, a central angle of 07°13'18" and a long chord bearing S18°57'36" W 112.22 feet; thence N67°25'50"W 148.65 feet; thence N09°33'10" E 93.79 feet; thence S74°38'58"E 164.01 feet to the POINT OF BEGINNING.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

APPLICATION FOR THE LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM – SEXUAL ASSAULT AND / OR TRIBAL FOCUS

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

WHEREAS, the United States Department of Justice, Office on Violence Against Women provides funding for the provision of civil legal services to victims of domestic violence, sexual assault, dating violence and stalking; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is eligible to apply for a FY 2014 Legal Assistance for Victims Grant Program – Sexual Assault and / or Tribal Focus; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians proposes to provide civil legal assistance services to tribal members who reside in the Tribe’s seven county service area and meet the eligibility requirements of the program.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application to the Office on Violence Against Women for funding of a Legal Assistance for Victims Grant Program – Sexual Assault and / or Tribal Focus FY 2014.

BE IT FURTHER RESOLVED, that Aaron Payment, Tribal Chairperson, is hereby authorized to submit said proposal to the Department of Justice, Office on Violence Against Women, to negotiate, execute, and amend any documents resulting therefrom on the Tribe’s behalf.

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 ____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the ____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

RENAMING JOSEPH K. LUMSDEN ANISHNAABE GRANT SCHOOL

WHEREAS, this Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians has via Resolutions 93-145, 93-168, and 98-50 applied for permission to the Bureau of Indian Education (“BIE”) for the creation of a grant school to be operated by the Tribe; and

WHEREAS, the BIE has granted the Tribe permission to operate the Grant School; and

WHEREAS, the Bahweting Anishnaabe School was opened in 1994 as a tribal school; and

WHEREAS, in 1995 the school received a charter from Northern Michigan University to become a public school academy, and was renamed Bahweting Anishnaabe Public School Academy; and

WHEREAS, in 1998 the Bahweting Anishnaabe PSA was renamed to become the Joseph K. Lumsden Bahweting Anishnaabe PSA; and

WHEREAS, in recent years there has grown a confusion in terminology between the Joseph K. Lumsden Bahweting Anishnaabe PSA, the Joseph K. Lumsden Bahweting Anishnaabe Grant School, and the Joseph K. Lumsden Bahweting Anishnaabe Fiduciary Committee, and as such the roles of each of these three entities has become confused; and

WHEREAS, this Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians would like to ensure that the staff and officers of the BIE has been made aware of the difference between these three entities, and the differing points of contact for each.

NOW, THEREFORE, BE IT RESOLVED that, notwithstanding any and all pre-existing or contrary resolutions, the Grant School operated by the Sault Ste. Marie Tribe of Chippewa Indians, shall be known as the Joseph K. Lumsden Anishnaabe Grant School.

BE IT FURTHER RESOLVED, that the BIE shall be notified henceforth that the address for the Joseph K. Lumsden Anishnaabe Grant School, and the Joseph K. Lumsden Anishnaabe Fiduciary Committee shall be 523 Ashmun Street, Sault Ste. Marie, Michigan, 49783, and that this shall not be interpreted or mistaken as a change of address or contact for the Public School Academy chartered under state law.

BE IT FINALLY RESOLVED, that the designated contact for the Joseph K. Lumsden Anishnaabe Grant School, and the Joseph K. Lumsden Anishnaabe Fiduciary Committee shall be the Chief Financial Officer of the Tribe, or his/her designee as may be further designated by the CFO in the future.

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AECOM OF MICHIGAN USA CONTRACT
WAIVER OF IMMUNITY AND CONSENT TO
WAIVER OF TRIBAL COURT JURISDICTION**

WHEREAS, on December 17, 2013, this Board of Directors, through resolution 2013-264, agreed to and authorized contracting with AECOM USA of Michigan Inc, for the purpose of design engineering and construction engineering on Shawano Drive and associated cul de sacs; and

WHEREAS, AECOM USA of Michigan Inc., has refused to contract with the Tribe for these services without having in the contract a waiver of immunity and a waiver of Tribal Court jurisdiction; and

WHEREAS, AECOM has insisted upon the inclusion of Section 22.a. within the General Terms and Conditions, which states:

Nothing in this Contract shall be interpreted as a waiver, either in whole or in part, of the Sault Tribe's sovereign immunity beyond the express conditions of this Section 22. The Sault Tribe expressly and irrevocably waives its sovereign immunity from suit for claims by the Contractor as expressly provided in this Section 22 and for the limited purpose of enforcing this Contract to permit and consents to any federal court of competent jurisdiction. The Sault Tribe hereby waives any requirement of exhaustion of tribal remedies. The Sault Tribe does not waive any aspect of its sovereign immunity with respect to actions by third parties.

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 (the "Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.

1.2 The Transportation Department has negotiated a contract with AECOM USA of Michigan, Inc., for engineering services which will be used for the purpose of design engineering and construction engineering on Shawano Drive and associated cul de sacs, and none other.

1.3 AECOM USA of Michigan, Inc., has refused to consent to a modification of its contract in a manner that would permit the Tribe to contract without a waiver of sovereign immunity or Tribal Court jurisdiction.

1.4 In order to induce AECOM USA of Michigan, Inc., to enter into the 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 Tribal Court jurisdiction with respect to any matter pertaining to disputes arising from the AECOM USA of Michigan, Inc., contract. All of the foregoing are referred to herein as the "Waiver and Consent Obligations."

1.5 It is in the best interests of the Tribe to consent to the AECOM USA of Michigan, Inc., contract and to enter into the Waiver and Consent Obligations.

Section 2 APPROVALS AND AUTHORIZATION

2.1 The Board of Directors authorizes and directs the Tribe, through its Chairperson, for and on behalf of the Tribe to enter into such agreements with AECOM USA of Michigan, Inc., on such terms and conditions as he deems necessary concerning governing law, waiver of Tribal Court jurisdiction, and waiver of tribal immunity.

2.2 The Board of Directors authorizes and directs the Tribe to give its express consent to the terms and provisions of the AECOM USA of Michigan, Inc., contract.

2.3 The Chairperson is authorized and directed to execute and deliver such other agreements, certificates, documents, or instruments, as may be required or to take any and all such action which may be necessary or convenient to effectuate the foregoing.

Section 3 WAIVER OF SOVEREIGN IMMUNITY; CONSENT TO JURISDICTION; GOVERNING LAW

3.1 The Tribe hereby waives its sovereign immunity from suit should an action be commenced under Section 22.a. of the AECOM USA of Michigan, Inc., contract.

This waiver:

i) shall terminate upon performance by the Tribe of all of its obligations under the AECOM USA of Michigan, Inc., contract;

ii) is granted solely to AECOM USA of Michigan, Inc., and its successors and assigns;

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 enforce the rights of AECOM USA of Michigan, Inc., and the assertion of any claim in a court of competent jurisdiction or with any arbitrator or arbitration panel to enforce the obligations of AECOM USA of Michigan, Inc., under the AECOM USA of Michigan, Inc., contract;

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;

vi) the AECOM USA of Michigan, Inc., contract shall be construed in accordance with and governed by the internal laws of the State of Michigan.

Section 4 WAIVER OF TRIBAL COURT JURISDICTION

4.1 The Board of Directors waives the exclusive jurisdiction of the Tribal Court over any action arising under the AECOM USA of Michigan, Inc., contract.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

AMENDING CHAPTER 21: INLAND FISHING AND HUNTING

WHEREAS, Tribal Code Chapter 21: Inland Fishing and Hunting governs the conduct of the Tribes inland treaty right; and

WHEREAS, the Inland Conservation Committee has reviewed Chapter 21 and recommends the attached technical amendments be made.

NOW, THEREFORE, BE IT RESOVLED, that the Board of Directors hereby accepts the Inland Conservation Committee's recommendation and amends Tribal Code Chapter 21: Inland Fishing and Hunting as attached.

BE IT FURTHER RESOLVED, that the attached amendments shall become effective upon compliance with the 2007 Inland Consent Decree's Notice of Regulation change requirement.

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**LOAN FROM GAMING AUTHORITY TO TRIBE
COMPUTER SYSTEM / J. D. EDWARDS UPGRADE**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians ("Tribe") is in the process of upgrading the accounting, human resources and payroll processing system, known as the J.D. Edwards system, and other computer upgrades; and

WHEREAS, the Tribe wishes to memorialize the pre-existing agreement between the Tribe, the Gaming Authority and the Gaming Authority's lenders for the loan from the Gaming Authority to the Tribe in the amount of \$1,000,000.00 from the proceeds of the recent Gaming Authority debt refinancing.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Tribe hereby approves borrowing the \$1,000,000.00 loan from the Gaming Authority for upgrading the accounting, human resources and payroll processing system, known as the J.D. Edwards system, and other computer upgrades; and

BE IT FURTHER RESOLVED, that the following terms shall apply on said loan:

interest on the unpaid principal balance at a rate per annum calculated at LIBOR – One Month plus 2% (Currently 2.18%) until maturity and Five and One Half percent (5.5%) after maturity;

and Four year term.

BE IT FINALLY RESOLVED, that the Board of Directors hereby approves this Tribal Loan and authorizes the Tribal Chairperson to execute such documents to effectuate this action.

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**RESCINDING RESOLUTIONS 2004-71, 2005-199, and 2008-225
KEY EMPLOYEES**

WHEREAS, on July 6, 2004, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians adopted Resolution 2004-71, Approval of Key Employees, identifying certain positions as “Key Employee” positions and requiring that individuals could be hired into such positions only by an affirmative vote of seven members of the Board of Directors and, further, could be terminated from such positions only an affirmative vote of eight members of the Board of Directors; and

WHEREAS, on December 6, 2005, the Board adopted Resolution 2005-199, Clarifying Key Employee Resolution 2004-71 “Approval of Key Employees,” modifying and expanding Resolution 2004-71 by (a) designating additional positions as “Key Team Members,” (b) specifying that employees holding these positions may be selected and/or terminated only by a vote of seven (7) members of the Board of Directors; and (c) reserving to the Board of Directors the sole authority to determine whether any such employee shall be given a contract that is binding upon the Tribe; and

WHEREAS, on November 4, 2008, the Board of Directors adopted Resolution 2008-225, Amending Key Employee Resolution 2005-199, identifying two additional positions to be designated as “key employees” for purposes of Resolution 2005-199; and

WHEREAS, the Board of Directors has now determined that these measures are no longer necessary and that future employment decisions regarding such employees are best handled through normal human resources policies and procedures.

NOW, THEREFORE, BE IT RESOLVED, that Resolutions 2004-71, Approval of Key Employees; 2005-199, Clarifying Key Employee Resolution 2004-71 “Approval of Key Employees”; and Resolution 2008-225, Amending Key Employee Resolution 2005-199; are each rescinded effective immediately.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**FURTHER AMENDING KEY EMPLOYEE RESOLUTION 2005-199
KEWADIN CASINOS KEY TEAM MEMBERS**

WHEREAS, on July 6, 2004, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians adopted Resolution 2004-71, Approval of Key Employees, identifying certain positions as “Key Employee” positions and requiring that individuals could be hired into such positions only by an affirmative vote of seven members of the Board of Directors and, further, could be terminated from such positions only an affirmative vote of eight members of the Board of Directors; and

WHEREAS, on December 6, 2005, the Board adopted Resolution 2005-199, Clarifying Key Employee Resolution 2004-71 “Approval of Key Employees,” which modified Resolution 2004-71 by (a) designating additional positions as “Key Team Members,” (b) specifying that employees holding these positions may be selected and/or terminated only by a vote of seven (7) members of the Board of Directors; and (c) reserving to the Board of Directors the sole authority to determine whether any such employee shall be given a contract that is binding upon the Tribe; and

WHEREAS, on November 4, 2008, the Board of Directors adopted Resolution 2008-225, Amending Key Employee Resolution 2005-199, identifying two additional positions to be designated as “key employees” for purposes of Resolution 2005-199; and

WHEREAS, on December 17, 2013, the Management Board of the Gaming Authority approved a casino budget for FY 2014 that included proposed changes to the position title, duties, and compensation for two positions identified as “Key Team Members” by Resolution 2005-199; and

WHEREAS, pursuant to Resolution 2005-199, such changes require the affirmative approval of at least seven members of the Board; and

WHEREAS, the Board of Directors wishes to confirm these changes, and to amend the list of “Key Team Members” at the Kewadin Casinos to reflect these changes and, further, to clarify that these positions remain designated as “key team member” positions;

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the realignment of the titles, duties, and salaries of the following positions as approved by the Management Board of the Gaming Authority in the 2014 Budget adopted by the Management Board: (1) Director of Hotel and Sales/Retail Operations (formerly VP of Hotel Operations) and (2) Marketing Director (formerly VP of Marketing and Sales).

BE IT FURTHER RESOLVED, that the list of “Key Team Members” for the Kewadin Casinos contained in Resolution 2005-199, is hereby amended to read as follows:

1. Chief Operating Officer
2. Chief Financial Officer
3. Director of Hotel and Sales/Retail Operations
4. Marketing Director
5. General Manager – Sault Ste. Marie
6. General Manager – Hessel
7. General Manager – Christmas
8. General Manager – St. Ignace
9. General Manager – Manistique
10. Food and Beverage Director
11. Retail and Support Services Director

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AMENDING KEY EMPLOYEE RESOLUTION 2005-199
KEWADIN CASINOS KEY TEAM MEMBERS**

WHEREAS, Chapter 94 of the Tribal Code, Gaming Authority Charter, created the Kewadin Casinos Gaming Authority as a separate and distinct governmental instrumentality for the purpose of operating and managing the licensed gaming operations of the Tribe and, further, vested in the Authority the specific power “to employ, discipline and discharge employees and establish personnel policies and terms and conditions of employment;”

WHEREAS, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians has adopted a series of resolutions including Resolution 2004-71, Approval of Key Employees (July 6, 2004), Resolution 2005-199, Clarifying Key Employee Resolution 2004-71 “Approval of Key Employees” (December 6, 2005), and Resolution 2008-225, Amending Key Employee Resolution 2005-199 (November 4, 2008), which resolutions restrict the hiring and termination of certain employees who are designated as “Key Employees” or “Key Team Members;” and

WHEREAS, the list of employees designated as “Key Employees” in Resolution 2005-199 includes eleven positions within Kewadin Casinos; and

WHEREAS, the Management Board of the Gaming Authority has adopted a resolution identifying Kewadin Casinos Key Team Members and imposing protections for those positions substantially similar to those provided in Resolution 2005-199; and

WHEREAS, the Board of Directors has determined that it is in the best interests of the Tribe that, consistent with Chapter 94 of the Tribal Code, all matters relating to the employment, management, and discharge of casino employees be exclusively vested in the Gaming Authority.

NOW, THEREFORE, BE IT RESOLVED that the list of “Key Team Members” for the Kewadin Casinos contained in Resolution 2005-199, is hereby amended to delete all positions within the Kewadin Casinos including the following:

1. Chief Operating Officer
2. Chief Financial Officer
3. Vice President – Hotel Operation
4. Vice President – Marketing and Sales
5. General Manager – Sault Ste. Marie
6. General Manager – Hessel
7. General Manager – Christmas
8. General Manager – St. Ignace
9. General Manager – Manistique
10. Food and Beverage Director
11. Retail and Support Services Director

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AMENDING KEY EMPLOYEE RESOLUTION 2005-199
KEWADIN CASINOS KEY TEAM MEMBERS**

WHEREAS, Chapter 94 of the Tribal Code, Gaming Authority Charter, created the Kewadin Casinos Gaming Authority as a separate and distinct governmental instrumentality for the purpose of operating and managing the licensed gaming operations of the Tribe and, further, vested in the Authority the specific power “to employ, discipline and discharge employees and establish personnel policies and terms and conditions of employment;”

WHEREAS, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians has adopted a series of resolutions including Resolution 2004-71, Approval of Key Employees (July 6, 2004), Resolution 2005-199, Clarifying Key Employee Resolution 2004-71 “Approval of Key Employees” (December 6, 2005), and Resolution 2008-225, Amending Key Employee Resolution 2005-199 (November 4, 2008), which resolutions restrict the hiring and termination of certain employees who are designated as “Key Employees” or “Key Team Members;” and

WHEREAS, the list of employees designated as “Key Employees” in Resolution 2005-199 includes eleven positions within Kewadin Casinos; and

WHEREAS, the Management Board of the Gaming Authority has adopted a resolution identifying Kewadin Casinos Key Team Members and imposing protections for those positions substantially similar to those provided in Resolution 2005-199; and

WHEREAS, the Board of Directors has determined that it is in the best interests of the Tribe that, consistent with Chapter 94 of the Tribal Code, all matters relating to the employment, management, and discharge of casino employees be exclusively vested in the Gaming Authority.

NOW, THEREFORE, BE IT RESOLVED that the list of “Key Team Members” for the Kewadin Casinos contained in Resolution 2005-199, is hereby amended to delete all positions within the Kewadin Casinos including the following:

1. Chief Operating Officer
2. Chief Financial Officer
3. Vice President – Hotel Operation
4. Vice President – Marketing and Sales
5. General Manager – Sault Ste. Marie
6. General Manager – Hessel
7. General Manager – Christmas
8. General Manager – St. Ignace
9. General Manager – Manistique
10. Food and Beverage Director
11. Retail and Support Services Director

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**FISCAL YEAR 2014 ENTERPRISES
CAPITAL PURCHASES BUDGET**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, and the Tribe recognizes the need to authorize expenditures and revenues for key components of the Tribal organization which are essential to the continuing operation of the Sault Ste. Marie Tribe of Chippewa Indians.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves a total of \$621,884 as the Enterprises Fiscal Year 2014 Capital Purchases Budget.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**GOVERNMENTAL – TRIBAL CLIMATE CHANGE PROGRAM
ESTABLISH FY 2014 BUDGET**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the establishment of a FY 2014 budget for Tribal Climate Change Program with carry-over Federal BIA Revenues of \$16,123.28. No effect on Tribal Support.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**FISHERIES – GREAT LAKES FISHERIES TRUST
EPOUFETTE HARBOR
ESTABLISH FY 2014 BUDGET
FISHERIES – TRAP NET CONSENT DECREE (COFTMA)
FY 2014 BUDGET MODIFICATION**

WHEREAS, the Sault Ste Marie Tribe of Chippewa Indians (Tribe) approved the grant contract with the Great Lakes Fishery Trust (Trust) for development of a fishing access site on property owned by the Tribe near Epoufette, Michigan (Resolution #2013-255); and

WHEREAS, the Tribe also approved a total of \$50,000 from the Fisherman's Fund towards the Frazier Dock Project (Resolution #2013-179).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the establishment of a FY 2014 budget for GLFT Epoufette Harbor with Great Lakes Fisheries Trust Revenues of \$610,750 and a transfer in from Trap Net Consent Decree of \$41,250. No effect on Tribal Support.

BE IT FINALLY RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the modification of a FY 2014 budget for Trap Net Consent Decree (COFTMA) Increasing State Trap Net Revenue \$41,250. No effect on Tribal Support.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**JD EDWARDS - COMPUTERS
FY 2014 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2014 budget modification to JD Edwards for an increase in Transfer-In monies \$399,722 from loan acquired funds designated for Computer Upgrade cost.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**GOVERNMENTAL – NATIONAL CONGRESS OF AMERICAN INDIANS
INITIATIVE
ESTABLISH FY 2014 BUDGET**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the establishment of a FY 2014 budget for NCAI Partnership for Tribal Governance Revenues of \$50,000. No effect on Tribal Support.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AMERICAN INDIAN SUBSTANCE ABUSE AND IHS AFTERCARE
FY 2014 BUDGET MODIFICATIONS**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2014 budget modifications to American Indian Substance Abuse and IHS Aftercare to change the personnel sheets and re-allocated expenses. No effect on Tribal Support.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

[Discussion Draft]

**SUBMISSION TO SECRETARIAL ELECTION
A CONSTITUTIONAL AMENDMENT
TO ESTABLISH A SEPARATE AND INDEPENDENT
JUDICIAL BRANCH OF TRIBAL GOVERNMENT**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 USC 461 et seq.; and

WHEREAS, the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians, Article X, states: “This constitution and bylaws may be amended by a majority vote of the eligible voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon the receipt of a resolution passed by a majority of the board of directors, the chairperson having the right to vote thereon;” and

WHEREAS, it is the desire and intent of the Board of Directors that a Secretarial Election be held for the purpose of adding a new Article XII of the Constitution establishing a separate and independent judicial branch of tribal government;

NOW THEREFORE BE IT RESOLVED that Pursuant to Article X of the Tribe’s Constitution, the Board of Directors hereby submits the following proposed Constitutional Amendment to the Secretary of Interior for purposes of holding a Secretarial Election with all due haste:

Shall a new Article XII be added to the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians to read as follows:

ARTICLE XII - JUDICIAL BRANCH

Section 1. Composition of the Judicial Branch. Notwithstanding any other provision of this Constitution, the judicial power of the Tribe shall be vested in an independent Judicial Branch as provided in this Article. The Judicial Branch shall be made up of one Trial Court which shall be called the Court of Gweyakwaadziwin, one Supreme Court which shall be called the Court of Nbwaakawin, and appropriate court staff as established

by law. The Judicial Branch shall also include trial level courts of special jurisdiction as may be established by law.

- (a) Composition of the Trial Court. The Trial Court shall be made up of one Chief Judge and any Associate Judges or Substitute Judges as may be authorized by law. The Chief Judge shall have oversight authority of all matters related to the operations and administration of all trial level courts including, subject to the laws of the Tribe, the employment and discharge of Court personnel.
- (b) Composition of the Supreme Court. There shall be *[three?] [five?]* Justices on the Supreme Court. There shall be one Chief Justice, *[two?] [four?]* Associate Justices and such additional alternate Justices as may be established by law. The Chief Justice shall have oversight authority of all matters related to the operations and administration of the Supreme Court.
- (c) Composition of Courts of Special Jurisdiction. Courts of Special Jurisdiction shall be made up of judges or peacemakers, including appropriate staff, as may be established by law.

Section 2. Election and Selection of Justices and Judges.

- (a) Election of Justices and Judges. All Justices and Judges, except substitute Judges, shall be *[elected directly by the voters] [or] [appointed by the Chairperson with the concurrence of a positive majority of the Board of Directors].*
- (b) Selection of Substitute Trial Judges. In the event of recusal of the Chief Judge and all Associate Judges, the Chief Judge shall select a Substitute Judge, subject to any restrictions imposed by rules of the Courts or by law.
- (c) Selection of Substitute Supreme Court Justices. In the event of recusal of the Chief Justice and all Associate Justices, the Chief Justice shall select a Substitute Justice, subject to any restrictions imposed by rules of the Courts or by law.

Section 3. Terms.

- (a) The term of office for each Judge of the Trial Court or any other trial level court shall be four years. Unless removed, each Judge shall remain in office until an oath of office is administered to a successor. The terms of office for each Justice of the Supreme Court shall be six years. Unless removed, each Justice shall remain in office until the oath of office is administered to a successor.
- (b) The terms of office for Justices and Judges shall be staggered.

Section 4. Qualifications.

- (a) All Judges and all Justices shall be [*attorneys*]and [*members of the Tribe.*] The Chief Judge shall reside within a fifty mile radius of the principal Tribal Court House upon election to office. All Associate Judges shall reside in any voting District upon election.
- (b) No person shall be eligible to serve as a Judge or Justice who has ever been convicted of a felony in any jurisdiction.
- (c) A Judge or Justice cannot serve in an elective office of any other government nor be an appointed official of any local unit of government.

Section 5. Jurisdiction of the Courts.

- (a) The Trial Court shall have original jurisdiction over all cases and controversies, both criminal and civil, in law or in equity, arising under the Constitution, treaties, laws, and customs of the Tribe, including cases in which the Tribe or its officials and employees shall be a party. Any such case or controversy arising within the jurisdiction of the Tribe shall be filed and exhausted in the Judicial Branch before it is filed in any other court or in any other jurisdiction. This grant of jurisdiction shall not be construed to be a waiver of the Sovereign Immunity of the Tribe.
- (b) The Supreme Court shall have appellate jurisdiction over any case on appeal from the Trial Court or any other trial level court.

Section 6. Powers and Duties of the Courts.

- (a) Healing. The primary duty of the Judicial Branch shall be to promote community and individual healing and forgiveness in all matters which come before the Courts in accordance with the laws, customs, and traditions of the Tribe.
- (b) Trial Court.
 - (i) The Trial Court shall have the power to make findings of fact, interpret the Constitution, treaties, and laws of the Tribe, make conclusions of law, and issue all remedies in law and in equity.
 - (ii) The Trial Court shall have the power to declare the laws of the Tribe void if such laws are not consistent with this Constitution.

- (iii) The Trial Court shall have the power to review and determine if actions of the Executive, including any Department, Board, Committee, or Executive Branch official are consistent with this Constitution, and to order an appropriate remedy for actions which violate this Constitution.
 - (iv) All proceedings of the Trial Court or any other trial court shall be recorded for purposes of appellate review.
- (c) Supreme Court.
- (i) The Supreme Court shall have the power to interpret the Constitution, treaties, and laws of the Tribe, make conclusions of law and make findings of fact in election disputes, and issue all remedies in law and in equity. Decisions of the Supreme Court shall be final.
 - (ii) The Supreme Court shall have the power to declare the laws and Executive actions of the Tribe void if such laws are not consistent with this Constitution.
 - (iii) The Chief Justice shall have oversight authority of all matters related to the operations and administration of the Supreme Court including, subject to the laws of the Tribe, the employment and discharge of Court personnel and the preparation and presentation of an annual budget request for the Judicial Branch. The Supreme Court shall have the power to adopt Rules and Court Procedures governing the Judicial Branch subject to the Rules of the Judicial Commission and the laws of the Tribe.
- (d) Rules of Court. Each Court shall have the power to make its own rules of court, procedure, evidence, and other judicial matters, provided that such rules shall be subject to the power of the Board of Directors to make or modify any rule by law.
- (e) Written Decisions. All orders, judgments, opinions, or final decisions of any Court shall be written and published in a timely manner.
- (f) Final Disposition. The Courts shall render a final disposition in all cases properly filed.
- (g) Right to Appeal. Any party to a civil action, or a defendant in a criminal action, who is dissatisfied with the judgment or verdict of a Trial Court shall have the right to file an appeal to the Supreme Court. The Supreme Court shall have the right to accept or deny any appeal from a Trial Court.

All appeals that are accepted for review by the Supreme Court shall be heard by the full Supreme Court.

- (h) Precedent. The Courts shall develop rules regarding precedent. The Courts may require all parties to a case to present arguments regarding the customs and traditions of the Tribe. In the absence of an applicable written law of the Tribe, the Courts shall separately consider and explain in writing the application of the customs and traditions to the disposition of the case.

Section 7. Conflicts of Interest. Judges and Justices shall disclose and recuse when they have a conflict of interest. Any party to a case shall have the right to request a Judge to recuse, and every decision on recusal shall be accompanied by a written explanation for the decision.

Section 8. Compensation. Judges and Justices shall be paid a reasonable compensation as provided by law.

_____ Approve _____ Disapprove

BE IT FURTHER RESOLVED, that the results of such Secretarial Election shall be conclusive and binding upon the Tribe.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2013; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, with the Chairperson having the opportunity to vote thereon, and that said resolution has not been rescinded or amended in any way.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

[Discussion Draft]

**SUBMISSION TO SECRETARIAL ELECTION
A CONSTITUTIONAL AMENDMENT
TO ESTABLISH THE RIGHTS OF RECALL AND REMOVAL**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 USC 461 et seq.; and

WHEREAS, the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians, Article X, states: “This constitution and bylaws may be amended by a majority vote of the eligible voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon the receipt of a resolution passed by a majority of the board of directors, the chairperson having the right to vote thereon;” and

WHEREAS, it is the desire and intent of the Board of Directors that a Secretarial Election be held for the purpose of amending and revising Article VI of the Constitution, governing vacancies and removal from office, in order to expand the right of removal, to establish a right of recall, and to make additional provisions for the filling of vacancies.

NOW THEREFORE BE IT RESOLVED that Pursuant to Article X of the Tribe’s Constitution, the Board of Directors hereby submits the following proposed Constitutional Amendment to the Secretary of Interior for purposes of holding a Secretarial Election with all due haste:

Shall Article VI of the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians be amended to read as follows:

ARTICLE VI - RECALL, REMOVAL, AND VACANCIES

Section 1. Recall of a Director or Chairperson.

(a) A member of the Board of Directors or a Chairperson shall be subject to recall.

(i) A recall election shall be initiated by petition signed by at least ten percent of the total number of eligible voters at the time of submission in the election unit or units from which the Officer was elected.

(ii) A separate recall petition shall be required for each Officer subject to recall.

(iii) A recall petition shall be submitted only to the Election Committee. The Election Committee shall determine within fifteen days whether all requirements for the petition are met. If all requirements are met, the Election Committee shall hold a Recall Election after thirty days but no more than sixty days.

(iv) All eligible voters in the affected election unit or units shall be entitled to vote in the recall election. An officer shall be recalled and removed from office if at least a majority of the votes cast in the Recall Election vote in favor of recall.

(v) A recall petition shall not be initiated or submitted to the Election Committee until at least six months have passed since the start of the Officer's current term of office. A recall petition shall not be initiated or submitted to the Election Committee if six months or less remain in the term of the Officer. Once a petition is initiated, the petitioners shall have no more than sixty days to collect the requisite number of signatures. An Officer who is the subject of an unsuccessful recall vote shall not be subject to another recall election during that same term of office unless the basis for the recall is a conviction of a felony in any jurisdiction as defined by law.

(vi) An Officer who is successfully recalled from office shall not be eligible to run for any elected office until the original term from which that Officer was recalled would otherwise have expired.

Section 2. Removal of a Director or Chairperson. A Director or Chairperson shall be subject to removal for good cause as established by law.

(a) A removal petition may be filed against a Director if signed by at least one hundred eligible voters the election unit from which the Director was elected. A removal petition may be filed against the Chairperson by at least one hundred eligible voters of the Tribe. Any such petition shall state good cause and shall request a removal hearing against the accused Officer. The Tribal Court shall decide within fifteen days upon receipt of a petition whether the petition states good cause to conduct a removal hearing.

(b) If the Tribal Court finds good cause, the Tribal Court shall, within sixty days of receipt of a valid petition, conduct a public removal hearing providing due process and make a final determination whether the accused shall be removed from office, and upon a decision of removal, the seat shall be deemed vacant.

(c) The conviction of an Officer in any court for the commission of a felony may constitute good cause for purposes of removal. Upon commencement of removal proceedings for a felony conviction, a convicted Officer shall be suspended until a final determination is made regarding removal.

(d) An Officer who is successfully removed from office shall not be eligible to run for any elected office until the original term of the Officer would have expired

Section 3. Vacancy in the Office of the Chairperson. A vacancy in the office of Chairperson shall be filled by the Vice Chairperson until the Tribal Board of Directors acts by majority vote to select a person who shall assume the Office of Chairperson until a successor shall be seated in a Special Election which shall be held within sixty days of vacancy. If six months or less remain in the Chairperson's term, then the vacancy shall be

filled by the Vice Chairperson or by the person designated by majority vote of the Board of Directors.

Section 4. Vacancy on the Board of Directors. If a member of the Board of Directors, other than the Chairperson, shall die, resign, or be recalled or removed from office, the Board of Directors shall declare that Director's office to be vacant. The Board shall, by majority vote, fill vacancies by appointment of a voting member of the tribe to fill the unexpired term of the departed Director. Persons so appointed shall reside within the election unit from which the departed Director was elected.

_____ Approve _____ Disapprove

BE IT FURTHER RESOLVED, that the results of such Secretarial Election shall be conclusive and binding upon the Tribe.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2013; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, with the Chairperson having the opportunity to vote thereon, and that said resolution has not been rescinded or amended in any way.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

[Discussion Draft]

**SUBMISSION TO SECRETARIAL ELECTION
A CONSTITUTIONAL AMENDMENT
AMENDING THE BILL OF RIGHTS**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 USC 461 et seq.; and

WHEREAS, the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians, Article X, states: "This constitution and bylaws may be amended by a majority vote of the eligible voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon the receipt of a resolution passed by a majority of the board of directors, the chairperson having the right to vote thereon;" and

WHEREAS, it is the desire and intent of the Board of Directors that a Secretarial Election be held for the purpose of amending Article VIII of the Constitution to expand the Bill of Rights.

NOW THEREFORE BE IT RESOLVED that Pursuant to Article X of the Tribe's Constitution, the Board of Directors hereby submits the following proposed Constitutional Amendment to the Secretary of Interior for purposes of holding a Secretarial Election with all due haste:

Shall Article VII of the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians be amended to read as follows:

ARTICLE VIII – BILL OF RIGHTS

The government of the Tribe shall not make or enforce any law which:

(a) infringes upon religious or cultural beliefs or prohibits the free exercise thereof nor any law which establishes religion;

(b) prohibits the freedom of speech, expression, or of the press, or the right of the People peaceably to associate or assemble, and to petition the government for redress of grievances;

(c) infringes upon the right of any person otherwise eligible at any time to seek and hold elective public office;

(d) violates the right of the People to be secure in the privacy of their persons, houses, papers, electronic and telecommunications information, vehicles, and effects against unreasonable searches and seizures, nor issue warrants but upon probable cause, supported by oath or affirmation signed by a Judge and particularly describing the place, person, house, or things to be searched, the object and scope of such search, and the person or thing to be seized, nor execute an arrest without probable cause, nor exercise a detention without reasonable suspicion;

(e) subjects any person to search without probable cause or to interrogation while in custody without informing the person of their right to remain silent, to have access to an attorney, and to be advised that anything they say can be held against them in a court of law;

(f) subjects any person to criminal prosecution or punishment more than once for the same offense arising out of the same incident, nor compels any person in any criminal case to be a witness against himself or herself;

(g) discharges any person from employment without due process, or takes any private property or possessory interest in private property for public use, without due process and just compensation;

(h) discharges any person from employment or takes any other retaliation against an employee who makes public any information of misconduct by officials or employees of the Tribe;

(i) denies to any person in a criminal or civil proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him or her, to have compulsory process for obtaining witnesses in his or her favor, and in a criminal proceeding to have the assistance of counsel for his or her defense subject to income guidelines;

(j) requires excessive bail, imposes excessive fines, or inflicts cruel and unusual methods of interrogation or punishment;

(k) denies to any person within its jurisdiction the equal protection, application, or opportunity under the law or deprive any person of liberty or property without due process of law, provided, that the government shall have the power to enact and implement laws that provide employment preferences;

(l) directs a criminal proceeding against a specific individual or group, or punishes conduct after the fact through the enactment of laws or resolutions which criminalize such conduct;

(m) denies to any person accused of an offense punishable by imprisonment the right upon request, to a trial by an impartial jury of not less than six persons, and all persons shall be presumed innocent until proven guilty in a court of law;

(n) denies to any person the access to his or her own personal information maintained by the Tribe;

(o) denies to any Person the right to own, bear, and use arms subject to regulation by the Tribe by law.

_____ Approve _____ Disapprove

BE IT FURTHER RESOLVED, that the results of such Secretarial Election shall be conclusive and binding upon the Tribe.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2013; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, with the Chairperson having the opportunity to vote thereon, and that said resolution has not been rescinded or amended in any way.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

[Discussion Draft]

**SUBMISSION TO SECRETARIAL ELECTION
A CONSTITUTIONAL AMENDMENT
TO AMEND ARTICLES IV AND V
ESTABLISHING AN ADDITIONAL ELECTION UNIT**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 USC 461 et seq.; and

WHEREAS, the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians, Article X, states: “This constitution and bylaws may be amended by a majority vote of the eligible voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon the receipt of a resolution passed by a majority of the board of directors, the chairperson having the right to vote thereon;” and

WHEREAS, it is the desire and intent of the Board of Directors that a Secretarial Election be held for the purpose of amending Articles IV and V so as to add a new election unit for the northern Lower Peninsula and to clarify the redistricting and reapportionment principles that shall apply to those election units located in the Upper Peninsula;

NOW THEREFORE BE IT RESOLVED that Pursuant to Article X of the Tribe’s Constitution, the Board of Directors hereby submits the following proposed Constitutional Amendment to the Secretary of Interior for purposes of holding a Secretarial Election with all due haste:

Shall Articles IV and V of the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians be amended to read as follows:

ARTICLE IV - GOVERNING BODY

Section 1. The governing body of the Sault Ste. Marie Tribe of Chippewa Indians shall consist of a board of directors.

Sec. 2. A chairperson shall be elected at large by the voters of the tribe and shall serve as a member of the board of directors. **A TOTAL OF TWELVE BOARD MEMBERS SHALL BE APPORTIONED AMONG THE FIVE UPPER PENINSULA ELECTION**

UNITS IN THE MANNER DESCRIBED IN ARTICLE V, SECTION 1. The voters of each of the five (5) election units shall elect from within their qualified membership one member to the board to represent each five hundred (500) members or fraction thereof EACH OF THE BOARD SEATS APPORTIONED TO THAT UNIT. IN ADDITION, THE VOTERS OF UNIT SIX, DESCRIBED IN ARTICLE V, SECTION 2, SHALL ELECT *[ONE] [TWO]* BOARD MEMBER[S] FROM WITHIN THE QUALIFIED MEMBERSHIP OF THAT UNIT. Following each election, the board of directors shall select from within its membership a vice-chairperson, a treasurer and a secretary.

Sec. 3. The members of the board shall be qualified voters of the Tribe, eighteen (18) years of age or over. Any Person elected or appointed to a position on the board who is either an employee or independent contractor of the Tribe shall voluntarily resign his or her employment position and/or surrender any rights under any contract with the Tribe prior to assuming the duties of office or taking the oath of office. Failure to voluntarily resign and/or terminate the contractual relationship with the Tribe shall bar the elected or appointed individual from assuming the duties of office or taking the oath of office.

Sec. 4. ~~For the purpose of the first election held after adoption of this constitution, the chairperson and other members of the board of directors comprising fifty percent of those elected who have received the highest number of votes shall serve for a term of four years, or until their successors are duly installed in office. All other members shall serve a term of two years, or until their successors are duly installed in office. Thereafter, the~~ EXCEPT AS PROVIDED HEREIN, THE term of office of the chairperson and directors shall be four years, or until their successors are duly installed in office. ***[IN THE 2014 ELECTION CYCLE, THE UNIT SIX BOARD MEMBER CANDIDATE RECEIVING THE LARGEST NUMBER OF VOTES SHALL SERVE A FOUR YEAR TERM AND THE BOARD MEMBER CANDIDATE RECEIVING THE SECOND LARGEST NUMBER OF VOTES SHALL SERVE A TWO YEAR TERM. THEREAFTER, EACH UNIT SIX BOARD MEMBER SHALL SERVE A FOUR YEAR TERM AS PROVIDED IN ARTICLE IV, SECTION 4.]*** THE TERMS OF OFFICE FOR *[OTHER]* BOARD MEMBERS SHALL CONTINUE TO BE STAGGERED SUCH THAT HALF OF THE AVAILABLE SEATS SHALL EXPIRE EVERY TWO YEARS.

ARTICLE V - NOMINATIONS AND ELECTIONS

Section 1. ~~Within ninety (90) days after the approval of this constitution, the~~ THE board of directors shall cause to be made a division of the eastern portion of the Upper Peninsula of the State of Michigan into five (5) election districts known as units, and shall conduct a census to determine the number of tribal members in each such unit. The boundaries shall be located with due regard to the historical location of each of the historical bands of the Sault Ste. Marie Chippewa Indians. At ~~four~~ TEN year intervals beginning ~~four years from the year of adoption of this constitution~~ IN THE YEAR 2015, the board of directors shall cause to be made a census and voter registration of the membership within each unit and shall publish no less than three (3) months in advance

of the next general election the results thereof. THE RESULTS OF THIS CENSUS SHALL BE USED BY THE BOARD OF DIRECTORS TO REDISTRIBUTE THE FIVE ELECTION UNITS OR TO REAPPORTION THE TWELVE BOARD SEATS AMONG THE FIVE ELECTION UNITS SO AS TO ACHIEVE A REASONABLY PROPORTIONAL DISTRIBUTION OF REPRESENTATION AMONG THE FIVE UNITS PROVIDED THAT EACH OF THE FIVE UNITS SHALL HAVE AT LEAST ONE REPRESENTATIVE.

SEC. 2. BEGINNING WITH THE 2014 ELECTION CYCLE, THERE IS ESTABLISHED AN ADDITIONAL ELECTION UNIT TO BE KNOWN AS UNIT SIX WHICH SHALL BE COMPRISED OF THAT PORTION OF THE LOWER PENINSULA OF MICHIGAN THAT IS NORTH OF THE 45TH PARALLEL.

~~Sec. 2. The first election of the chairperson and the board of directors shall be held within ninety (90) days after the creation of the election units under the arrangements and supervision of the present board of directors and the local Superintendent of the Bureau of Indian Affairs. [OBSOLETE]~~

~~Sec. 3. The officers and members of the board of directors of the organization known as the Original Bands of Sault Ste. Marie Chippewa Indians holding office at the time of the adoption of this constitution shall continue in office and carry out the functions of the officers and board of directors of the tribe as prescribed by this constitution until the chairperson and board of directors are elected and duly installed in office pursuant to this article. [OBSOLETE]~~

Sec. 4 3. Any person eighteen (18) years of age or over who is a member of the tribe shall be eligible to vote in tribal elections.

Sec. 5 4. In any general election called pursuant to this constitution, each eligible voter shall vote within his unit of residence. Voters residing outside of any unit shall register not less than three months prior to any election and MAY REGISTER AND vote in the ELECTION unit of their choice.

Sec. 6 5. The board of directors shall enact appropriate ordinances to implement nominations and the holding of elections.

_____ Approve _____ Disapprove

BE IT FURTHER RESOLVED, that the results of such Secretarial Election shall be conclusive and binding upon the Tribe.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2013; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, with the Chairperson having the opportunity to vote thereon, and that said resolution has not been rescinded or amended in any way.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

[Discussion Draft]

**SUBMISSION TO SECRETARIAL ELECTION
A CONSTITUTIONAL AMENDMENT
ESTABLISHING THE RIGHT OF INITIATIVE**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 USC 461 et seq.; and

WHEREAS, the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians, Article X, states: “This constitution and bylaws may be amended by a majority vote of the eligible voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon the receipt of a resolution passed by a majority of the board of directors, the chairperson having the right to vote thereon;” and

WHEREAS, it is the desire and intent of the Board of Directors that a Secretarial Election be held for the purpose of amending the Constitution of the Tribe, to add a new Article, Article IX.A to provide tribal members with the right to of initiative.

NOW THEREFORE BE IT RESOLVED that Pursuant to Article X of the Tribe’s Constitution, the Board of Directors hereby submits the following proposed Constitutional Amendment to the Secretary of Interior for purposes of holding a Secretarial Election with all due haste:

Shall the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians be amended to add a new Article IX.A to read as follows:

ARTICLE IX.A – INITIATIVE

Section 1. Right of Initiative. Voters of the Tribe shall have the right to enact a law by Initiative. An Initiative shall not be permitted to enact a budget or budget modification. Eligible voters of the Tribe, regardless of their residence, shall have the right to demand an Initiative election to enact a law by submitting a petition signed by at least ten percent of the number of eligible voters of the Tribe to the Election Commission. A petition for an Initiative election shall include the full text of the proposed law. Once a petition is submitted, the Election Commission shall make a determination within fifteen days

whether all petitioning requirements have been met. Upon making a finding of a valid petition, the Election Commission shall conduct a Special Election on the Initiative within sixty days.

Section 2. Results of a Special Election for an Initiative. The results of a Special Election for an Initiative shall become law immediately unless otherwise specified in the law. Once passed, the results of the Initiative shall be binding and shall not be subject to repeal or modification except by a subsequent Special Election or by a three-fourths majority vote of the Board of Directors.

_____ Approve _____ Disapprove

BE IT FURTHER RESOLVED, that the results of such Secretarial Election shall be conclusive and binding upon the Tribe.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2013; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, with the Chairperson having the opportunity to vote thereon, and that said resolution has not been rescinded or amended in any way.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**AMENDING TRIBAL CODE
SECTION 10.110 – CANDIDATES FOR ELECTION**

WHEREAS, section 10.110 of the Tribal Code specifies the qualifications for candidates seeking election to tribal office; and

WHEREAS, the Board of Directors wishes to assure that the qualifications required by the Code more accurately reflect those imposed by the Constitution and Bylaws of the Sault Ste. Marie Tribe of Chippewa Indians;

NOW, THEREFORE, BE IT RESOLVED that Chapter 10 of the Tribal Code, Election Ordinance, section 10.110, is hereby amended to read as follows:

10.110 Candidates for Election.

(1) To be eligible as a Candidate for election to the Board of Directors or to the office of Tribal Chairperson, a person must be:

- (a) a qualified voter of the Tribe; and
- (b) eighteen years of age or over.

(2) Within seven (7) days of filing a Letter of Intent, each Candidate shall file with the Designated Representative at the Designated Office a background investigation disclosure report on forms provided by the Election Committee. The report shall be signed under oath and penalty of perjury, notarized, and shall contain such information, releases, and consents deemed necessary by the Election Committee to verify satisfaction of the eligibility requirements of this Section.

(3) The Election Committee shall compile a complete list of eligible nominated Candidates. This list shall be posted in each Tribal Office and shall be available for inspection at least sixty three (63) days prior to the election.

(4) Any Candidate elected or appointed to the Board of Directors or to the office of Tribal Chairperson shall be barred from taking office unless, prior to assuming the duties of that position, the Candidate shall:

- (a) voluntarily resign any position of employment with the Tribe; and
- (b) voluntarily surrender any rights under any contract with the Tribe; and

(c) establish Residency within the Election Unit the Candidate seeks to represent or, for the office of Tribal Chairperson, within any Election Unit; and

(d) if elected or appointed to the office of Tribal Chairperson while serving an unexpired term on the Board of Directors, resign from the Candidate's office on the Board of Directors; and

(e) take the oath of office as provided in Section 10.124.

(5) Each member of the Board of Directors shall, during his or her entire term of office, maintain Residency within the Election Unit her or she represents. The Tribal Chairperson shall maintain Residency within an Election Unit.

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 call, notice, convened, and held on the ____ day of _____, 2013; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

REPLACING TRIBAL CODE CHAPTER 16: REMOVAL FROM OFFICE

WHEREAS, the Constitution at Article VI provides for the removal of an elected official from office; and

WHEREAS, Article VI is not self-enabling and therefore the Board of Directors is responsible for the promulgation of a law that implements Article VI; and

WHEREAS, the Board of Directors has adopted Tribal Code Chapter 16: Removal from Office which implements Article VI which implements Article VI; and

WHEREAS, the Board of Directors finds that the people's right to seek recourse pursuant to Article VI is impinged by overly restrictive sections contained in Tribal Code 16: Removal From Office; and

WHEREAS, the Board of Directors wishes to replace the existing Tribal Code Chapter 16: Removal from Office with an earlier version of the same that does not impinge upon the people's right to recourse under that Chapter.

NOW, THEREFORE, BE IT RESOLVED, that Tribal Code Chapter 16 is rescinded in its entirety and replaced by the attached.

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

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2014; 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.

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

Cathy Abramson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

**BOARD OF DIRECTORS REGULAR MEETING
JANUARY 14, 2014**

Sponsor's List

RESOLUTIONS:

Auth Grant Agreement w/ Great Lakes Fishery Trust – Tom Gorenflo
Healthy Start Initiative – Tony Abramson/Bonnie Culfa
Lease Cancellation –Delmar /Sherry Shagen – Brenda Jeffreys/Bill Connolly
Trust Land Lease – Delmar Shagen –Brenda Jeffreys/Bill Connolly
Legal Assistance for Victims Grant –Jami Moran/Juanita Bye
Renaming JKL Baweting Anishinaabe Grant School – Director McLeod
AECOM Contract-Waiver of Immunity- Wendy Hoffman/John Wernet
Am. Ch. 21: Inland Fishing and Hunting-Aaron Schlehuber
Loan Gam.Auth. to Tribe: Computer/JD Edwards-Bill Connolly
Rescinding Key Employee Res. (3 options)- John Wernet
FY 2014 Gov't Capital Purchases Budget-Christine McPherson/Bill Connolly
FY 2014 Enterprises Capital Purchases Budget-Bill Connolly
Budget Mod:

Tribal Climate Change Program-Eric Clark
Fisheries-Epoufette/Trap Net Consent-Tom Gorenflo
JD Edwards-Bill Connolly
Gov't NCAI Initiative-Jen Dale-Burton
Am Indian Substance Abuse/IHS Aftercare-Tony Abramson

Constitutional Amendments:

Separate and Independent Judicial Branch-Chairperson Payment
Rights of Recall and Removal – Chairperson Payment
Bill of Rights – Chairperson Payment
Additional Election Unit – Chairperson Payment
Right of Initiative – Chairperson Payment
Amending Chapter 10 – Chairperson Payment
Amending Chapter 16 – Director Pine

Enactment of Ethics Code – Chairperson Payment

Referendum Vote: Board Salary \$100,000 or \$75,000 or \$67,000 or \$50,000 or \$30,000 –Chairperson Payment

Requiring Tribal Board to be Subject to the Sexual Harassment Policy of the Tribe – Chairperson Payment

NEW BUSINESS:

Committee Appointment - Housing

Administrative Review – Director McLeod

Proof of Residency - B.O.D. in 2012 Election – Chairperson Payment

Publish Board Attendance at Regularly Scheduled Meetings and Tuesday's Workshops – Chairperson Payment

MEMORANDUM

TO: Board of Directors
FROM: Joanne Carr, Board Secretary
DATE: January 9, 2014
RE: Workshop Agenda for January 14, 2014

AGENDA

10 a.m. – Legal

Gaming Authority Meeting

Lunch

1:00 p.m. – Two Percent Review

3:30 p.m. – Agenda Review