

TRIBAL CODE

CHAPTER 101:

**AN ORDINANCE TO ESTABLISH THE SAULT TRIBE
BROADBAND UTILITY AUTHORITY**

ARTICLE I: GENERAL PROVISIONS

101.101 Definition..... 101-3
101.102 Purpose 101-4
101.103 Findings 101-4
101.104 Establishment of the Broadband Utility Authority 101-5
101.105 Name, Location and Place of Business..... 101-5
101.106 Seal of the Authority..... 101-5
101.107 Effects and Duration of the Authority..... 101-5
101.108 Mission of Authority 101-5
101.109 Amendments..... 101-6

ARTICLE II: AUTHORITY ADMINISTRATION

201.201 Control of Operations 201-1
201.202 Organization of the Board of Commissioners 201-1
201.203 Board of Commissioners’ Meetings..... 201-2
201.204 Board of Commissioners’ Committees 201-4
201.205 Standard of Care..... 201-4
201.206 Allocation Plan..... 201-5
201.207 Compensation and Reimbursement..... 201-5
201.208 Board of Commissioners’ Powers and Duties 201-5
201.209 Records 201-6
201.210 General Manager 201-7
201.211 Indemnification of Commission Members and Employees 201-9
201.212 Accounting and Fiscal Year 201-9
201.213 Insurance 201-9
201.214 Reports to Governing Authority 201-9

ARTICLE III: OPERATIONS

301.301 Authority Implementation Plan..... 301-1

301.302 Business Practice Manuals 301-1

**EXHIBIT A – Sault Tribe Broadband Utility Authority Administration Address and
Contact Information 301-2**

**EXHIBIT B – Sault Tribe Broadband Utility Authority Initial Implementation Plan
Outline 301-3**

HISTORY NOTE:

Current Ordinance:

Resolution 2022-82, adopted March 1, 2022, enacts Chapter 101: An Ordinance to Establish the Sault Tribe Broadband Utility Authority, effective immediately.

CHAPTER 101:

AN ORDINANCE TO ESTABLISH THE SAULT TRIBE BROADBAND UTILITY AUTHORITY

ARTICLE 1

GENERAL PROVISIONS

101.101 Definitions

Authority - means the Sault Tribe Broadband Utility Authority established pursuant to this Governing Ordinance.

Authority Customers - means any individual, business, or government entity which is provided or seeks to have provided services from the Authority.

Authority Implementation Plan – means the initial plan of how the Authority will operate and function as an on-going business.

Authority Office(s) - means the current or future facility or facilities of the Authority which are used for conducting general business.

Board of Commissioners - means the governing body of the Authority pursuant to this Governing Ordinance.

Board of Commissioners Meeting – means scheduled, announced and noticed meetings of the Authority’s Board of Commissioners.

Broadband Utility Services - means the delivery of internet services through a broadband system to individuals both on and off the Reservation to an agreed-upon point of delivery. This includes all activities incident to the delivery of broadband services, including, but not limited to, development of infrastructure, asset acquisition, construction, and/or the operation of broadband service infrastructure (e.g., generation, transmission, distribution and control area services) as may be required to effectuate delivery of broadband services generated to the end user.

Business Practice Manuals – mean the written compilation of documents developed by the Authority describing in detail how the Authority operates as a provider of Broadband Utility Services.

Commissioners - means members of the Authority’s Board of Commissioners pursuant to this Governing Ordinance.

Commission Members - means those persons appointed by the Tribe's Board of Directors to govern and manage the affairs of the Sault Tribe Broadband Utility Authority's mission pursuant to this Governing Ordinance herein which are not forbidden by law, this Governing Ordinance, or the Tribe's Constitution and Bylaws.

General Manager - means a person employed under a written employment contract who shall be responsible to the Board of Commissioners.

Governing Authority - means the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors, the governing body of the Tribe authorized under the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians to approve and implement this Ordinance.

Governing Ordinance - means local law set forth by the Tribe's governing body authorizing the establishment of the Sault Tribe Broadband Utility Authority, its Board of Commissioners Members, and other requirements as described in the document.

Rates - means the charges established in rate schedule(s) for services provided to a customer.

Reservation - means all those lands on and within the exterior boundaries of the Tribe's Reservation and shall include all lands owned in fee or held in trust by the Tribe.

Tribal Constitution - means the Constitution and By-Laws of the Sault Ste. Marie Tribe of Chippewa Indians.

Sault Tribe Broadband Utility Authority - means the Sault Tribe Broadband Utility Authority established pursuant to this Governing Ordinance.

Tribe - means the Sault Ste. Marie Tribe of Chippewa Indians.

101.102 **Purpose**

The purpose of this Governing Ordinance is to establish the Sault Tribe Broadband Utility Authority and to set forth the terms governing the activities of the Sault Tribe Broadband Utility Authority.

101.103 **Findings**

The Governing Authority hereby makes the following findings:

(1) The Tribe has access to resources enabling the Tribe to provide Broadband Utility Services to customers within and around the Tribe's Reservation.

(2) Utilizing the Tribe's resources to provide broadband utility services to areas within and around the Reservation could provide economic benefits to the Tribe and its members, and could further promote the health, safety, and welfare of the Tribe and its members.

(3) Formation of the Sault Tribe Broadband Utility Authority will enable the Tribe to provide broadband utility service to areas within and around the Reservation.

101.104 Establishment of the Broadband Utility Authority

(1) The Sault Tribe Broadband Utility Authority (**Authority**) is hereby established. The Governing Authority shall appoint the Authority Board of Commissioners and the Authority shall be operated and governed in accordance with the provisions of this Governing Ordinance and the Tribe’s Constitution as well as any subsequent amendments to this Governing Ordinance.

(2) Consistent with the requirements of 201.201 (**Authority Administration**) in this Governing Ordinance, in its initial stages and while locating qualified commissioners, the Governing Authority shall act and function as the interim Board of Commissioners of the Authority for a period not to exceed six (6) months from the adoption of this Governing Ordinance.

101.105 Name, Location, and Place of Business

The name of this organization shall be the Sault Tribe Broadband Utility Authority, hereafter called the “**Authority.**” The principal place of business and office of the Authority shall be at 523 Ashmun St., Sault Ste. Marie, Michigan 49783. The administrative and mailing addresses are found on **Exhibit A**. The Authority may also have offices at such other places as the Board of Commissioners may from time to time direct.

101.106 Seal of the Authority

The Board of Commissioners shall adopt a seal in such a form and with such symbols, designs, size, and colors as shall be determined by the Board of Commissioners. The seal shall bear the full name “Sault Tribe Broadband Utility Authority” and the year 2022.

101.107 Effects and Duration of the Authority

Upon adoption by the Governing Authority, this Governing Ordinance, including its provisions, attachments and any subsequent amendments become effective immediately, and the duration of the Authority is perpetual.

101.108 Mission of Authority

The Authority’s mission is to provide **Broadband Utility Services**, as defined herein, to customers within and around the Reservation for the economic benefit of the Tribe and its members, and in furtherance of promoting the general welfare of the Tribe and its members.

101.109 **Amendments**

This Governing Ordinance is subject to amendment by the Governing Authority. The Board of Commissioners shall maintain an updated version of this Governing Ordinance, which shall incorporate all enacted amendments, along with such explanatory notes as the Board of Commissioners deems appropriate.

ARTICLE II

AUTHORITY ADMINISTRATION

101.201 Control of Operations

For the purposes of advancing the Authority in its initial stages and while locating qualified commissioners, the persons duly elected or appointed to serve on the Governing Authority shall act and function as the interim Board of Commissioners of the Authority for a period not to exceed six (6) months from the adoption of this Governing Ordinance. All decisions made by the Board of Commissioners during this interim period shall be made in the same manner and through the same process as any decision made by the Governing Authority pursuant to the Tribe's Constitution.

101.202 Organization of the Board of Commissioners

(1) The affairs of the Authority shall be managed by a Board of Commissioners composed of seven persons. The Commission Members shall be appointed, and may be reappointed, by the Governing Authority. A certificate of the Secretary of the Governing Authority as to the appointment or reappointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner.

(2) The Governing Authority shall name one of the commissioners as Chairman of the Board. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer; and any member may hold two of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.

(3) The Governing Authority may remove any Commission Member, with or without cause. For the initial Board of Commissioners appointments, Commission Members term(s) of office shall be as follows:

- Board of Commissioners Member 1 - A term of 12 months.
- Board of Commissioners Member 2 - A term of 18 months.
- Board of Commissioners Member 3 - A term of 24 months.
- Board of Commissioners Member 4 - A term of 30 months.
- Board of Commissioners Member 5 - A term of 36 months.
- Board of Commissioners Member 6 - A term of 42 months.
- Board of Commissioners Member 7 - A term of 48 months.

(4) Once the initial Board of Commissioners Member term of service has expired, thereafter, the term of service shall be four years in duration with no maximum number of terms. The Board of Commissioners shall inform the Governing Authority, in writing, at least 90 days, but not more than 120 days, before the expiration of a Board of Commissioners Member's term and may make recommendations regarding reappointment or possible replacement candidates.

(5) A resignation shall be effective upon receipt of written notice by the Board of Commissioners Chair or Governing Authority unless the notice specifies a later time of effectiveness. If a vacancy occurs, whether due to resignation or removal, a replacement Commission Member shall be selected by the Governing Authority to fill the vacancy and shall serve for the unexpired term of his or her predecessor.

101.203 Board of Commissioners' Meetings

(1) The regularly scheduled meetings of the Board of Commissioners shall be established for each fiscal year in advance. The Board of Commissioners shall meet at least once during each quarter of the fiscal year at such dates, times and places as the Commission Members shall determine. In addition to the quarterly meetings, regularly scheduled meetings shall be held at such times as shall from time to time be fixed by the Chairperson. Special meetings of the Board of Commissioners for any purpose or purposes may be called at any time by the Authority General Manager, the Chairperson, or by a majority of Commission Members then in office.

(2) Commission Members may participate in a meeting through the use of a conference telephone, electronic video screen communication, or other communications equipment, so long as all Board of Commissioners Members participating in such meeting can hear one another and arrangements are made for public participation at regularly scheduled meetings and, where time permits, any special meetings.

(3) Participation in a meeting pursuant to this paragraph constitutes presence in person at that meeting if all of the following apply:

(a) Each Board of Commissioners' Member participating in the meeting can communicate with all of the other Commission Members.

(b) Each Board of Commissioners' Member is provided the means of participating in all matters before the Board of Commissioners, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Board of Commissioners.

(c) The Board of Commissioners adopts and implements some means of verifying both of the following:

(i) A person representing himself or herself to be a Commission Member communicating by telephone, electronic video screen, or other communications equipment is a Commission Member entitled to participate in such meeting.

(ii) All votes were made by such Commission Member and not by another person.

(4) Notice of regularly scheduled and special meetings shall be given to the Board of Commissioners not less than six days prior to the meeting if delivered by first-class mail or not less than four days prior to the meeting if the notice is delivered personally, by telephone, by facsimile or by electronic mail; provided, however, that notice of special meetings shall not be sent solely by electronic mail. If mailed, such notice shall be deemed given when deposited in the United States mail, with first-class postage thereon prepaid, addressed to the Board of Commissioners' Member. The notice requirements contained in this 201 may be waived in writing by any Commission Member with respect to that Commission Member, either before or after the meeting. The attendance of any Board of Commissioners meeting without, as soon as reasonably practicable, protesting the lack of notice of such meeting shall constitute a waiver of notice by him or her. All waivers shall be made part of the minutes of the meetings. Waivers of notice for meetings shall be governed by the provisions of described herein.

(5) A quorum for any Board of Commissioners' Meeting shall be four of the Commission Members then in office. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of a Commission Member, provided that any action taken is approved by the required number of Commission Members, as specified in this Governing Ordinance. A majority of the Board of Commissioners then present, whether or not constituting a quorum, may adjourn any meeting to another time and place.

(6) Commission Members who have recused themselves on a particular matter will not be counted for purposes of determining whether a sufficient vote exists for purposes of actions taken by the Board of Commissioners on that matter.

(7) In the case of an emergency situation involving matters upon which prompt action is necessary and in which it is not practicable to convene a regular or special meeting of the Board of Commissioners, the General Manager, the Chairperson, or a majority of Commission Members then in office may call an emergency meeting or special executive session of the Board of Commissioners consistent with the standards in the Authority's meeting policies then in effect. During a meeting prior to the emergency meeting, or at the beginning of the emergency meeting, the Board of Commissioners shall determine if an emergency exists under those standards.

(8) Notice of an emergency meeting or special executive session shall be given to the Commission Members as soon as practicable and before the meeting is to be held. Such notice shall be delivered personally or by telephone, including a voice messaging system or other system or technology designed to record and communicate messages, by facsimile, by electronic mail or by other electronic means and shall be deemed given at that time. The notice requirements of this 201 may be waived in writing by any Commission Member with respect to that Commission Member, either before or after the meeting. The attendance of any Commission Member at an emergency meeting without, as soon as reasonably practicable, protesting the lack of notice of such emergency meeting shall constitute a waiver of notice by him or her. All waivers shall be made part of the minutes of the emergency meeting.

101.204 Board of Commissioners' Committees

(1) The Board of Commissioners may designate committees to serve at the pleasure of the Board of Commissioners. Appointments to such committees shall be made annually by a two-thirds vote of the Commission Members then in office.

(2) There shall be an Audit Committee of the Board of Commissioners consisting of two or more Commission Members. The Audit Committee shall have no powers of the Board of Commissioners but shall serve in an advisory capacity by reviewing the Authority's annual independent audit and preparing a report for the Board of Commissioners. The Audit Committee shall give recommendations and regular reports to the Board of Commissioners regarding compliance.

101.205 Standard of Care

(1) Commission Members shall perform the duties of the Board of Commissioners, including duties as a Commission Member of any committee of the Board of Commissioners on which the Commission Member may serve, in good faith, in a manner that such Commission Member believes to be in the best interest of the Tribe and its members and with such care, including reasonable inquiry, as an ordinarily prudent person in a like situation would use under similar circumstances.

(2) Reliance - In performing the duties of a Commission Member, a Commission Member shall be entitled to rely on information, opinions, reports or statements, including financial statements and other financial data, in each case prepared or presented by:

(a) One or more officers or employees of the Authority whom the Commission Member believes to be reliable and competent in the matters presented;

(b) Counsel, independent accountants or other persons as to matters that the Commission Member believes to be within such person's professional or expert competence; or

(c) A committee of the Commission upon which a Commission Member does not serve, as to matters within its designated authority, which committee the Board of Commissioners believes to merit confidence, so long as, in any such case, the Commission Member acts in good faith, makes any reasonable inquiry when the need therefor is indicated by the circumstances and acts without knowledge that would cause such reliance to be unwarranted.

(2) No Liability- A person who performs the duties of a Commission Member shall have no liability to the Authority, any other Commission Member or any other person based upon any failure or alleged failure to discharge that person's obligations as a Commission Member, including, without limiting the generality of the foregoing, any actions or omissions that exceed or defeat a public or charitable purpose to which the Authority, or assets held by it, are dedicated.

(3) Self-Dealing Transactions - The Board of Commissioners shall not approve a transaction to which the Authority is a party and in which one or more of the Commission Members or their employers has a material financial interest.

101.206 Allocation Plan

The Authority shall not conduct any activity for profit. All revenues of the Authority shall be allocated in accordance with an Allocation Plan approved by the Governing Authority.

101.207 Compensation and Reimbursement

Commission Members may receive compensation, which may take the form of an annual retainer and/or fees for attending each meeting of the Board of Commissioners, or its Committees, as determined by the Board of Commissioners, in order to ensure the fullest participation in the decisions of the Authority and to avoid hardship on the part of the Commission Members. Such determination may include compensation that differs for the Board of Commissioners Chairperson, chairs of its Committees, and other Board of Commissioners' Members. Commission Members may be reimbursed for expenses incurred in attending its meetings, and the Board of Commissioners in its discretion may propose a fee to be paid to its Commission Members on a per-meeting or annual basis. All decisions relating to compensation and reimbursement shall be in accordance with the Allocation Plan approved by the Governing Authority as set forth in 201.206 above.

101.208 Board of Commissioners' Powers and Duties

(1) Subject to applicable laws, regulations, the Tribe's Constitution and By-Laws, and solely in furtherance of the mission set forth in this Governing Ordinance, the Authority's powers include the following:

(2) To sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and to agree by contract to waive any immunity from suit which it might otherwise have; but the Tribe shall not be liable for the debts or obligations of the Authority; except insofar as expressly authorized by this ordinance.

(3) To adopt and use a corporate seal.

(4) To enter into agreements, contracts and understandings with any governmental agency, federal, state or local, or any person, partnership, corporation or Indian tribe.

(5) To lease property from the Tribe and others for such periods as are authorized by law, and to hold and manage or to sublease the same.

(6) To borrow money, to issue temporary or long-term evidence of indebtedness; and to repay the same.

(7) To pledge the assets and receipts of the Authority as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.

(8) To purchase land or interests in land or take the same by gift; to lease land or interests in land to the extent provided by law.

(9) To purchase insurance in any stock or mutual company for any property or against any risks or hazards.

(10) To invest such funds as are not required for immediate disbursement.

(11) To establish and maintain such bank accounts as may be necessary or convenient.

(12) To employ technical and maintenance personnel and such other officers and employees, permanent or temporary, as it may require; and to delegate to such officers and employees such powers or duties as the Board shall deem proper.

(13) To take such further actions as are commonly engaged in by corporate bodies of this character as the Board of Commissioners may deem necessary and desirable to effectuate the mission of the Authority.

(14) To adopt such bylaws as the Board of Commissioners deems necessary and appropriate, consistent with this Governing Ordinance.

101.209 Records

(1) The books, records and property of the Authority, including current financial and operating statements, shall be kept on file in the main office of the Authority and shall be available for inspection at all reasonable times by authorized representatives of Board of Commissioners and, upon notice, to the Governing Authority.

(2) Information regarding the Authority and its operations must be kept confidential, including information received by the Authority that is subject to a confidentiality obligation. Information considered by the Authority as non-confidential shall be publicly available at the requesting recipient's expense.

(3) Financial statements and annual reports shall be prepared as soon as reasonably practicable after the close of the fiscal year. Such financial statements shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of the Authority that such statements were prepared without audit, under generally accepted accounting principles, from the books and records of the Authority. Financial statements, books, records, and property of the Authority shall be available for inspection at all reasonable times by authorized representatives of the Board of Commissioners and the Governing Authority.

(4) The Board of Commissioners shall keep or cause to be kept a minute book that shall be available for public inspection during the Authority's normal business hours and shall contain:

- (a) The record of all meetings of the Board of Commissioners, including:
 - (i) The date, place, those attending the proceedings thereof (other than members of the public).
 - (ii) A copy of the notice of the meeting and when and how given.
 - (iii) Waivers of notice of meeting.
 - (iv) Written consents to hold meeting.
 - (v) Written approvals of minutes of meeting.
 - (vi) All meeting Minutes, including Minutes of committee meetings of the Board of Commissioners.

(5) A current copy of this Governing Ordinance and subsequent amendments. Every Commission Member shall have the right at any reasonable time to inspect and copy all books, records, and documents, and to inspect the physical properties of the Authority. No Commission Member shall use or disseminate any non-public information obtained as a result of any such inspection, or otherwise in his or her capacity as a Commission Member, for his or her own personal gain, to the detriment of the Authority or to the detriment of any competitors of any entity with which the Commission Member is affiliated except in connection with the enforcement of a tariff, contract or applicable law and consistent with the Authority policy regarding confidential information.

101.210 General Manager

(1) The Board of Commissioners shall hire a General Manager who will be employed under a written employment contract and be responsible to the Board of Commissioners. The Board of Commissioners shall establish policies and procedures, giving usual and essential latitude to the General Manager and his delegated employees, but establishing limitations on amounts which may be expended without specific approval by the Board of Commissioners.

(2) The General Manager shall, among other things, execute the general policies formulated by the Board of Commissioners and organize the operation of the Authority into departments, each with its own specific duties and responsibilities. The General Manager must have experience in the management or operation of a broadband utility service or experience relevant to the operation of a corporation. The General Manager may hire or contract with such staff as is necessary to fulfill the purposes of the Authority.

(3) The authority of the General Manager to execute legal instruments on behalf of the Authority may be delegated by the General Manager to officers and employees of the Authority on a general or limited basis with the prior approval of the Board of Commissioners. The delegations to the General Manager and his/her duties and responsibilities shall be specified in the applicable Board of Commissioners' policies.

(4) The General Manager's responsibilities shall include:

- (a) Executing the general policies formulated by the Board of Commissioners.
- (b) Organizing the operation of the Authority into departments, each with its own specific duties and responsibilities.
- (c) Managing the business and operating affairs of the Authority.
- (d) Exercising best judgement in the determination of the ways and means by which the general policy set forth by the Board of Commissioners is effectuated.
- (e) Preparing plans and annual budgets; and make suggestions as to policies and any proposals for improvements.
- (f) Delegating only those management duties that are not specifically designated by the Board of Commissioners as duties to be performed exclusively by the General Manager.
- (g) Exercising responsibility and oversight over Authority employees and departments carrying out their assignments.
- (h) Ensuring compliance with approved budgets and policies and procedures approved by the Board of Commissioners relating to standards, programs inspection, cost control, employee relations and service training.
- (i) Rendering regular reports to the Board of Commissioners and performing all other functions and duties specified in the Plan of Operation for the General Manager.
- (j) Employing competent department heads for the usual functional responsibilities for each department.
- (k) Performing all duties incident to the position of General Manager and such other duties as from time to time may be assigned the General Manager by the Board of Commissioners.

101.211 Indemnification of Commission Members and Employees

The Authority shall indemnify any current or former officer, employee, or Commission Member of the Board of Commissioners from any and all claims, losses, damages, costs, injuries and liabilities of every kind arising directly or indirectly from the conduct, activities, operations, acts, and omissions of the Authority. Such rights of indemnification and reimbursement shall not be deemed exclusive of any other rights which such officer, employee, or Commission Member of the Board of Commissioners may be entitled to receive.

101.212 Accounting and Fiscal Year

The fiscal year of the Authority shall be the same as the Governing Authority's fiscal year. A modern accounting system shall be established and installed in conformity with accounting principles generally accepted in the utility business. The accounting system shall insure the availability of information as may be necessary to comply with any applicable regulatory requirements.

101.213 Insurance

Insurance, including liability insurance, adequate and sufficient to protect the interest of the Authority from loss by fire or other disaster shall be on all property of the Authority. Insurance will be obtained, as required, including but not limited to the following:

- (1) Comprehensive Motor Vehicle Liability Insurance covering the Board of Commissioners, officers, employees and representatives and agents of each.
- (2) Worker's compensation and employer's liability insurance.
- (3) Comprehensive general liability insurance on an occurrence basis against claims of bodily injuries, death or property damages, or any other hazards associated with the broadband utility business.
- (4) Premises medical coverage.
- (5) Fire and other disaster insurance.
- (6) Umbrella or excess liability coverage, as necessary.

101.214 Reports to Governing Authority

The Board of Commissioners shall submit a report to the Governing Authority on an annual basis. The report shall include, but not be limited to:

- (1) Authority financial conditions.

- (2) Authority proposed budget for the upcoming fiscal year.
- (3) Rates for various classes of consumers.
- (4) Progress on the Authority's mission.
- (5) Other pertinent utility matters.
- (6) Any actions that the Authority plans to take in the upcoming year.

ARTICLE III

AUTHORITY OPERATIONS

101.301 Authority Implementation Plan

(1) Prior to engaging in Broadband Utility Services, the Authority shall prepare and present to the Governing Authority for its approval an Authority Implementation Plan for the provision of Broadband Utility Services. The Implementation Plan may be modified from time to time by the Authority with the approval of the Governing Authority and must be modified upon the direction of the Governing Authority. The Authority shall maintain a current version on file available for inspection by authorized representatives of the Board of Commissioners.

(2) The size of both the business and operating sides of the organization is dependent upon the service area, the number of customers and whether the services for each are performed internally or by an external third party. Accordingly, the development of the Authority Implementation Plan will depend on the same factors. Therefore, an outline of topics the Authority should consider for inclusion in its Implementation Plan can be found attached to this document as **Exhibit B**.

101.302 Business Practice Materials

(1) The General Manager shall prepare and present to the Board of Commissioners for its approval, Business Practice Manuals (BPMs), as herein defined, for the Authority. BPMs shall include such information as the Board of Commissioners and/or the General Manager determine should be included pursuant to the Authority's Mission.

(2) BPMs are supplemental to the Governing Ordinance and shall be consistent with the Authority's Implementation Plan. BPMs may be altered, amended, or repealed by the Board of Commissioners at any regular or special meeting, provided notice of such meeting shall have contained a copy of the proposed alteration, amendment, or repeal and shall be at least fourteen (14) days prior to the meeting.

EXHIBIT A

Sault Tribe Broadband Utility Authority Administration Address and Contact Information

Address: 523 Ashmun St.
Sault Ste. Marie, MI 49783

Contact: Larry Jacques
Planning and Development Department
Sault Ste. Marie Tribe of Chippewa Indians
906-635-6050 ext. 26049
LJacques@saulttribe.net

EXHIBIT B

Sault Tribe Broadband Utility Authority Initial Implementation Plan Outline

- I. Authority Organizational Structure**
 - A. Organizational Overview
 - B. Governance
 - 1. Officers
 - 2. Board of Commissioners' Committees
 - C. Authority Operations
 - 1. Resource Planning
 - 2. Portfolio Operations
 - 3. Broadband Efficiency
 - 4. Rate Setting
 - 5. Financial Management/Accounting
 - 6. Customer Services
 - 7. Legal and Regulatory Representation
 - D. Staffing
 - 1. Roles and Functions
- II. Start-up Plan and Funding**
 - A. Staffing Requirements
 - B. Capital Requirements
 - C. Start-up Activities and Costs
 - 1. Start-up Cost Summary
 - 2. Estimated Staffing Costs
 - 3. Estimated Infrastructure Costs
 - 4. Utility Implementation and Transaction Charges
 - 5. Estimates of Third-Party Contractor Costs
 - D. Financing Plan
 - 1. Working Capital
 - 2. Pro Forma
- III. Financial Plan**
 - A. Description of Authority's Cash Flow Analysis
 - 1. Cost Operations
 - 2. Revenues Operations
 - 3. Cash Flow Analysis Results
 - B. Authority's Financing
 - 1. Start-up
 - 2. Working Capital

IV. Rate Setting

- A. Introduction
- B. Rate Policies
 - 1. Rate Competitiveness
 - 2. Rate Stability
 - 3. Equity among Customer Classes
 - 4. Customer Understanding
 - 5. Revenue Sufficiency
- C. Rate Design
- D. Rate Impacts
- E. Disclosure and Due Process in Setting Rates and Allocating Costs among Participants

V. Customer Rights and Responsibilities

- A. Customer Confidentiality
- B. Responsibility for Payment
- C. Customer Deposits

VI. Procurement Process

- A. Procurement Methods
- B. Key Contracts