

## ROLL CALL MATRIX

Meeting Date: 1-3-2017

P	A	Res. Number 2017	01	02	03	04	05	06	07	08	09		
		Unanimous	U	U	U	U	U	U		U			
X		Michael McKerchie							Y		Y		
X		Kim Gravelle	2						2Y		Y		
X		Denny McKelvie							Y		N		
	X	DJ Hoffman	---	---	---	---	---	---	---	---	---		
X		Jennifer McLeod			2		1	1	1Y		Y		
X		Lana Causley	1		1	1			Y		Y		
X		Cath Hollowell		1		2	2		A		1Y		
X		Bridgett Sorenson						2	Y	1	Y		
X		Keith Massaway		2					Y		Y		
X		Denise Chase							A		2Y		
X		Darcy Morrow							A	2	Y		
X		Anita Nelson							Y		Y		
X		Aaron Payment											

- 1 = Made Motion
- Y = Voted Yes
- A = Abstained

- 2 = Second/Support Motion
- N = Voted No
- U = Unanimous



RESOLUTION NO: 2017-01

**2017 BIA TRIBAL YOUTH INITIATIVE PROGRAM  
NATURAL RESOURCES OUTREACH**

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

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**Membership  
Services**

**Economic  
Development  
Commission**

WHEREAS, the Inland Fish and Wildlife Department is tasked with natural resources outreach to tribal youth; and

WHEREAS, the Inland Fish and Wildlife Department, in carrying out this task, needs to develop outreach programs in order to engage tribal youth; and

WHEREAS, the Bureau of Indian Affairs continues to provide competitive funding through the Tribal Youth Initiative Grant Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron Payment, Tribal Chairperson, or his duly authorized representative to sign, negotiate, amend and execute any agreements thereof for the 2017 Tribal Youth Initiative Program Grant administered by the Bureau of Indian Affairs.

**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 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 3 day of January 2017; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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

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



RESOLUTION NO: 2017-02

**2017 BIA ENDANGERED SPECIES – WOLF MANAGEMENT**

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 Inland Fish and Wildlife Department is tasked with the management of tribal wildlife resources in the Treaty of 1836 Ceded Territory; and

WHEREAS, the Inland Fish and Wildlife Department, in carrying out this task, needs to develop management plans for important tribal wildlife species; and

WHEREAS, the gray wolf is both culturally and ecologically important, as well as, currently listed under the Endangered Species Act; and

WHEREAS, the Bureau of Indian Affairs continues to provide competitive funding through the Endangered Species Grant Program.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron Payment, Tribal Chairperson, or his duly authorized representative to sign, negotiate, amend and execute any agreements thereof for the 2017 Endangered Species Grant administered by the Bureau of Indian Affairs.

**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 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 3 day of January 2017; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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

Bridgett Sorenson  
Bridgett Sorenson, Secretary  
Sault Ste. Marie Tribe of  
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RESOLUTION NO: 2017-03

**2017 BIA GREAT LAKES RESTORATION INITIATIVE  
RUFFED GROUSE AND ADAPTIVE MANAGEMENT**

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

**Min Waban Dan**

WHEREAS, the Inland Fish and Wildlife Department is tasked with the management of tribal wildlife resources in the Treaty of 1836 Ceded Territory; and

**Administrative Office**

WHEREAS, the Inland Fish and Wildlife Department, in carrying out this task, has undertaken a long-term ruffed grouse habitat planning and restoration project within the 1836 Ceded Territory funded by the Bureau of Indian Affairs through GLRI; and

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WHEREAS, the Inland Fish and Wildlife Department, in carrying out this task, has undertaken numerous other adaptive management development projects within the 1836 ceded Territory; and

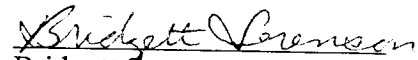
WHEREAS, the Bureau of Indian Affairs continues to provide competitive funding for habitat restoration projects through the Great Lakes Restoration Initiative.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron Payment, Tribal Chairperson, or his duly authorized representative to sign, negotiate, amend and execute any agreements thereof for the 2017 Great Lake Restoration Initiative Grant administered by the Bureau of Indian Affairs.

**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 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 3 day of January 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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

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



RESOLUTION NO: 2017-04

**ENVIRONMENTAL – GLRI TRIBAL INITIATIVE  
FY 2017 BUDGET MODIFICATION**

**Min Waban Dan  
Administrative  
Office**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2017 budget modification to GLRI Tribal Initiative for a decrease in Federal EPA monies of \$8,747.55. No effect on Tribal Support.

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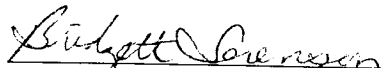
**Membership  
Services**

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**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 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 3 day of January 2017; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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

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



RESOLUTION NO: 2017-05

**AMENDING TRIBAL CODE CHAPTER 34:  
PERSONAL PROTECTION ORDERS AND INJUNCTIONS**

WHEREAS, Tribal Code Chapter 34: Personal Protection Orders and Injunctions, at Section 34.118, currently reads as follows, in part:

34.113 Penalties.

(1) A respondent who is 17 years of age or more and who refuses or fails to comply with a PPO under this section is subject to the criminal contempt powers of the court and/or a criminal charge for violating the protection order. The criminal penalties provided for under this section may be imposed in addition to a penalty that may be imposed for another criminal offense arising from the same conduct. A respondent who is less than 17 years of age who refuses or fails to comply with a PPO issued under this section is subject to juvenile delinquency proceedings and the dispositional alternatives listed in the Juvenile section of the Tribal Code; and

WHEREAS, Tribal Code Chapter 34: Personal Protection Orders and Injunctions, at Section 34.118, currently reads as follows:

34.118 Civil jurisdiction over Non-Tribal Members

In the cases where the person in violation of this Code is not an Indian and is not covered by previous subsections, the Court's exercise of power shall be civil rather than criminal. Tribal Court is also vested with the power to impose protection orders against non-Indians in accordance with the provisions of this Code; and

WHEREAS, the Tribe retains broader jurisdiction as a sovereign government, as defined by the 2013 Reauthorization of the Violence Against Women Act law, and as previously adopted by the Tribe within Resolution 2016-283, than that currently afforded by section Chapter 34; and

WHEREAS, the Tribe recognizes that its Tribal lands and communities are safer when the Tribal Court has the requisite authority to enforce Tribal laws addressing conduct occurring on Tribal lands.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors amends Tribal Code Chapter 34: Personal Protection Orders and Injunctions, at Section 34.113, by deleting the current language as set forth above and replacing it with the following:

34.113 Penalties.

(1) A respondent who is 17 years of age or more and who refuses or fails to comply with a PPO under this section is subject to the contempt powers of the court and/or a criminal charge for violating the protection order. The penalties provided for under this section may be imposed in addition to a penalty that may be imposed for another criminal offense arising from the same conduct. A respondent who is less than 17 years of age who refuses or fails to comply with a PPO issued under this section is subject to juvenile delinquency proceedings and the dispositional alternatives listed in the Juvenile section of the Tribal Code.

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BE IT FURTHER RESOLVED, that the Board of Directors amends Tribal Code Chapter 34: Personal Protection Orders and Injunctions, at Section 34.118, by deleting the current language as set forth above and replacing it with the following:


34.118 Jurisdiction over Non-Indians.

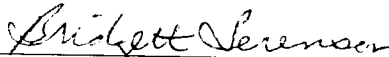
(1) In the cases where a non-Indian violates the portion of a protection order that prohibits or provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person under this Chapter, the Court's exercise of power may be criminal.

(2) In all other cases where a non-Indian violates a protection order under this Chapter, the Court's exercise of power shall be civil rather than criminal

### 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 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 3 day of January 2017; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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

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



RESOLUTION NO: 2017-06

**REVIEW OF TRIBAL CODE: CHAPTER 40:  
TRIBAL ASSISTANCE PROGRAMS**

NOW, THEREFOR, BE IT RESOLVED, that Administration is directed to review the attached proposed legislation, being Chapter 40: Tribal Assistance Programs, and report back to the Board of Directors a plan for implementing the same. The report shall be made at their next regularly scheduled meeting of the Board of Directors for review and consideration.

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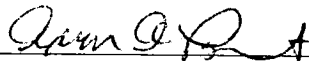
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**TRIBAL CODE  
CHAPTER 40:  
TRIBAL ASSISTANCE PROGRAMS**

See attached

**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 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 3 day of January 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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

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



**TRIBAL CODE  
CHAPTER 40:  
TRIBAL ASSISTANCE PROGRAMS**

**CONTENTS:**

**SUBCHAPTER 1: PRELIMINARY MATTERS.**

**Section 40.101 Scope and Authority.**

(1) The Board of Directors, acting as the legislative body of the Tribe and through its duly-elected members, has traditionally exercised the Tribe's sovereign right to provide Assistance in order to promote the general welfare and best interests of the Tribe;

(2) The enactment of this Title shall not be construed in a manner to invalidate any prior acts and exercises of the sovereign authority of the Tribe in providing Assistance prior to the effective date of this Title and the Board of Directors hereby specifically ratifies its prior acts providing Assistance;

(3) The Board of Directors hereby further finds that all such need-based Assistance provided to promote the general welfare of the Tribe is, and has been intended to reflect the sovereign act of a legislative body under the General Welfare Doctrine; and

(4) This Title, therefore, does not create or establish new general welfare assistance rights or any related program. It merely memorializes, confirms and codifies existing procedures used by the Tribe in administering its Assistance programs and services, which are hereby declared to be an inherent right of Tribal sovereignty exercised by the Board of Directors. Finally, it is intended to establish a framework to improve the coordination and accomplishment of compliance with the General Welfare Doctrine when providing Assistance.

**Section 40.102 Purpose.**

The Tribe provides Assistance to Applicants and desires to affirm its sovereign right to do so on a non-taxable basis, pursuant to the General Welfare Doctrine. Both the United States Congress, through its enactment of the Tribal General Welfare Exclusion Act of 2014, and the Internal Revenue Service, through its traditional application of the general welfare doctrine and subsequent guidance, has recognized the sovereign right of Indian tribal governments to provide financial assistance to its citizens under certain circumstances on a non-taxable basis. The purpose of this Title is to establish guidelines for 1) Applicants applying for Assistance and 2) Tribal staff making eligibility determinations for Assistance. Further, it is the intent of the Board of Directors that all Assistance provided under this Title: is made under an Approved Program; is available to any Applicants who satisfy the program guidelines, subject to budgetary restraints; is made under an Approved Program that does not discriminate in favor of members of the Board of Directors; is not provided as compensation for goods and/or services; and is not lavish or extravagant under the facts and circumstances, as determined by the Board of Directors.

**Section 40.103 Definitions.**

As used in this Chapter:

(1) "Administrative Entity(s)" means a department of the Tribal government that is authorized and funded, through an approved budget, to administer and provide Assistance under an Approved Program under this Chapter;

(2) "Applicant(s)" means an enrolled Tribal citizen or qualified non-citizen who has applied for Assistance under this Title. It also includes an Identified Group, as defined in subsection M, below;

(3) "Approved Program(s)" means any program or programs approved by the Board of Directors that provides general welfare assistance to Applicants that is intended to qualify for treatment under the General Welfare Doctrine, as defined herein. It includes, for example, the payment of benefits related to housing, education, elder or disabled status, cultural and religious programs or for other qualifying assistance, such as transportation costs, etc.;

(4) "Assistance" means benefits or payments under an approved program, which are paid to or on behalf of a beneficiary pursuant to this Title, provided, that such Assistance shall be owed back to the Tribe from the Tribal citizen recipient in the event the Assistance is deemed forfeited as provided for in Section 32.02.10 of this Title;

(5) "Assistance Committee" means an existing committee appointed by the Board of Directors which currently advises one of the Administrative Entities administering Approved Programs under this Title. As a group, those existing committees are responsible for proposing to the Board of Directors, for approval, the guidelines for Approved Programs, including, but not limited to, Applicants' eligibility, assistance levels, policies and procedures for approving assistance, and, if necessary, the forfeiting of such assistance;

(6) "Beneficiary" means an enrolled citizen of the Sault Ste. Marie Tribe of Chippewa Indians entitled to receive welfare assistance payments or services pursuant to this Title;

(7) "Citizen" or "Tribal citizen" shall mean an individual who is enrolled in the Sault Ste. Marie Tribe of Chippewa Indians.

(8) "Code" means the Internal Revenue Code of 1986, as amended;

(9) "Board of Directors" means the duly elected governing body of the Sault Ste. Marie Tribe of Chippewa Indians, a federally recognized Indian tribal government;

(10) "General Welfare Doctrine" means the doctrine, as recognized by the Internal Revenue Service, permitting a sovereign tribal government, subject to certain conditions, to provide assistance to its citizens without that assistance subjecting the recipients to federal income tax liabilities;

(11) "Lavish" and/or "Extravagant" shall have the meaning determined by the Board of Directors in its sole discretion based on all facts and circumstances, taking into account needs unique to the Tribe as well as the social purpose being served by the particular Assistance at hand, except as otherwise may be required for compliance with final guidance issued under IRS Code Section 139E following consultation between the Tribe and the IRS;

(12) "Qualified non-citizen" means an individual who is a spouse, dependent, ancestor, domestic partner or descendants of a Tribal citizen, but who are not themselves enrolled citizens of the Tribe or identified groups of Tribal citizens and or qualified non-citizens; and

(13) "Identified Group" means Tribal citizens and qualified non-citizens who are members of an identified group, such as veterans.

(14) "Safe Harbor Program" shall refer to an Assistance program that meets the safe harbor requirements set forth herein and IRS Revenue Procedure 2014-35, as the same may hereafter be amended. Need shall be presumed for Assistance provided under a Safe Harbor Program.

## **SUBCHAPTER II \_\_\_\_\_.**

### **Section 40.204 General Welfare Doctrine and IRS Revenue Procedure 2014-35/Tribal General Welfare Exclusion of 2014.**

(1) The Internal Revenue Service recognizes that Assistance to Applicants under a legislatively provided Approved Program for the promotion of the general welfare of the Tribe is excludable from the gross income of those Applicants. In addition, the Service, in IRS Revenue Procedure 2014-35, provided for safe harbor programs under which, if approved and in writing, need would be presumed and benefits would be excluded. The Assistance authorized by this Title is intended to qualify for such favorable tax treatment under the General Welfare Doctrine to the fullest extent permitted at law. All amounts budgeted by the Tribe for Assistance shall remain general assets of the Tribe until such payments are disbursed. Further, Assistance authorized by this Title shall be an unfunded arrangement and shall be limited to funds appropriated, at the discretion of the Board of Directors. Finally, Assistance is not subject to information reporting by the Tribe to the Internal Revenue Service.

- (2) Without limitation, the following benefits shall be treated as non-taxable hereunder:
- (a) Benefits that satisfy the requirements for the exemption under Code Section 139E;
  - (b) Benefits that are provided under an IRS Safe Harbor Program;
  - (c) Benefits that qualify for exclusion under the IRS General Test of General Welfare exclusion; or
  - (d) Benefits that meet another express exemption under the Internal Revenues Code, such as the exemption provided for tribal medical expenses under Internal Revenue Code Section 139D, or that meet other recognized exemptions including, for example, resource or land-based exemptions under 25 USC Sections 117a-b, 1407 and 1408.

### **Section 40.205 Non-Resource Designation.**

Since the Assistance to Applicants is made from the assets of the Tribal government and, as such, all payments are subject to the availability of budgeted Tribal government funds, the Tribe does not guarantee Assistance under this Title. Assistance is paid on the basis of need and shall not be treated as a resource of an Applicant for any purpose. The Board of Directors reserves the right to cancel, adjust, modify or revoke any such Assistance that is treated as a resource of an Applicant.

### **Section 40.206 Governing Law; Sovereignty.**

All the rights and liabilities associated with the enactment of this Title, or the Assistance made hereunder, shall be construed and enforced according to the laws of the Tribe and applicable federal law. Nothing in this Title or the related policies or procedures adopted for its implementation, if any, shall be construed to make applicable to the Tribe any laws or regulations 1) which are otherwise inapplicable to the Tribe, or 2) from which the Tribe is entitled to exemption because of its sovereign status.

### **Section 40.207 Federal Trust Obligations.**

The Tribe reserves the right to provide Assistance in circumstances where Federal funding is insufficient to operate federal programs designed to benefit Applicants and when federal funding is insufficient to adequately and consistently fulfill federal trust obligations. The Tribe's adoption of its Approved Programs is not intended to relieve or diminish the federal government of its funding and trust responsibilities. Nothing herein shall waive the Tribe's right to seek funding shortfalls or to enforce the trust rights of the Tribe and its citizens. The Tribe shall be entitled to government-to-government consultation and coordination rights in regard to this Title with the federal government.

### **SUBCHAPTER III: PROGRAM GUIDELINES.**

#### **Section 40.301 Approved Programs.**

The Board of Directors shall designate Approved Programs for which funds will be budgeted each fiscal year, consistent with the purposes of this Title. Each Approved Program shall be consistent with the General Welfare Doctrine as to purpose, eligibility, and funding.

#### **Section 40.302 Purpose of Approved Programs.**

Each Approved Program shall be limited to purposes consistent with treatment under the General Welfare Doctrine. An Approved Program must be established and operated to promote the general welfare of the Tribe, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, Tribal image and the maintenance of culture and tradition, entrepreneurship, and employment.

#### **Section 40.303 Eligibility and Application Procedures.**

Assistance intended to qualify for General Welfare Doctrine treatment shall be limited to enrolled citizens of the Tribe and qualified non-citizens. Each Approved Program shall set forth the specific eligibility rules and limitations applied to that program. The Assistance Committee shall present program descriptions, which include eligibility rules and limitations, along with application forms and procedures, to the Board of Directors for approval in accordance with this Title. Only those descriptions, application forms and procedures that are so approved by the Board of Directors shall be considered to be in force and effect.

#### **Section 40.304 Limited Use of Assistance Payments.**

All Assistance must be used for the purpose stated in the Approved Program description and in the Applicant's application. In the event that Assistance is used or pledged for a purpose inconsistent with the purpose set forth in an Approved Program or the Applicant's application, the payment will be deemed forfeited. The Administrative Entity responsible for the Approved Program under which the misused Assistance was made shall secure repayment from the Applicant. The Administrative Entity is also authorized to offset any other payments owed to such an Applicant, if an offset is necessary to secure repayment of Assistance under this Title.

#### **Section 40.305 Programs Not Limited to Means Testing.**

Programs that qualify under Code Section 139E or the IRS Safe Harbor shall not require a showing of individual need or means testing in order to achieve non-taxable treatment under the General Welfare exclusion. The Tribe also reserves the right to provide community-based Programs and programs based on non-financial need under the General test that no individually means tested. The Tribe

recognizes that means testing can distort certain tribal cultural and community values. However, the Tribe can have some programs which are financial need based in order to help those most in need of the assistance.

**Section 40.306 Limitations on Welfare Assistance Payments.**

The Board of Directors shall adopt guidelines establishing the maximum assistance payments to be made to Applicants for certain specified purposes, based on recommendations of the Assistance Committee. Such guidelines shall also include factors to be used in determining whether the Board of Directors should deviate from the payment limitations in certain circumstances and limitations with respect to the frequency of applications for Assistance.

**Section 40.307 Annual Budgeting: Unfunded Program.**

When applicable per program requirements, the Board of Directors shall annually designate those funding sources that are available for Approved Programs as part of the annual budgeting process. Notwithstanding anything to the contrary, the Assistance authorized hereunder shall be “unfunded” for tax purposes and no Applicant shall have an interest in or right to any funds budgeted for or set aside for Approved Programs until paid. Assistance funds shall remain assets of the Tribe until distributed and the Approved Programs shall be administered at all times to avoid triggering of the doctrines of “constructive receipt” and/or “economic benefit.”

**Section 40.308 Forfeiture.**

Notwithstanding anything herein to the contrary, the Assistance Committee, acting on behalf of the Board of Directors, may forfeit Assistance to any Applicant who is found by the Committee to have violated the terms of this Title, or the policies and procedures for any Approved Program. The Assistance Committee may also forfeit Assistance should said Assistance be treated as a resource detrimental to the Tribe or an Applicant. In the event of any such forfeiture, all Assistance provided to the Applicant pursuant to this Title shall be deemed a loan and shall be enforceable as such.

**Section 40.309 Anti-Alienation.**

An Applicant’s right to apply for Assistance is not subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, attachment or garnishment by creditors of the Applicant.

**SUBCHAPTER IV: PROGRAM ADMINISTRATION**

**Section 40.401 General.**

Each Approved Program shall be administered by the Administrative Entity to which it has been assigned by the Board of Directors. All the powers and duties conferred on each respective Administrative Entity shall be exercised or performed by it in the exercise of its discretion regardless of whether the provision conferring such power or imposing such duty specifically refers to its discretion. All decisions of a given Administrative Entity regarding an Approved Program, within the scope of its authority, shall be binding and conclusive upon all Applicants under the Approved Program.

**Section 40.402 Program Guidelines.**

(1) Guidelines for Approved Programs shall be developed by the respective Department staff responsible for a given Assistance Program, coordinated with the Assistance Committee, if applicable,

and approved by the Board of Directors. At a minimum, such guidelines shall satisfy the requirements of this Title including the following.

(2) Indian General Welfare Benefits (Code Section 139E) Programs that meet the following criteria for exemption under Code Section 139E shall be treated as non-taxable Assistance under the General Welfare exclusion without the applicant having to demonstrate individual need.

(a) The program is administered under specified guidelines and does not discriminate in favor of the members of the Board of Directors;

(b) Program benefits are available to any Tribal citizen who meets such guidelines;

(c) Program benefits are for the promotion of the general welfare;

(d) Program benefits are not lavish or extravagant; and

(e) Program benefits are no compensation for services.

(3) Any items of cultural significance, reimbursement of costs or cash honorarium for participation in cultural or ceremonial activities for the transmission of tribal culture shall not be treated as compensation for services.

(4) Programs that meet the following general criteria for safe harbor treatment, and provide qualifying safe harbor benefits, shall be treated as non-taxable Assistance under the General Welfare Exclusion without the applicant having to demonstrate individual need:

(a) General criteria for safe harbor treatment:

(i) The benefit is provided under a specific approved program of the Tribe;

(ii) The program has written guidelines specifying how individuals may qualify for the benefit;

(iii) The benefit is available to any Tribal citizen, identified group of Tribal citizens, or qualified non-citizen who satisfy the program guidelines, subject to budgetary restraints;

(iv) The distribution of benefits from the program does not discriminate in favor of the governing body of the Tribe;

(v) The benefit is not compensation for goods or services; and

(vi) The benefit is not lavish or extravagant under the facts and circumstances, as determined by the Board of Directors.

(b) The following benefits may be provided under a Safe Harbor program (Note: the benefits listed in the parenthetical language herein are for example purposes only, and are not an exhaustive list):

(i) Programs relating to principal residences and ancillary structures that are not used in any trade or business, or for investment purposes that:

(1) Pay mortgage payments, down payments, or rent payments (including but not limited to security deposits) for principal residences;

(2) Enhance habitability of housing, such as by remedying water, sewage, or sanitation service, safety issues (including, but not limited to, mold remediation), or heating or cooling issues;

(3) Provide basic housing repairs or rehabilitation (including, but not limited to, roof repair and replacement);

(4) Pay utility bills and charges (including, but not limited to, water, electricity, gas, and basic communications services such as phone, internet, and cable); or

(5) Pay property taxes or make payments in lieu of taxes (PILOTs).

(ii) Programs to:

(1) Provide students (including, but not limited to, post-secondary students) transportation to and from school, tutors, and supplies (including, but not limited to, clothing, backpacks, laptop computers, musical instruments, and sports equipment) for use in school activities and extracurricular activities;

(2) Provide tuition payments for students (including, but not limited to, allowances for room and board on or off campus for the student, spouse, domestic partner, and dependents) to attend preschool, school, college or university, online school, educational seminars, vocational education, technical education, adult education, continuing education, or alternative education;

(3) Provide for the care of children away from their homes to help their parents or other relatives responsible for their care to be gainfully employed or to pursue education; and

(4) Provide job counseling and programs for which the primary objective is job placement or training, including, but not limited to, allowances for expenses for interviewing or training away from home (including, but not limited to, travel, auto expenses, lodging, and food); tutoring; and appropriate clothing for a job interview or training (including, but not limited to, an interview suit or a uniform required during a period of training).

(iii) Programs for individuals who have reached age 55 or are mentally or physically disabled (as defined under applicable law, including, but not limited to, tribal government disability codes or laws) that provide:

(1) Meals through home-delivered meal programs or at a community center or similar facility;

(2) Home care such as assistance with preparing meals or doing chores, or day care outside the home;

(3) Local transportation assistance; and

(4) Improvements to adapt housing to special needs (including but not limited to grab bars and ramps).

(c) Cultural and religious programs. Programs to :

(i) Pay expenses (including, but not limited to, admission fees, transportation, food, and lodging) to attend or participate in an Indian tribe's cultural, social, religious, or community activities such as pow-wows, ceremonies, and traditional dances;

(ii) Pay expenses (including, but not limited to, admission fees, transportation, food, and lodging) to visit sites that are culturally or historically significant for the Tribe, including, but not limited to, those on other Indian reservations;

(iii) Pay the costs of receiving instruction about an Indian tribe's culture, history, and traditions (including, but not limited to, traditional language, music, and dances);

(iv) Pay funeral and burial expenses and expenses of hosting or attending wakes, funerals, burials, other bereavement events, and subsequent honoring events; and

(v) Pay transportation costs and admission fees to attend educational, social, or cultural programs offered or supported by the Tribe or another tribe.

(d) Other qualifying assistance programs. Programs to:

(i) Pay transportation costs such as rental cars, substantiated mileage, and fares for bus, taxi, and public transportation between an Indian reservation, service area, or service unit area and facilities that provide essential services to the public (such as medical facilities and grocery stores);

(ii) Pay for the cost of transportation, temporary meals, and lodging of a Tribal citizen or Qualified Non-citizen while the individual is receiving medical care away from home;

(iii) Provide assistance to individuals in exigent circumstances (including, but not limited to, victims of abuse), including, but not limited to, the costs of food, clothing, shelter, transportation, auto repair bills, and similar expenses;

(iv) Pay costs for temporary relocation and shelter for individuals displaced from their homes (including, but not limited to, situations in which a home is destroyed by a fire or natural disaster);

(v) Provide assistance for transportation emergencies (for example, when stranded away from home) in the form of transportation costs, a hotel room, and meals; and

(vi) Pay the cost of nonprescription drugs (including but not limited to traditional Indian tribal medicines).



(5) Compensation Safe Harbor: For Safe Harbor Programs, and subject to amendments to Revenue Procedure 2014-35 hereafter, the Tribe will presume that individual need is met for religious leaders or spiritual officials or leaders (including but not limited to medicine men, medicine women, and shamans) receiving the following benefits, and that the benefits do not represent Compensation for services: benefits provided under an Indian tribal governmental Program that are items of cultural significance that are not lavish or extravagant under the facts and circumstances, as determined by the Board of Directors, or nominal cash honoraria provided to religious or spiritual officials or leaders (including, but not limited to, medicine men, medicine women, and shamans) to recognize their participation in cultural, religious, and social events (including, but not limited to, pow-wows, rite of passage ceremonies, funerals, wakes, burials, other bereavement events, and subsequent honoring events).

(6) Safe Harbor Effective Dates: Safe harbor treatment shall be afforded to any Program or benefit that otherwise satisfies the safe harbor rule as of, or after, December 6, 2012, or for any earlier taxable period for which the period of limitation on refund or credit under Internal Revenue Code Section 6511 has not expired.

(7) Non-Safe Harbor Programs: Nothing in this Title or the IRS safe harbor guidance shall limit the Tribe's right to provide Assistance outside of the safe harbor rules.

(8) Any changes to the Safe Harbor programs as a result of the Indian General Welfare Exclusion Act of 2014 will be immediately incorporated, by reference, into this Title.



RESOLUTION NO: 2017-07

**AUTHORIZATION TO PURCHASE REAL ESTATE PARCELS  
ADJACENT TO JKL SCHOOL**

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

**Min Waban Dan  
Administrative  
Office**

WHEREAS, it appears that several parcels of land located adjacent to JKL Bahweting Anishnabe School in the City of Sault Sainte Marie, Michigan, may be available for purchase; and

523 Ashmun Street  
Sault Ste. Marie

WHEREAS, the Board of Directors has determined that it is in the best interests of the Tribe and its members to acquire those parcels.

Michigan  
49783

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes its Chairperson, Aaron A. Payment and its Treasurer, Dennis McKelvie or their designee to negotiate and execute any documents necessary to effectuate the purchase of the following parcels of land adjacent to JKL Bahweting School, at a price not to exceed the amount discussed in the workshop on 1-3-2017, plus any legal fees, and closing costs for the following parcels:

**Phone**

906.635.6050

**Fax**

906.635.4969

Everett and Evelands Subdivision Lot 10, 11, 12, 13 & 14, Block C  
Everett and Evelands Subdivision Lot 10, 11, 12, 13 & 14, Block C, an undivided 1/2 interest.

**Government  
Services**

Everett and Evelands Subdivision Lot 15, Block C  
Everett and Evelands Subdivision Lot 25 & 26, Block B.


**Membership  
Services**

Funds utilized for the purchase shall be from the Building Fund.

**Economic  
Development  
Commission**

**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 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 3 day of January 2017; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 8 members for, 0 members against, 3 members abstaining, and that said resolution has not been rescinded or amended in any way.

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

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



RESOLUTION NO: 2017-08

**AMENDING RESOLUTION 2016-265  
REINSTATING 401(K) MATCHING CONTRIBUTION**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (the "Tribe") has adopted and maintains the Sault Tribe 401(k) Plan, originally effective as of January 1, 1998, as most recently amended and restated effective as of May 1, 2009, and as thereafter amended from time to time (the "Plan"); and

**Min Waban Dan**

WHEREAS, pursuant to Section 8.1 of the Plan, the Tribe has reserved the right to amend the Plan at any time; and

**Administrative Office**

WHEREAS on November 1, 2016, this Board adopted Resolution 2016-265, which now requires clarification and amendment; and

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

WHEREAS, the Tribe wishes to retain matching contributions into the plan, such that employees who are participating in the plan will receive a 1% matching contribution from the Tribe if the employee voluntarily contributes at least 1% from their pay; and

**Phone**

906.635.6050

WHEREAS, the Tribe wishes to clarify that persons eligible to participate in the law-enforcement MERS retirement program shall be eligible to participate in the 401(k) if they wish, but shall not be eligible for the matching contribution.

**Fax**

906.635.4969

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors approves the reinstatement of a 1% match to the Tribe's 401(k) Plan, as a discretionary employer matching contribution, effective on January 1, 2017.

**Government Services**

BE IT FURTHER RESOLVED, that this Board mandates that the 1% matching contribution shall not be included for any person eligible for the law-enforcement MERS plan.

**Membership Services**

BE IT FURTHER RESOLVED, that the Board of Directors authorizes execution of any Amendment necessary to implement the purposes of this resolution and such other actions as may be needed.

**Economic Development Commission**

**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 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 3 day of January 2017; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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

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



RESOLUTION NO: 2017-09  
ECONOMONIC DEVELOPMENT  
ESTABLISHMENT OF FY 2017 BUDGET

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2017 budget for Economic Development with Tribal Support monies of \$215,171.97.

**Min Waban Dan**

**Administrative  
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

**Phone**

906.635.6050

**Fax**

906.635.4969

**Government  
Services**

**Membership  
Services**

**Economic  
Development  
Commission**

**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 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 3 day of January 2017; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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

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