

ROLL CALL MATRIX

Meeting Date: 10-15-2019

P	A	Res. Number 2019	268	269	270	271	272	273	274	275	276	277	278	279
		Unanimous			U	U	U	U	U	U			U	U
X		Michael McKerchie				Y								
X		Kim Gravelle	2	2	1	Y		1						

X		DJ Hoffman			2	Y	2	2			N	N	2	
X		Jennifer McLeod				2Y				1				
X		Lana Causley	1	1		Y					2	2		1
X		Cath Hollowell	N			1Y								
X		Bridgett Sorenson				Y	1			2	1	1	1	
X		Keith Massaway	---	---	---	---	---	---	---	---	---	---	---	---
X		Denise Chase				Y			2					
X		Darcy Morrow	N	N		Y			1					2
X		Charles Matson				Y								---
X		Aaron Payment												

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



RESOLUTION NO: 2019-268

**PARTIAL WAIVER OF CONVICTIONS FOR
MS. MICHELE PRICE**

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 Board of Directors has enacted Tribal Code Chapter 76: Partial Waiver of Conviction for Gaming License Purpose that allows for a partial waiver of conviction be issued to tribal members who have been convicted of a crime and would be denied a license for employment in a gaming operation pursuant to Chapter 42; and

WHEREAS, Ms. Michele Price, a tribal member who was convicted of:

1. Misdemeanor – Larceny - \$200 or more but less than \$1,000

WHEREAS, Ms. Michele Price, would be denied a license for employment as a key employee or primary management official because of the criminal conviction; and

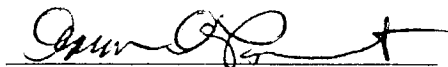
WHEREAS, the Board of Directors has determined that Ms. Michele Price is not likely to engage in any offensive or criminal course of conduct and the public good does not require that he be denied a license as a key employee or primary management official.

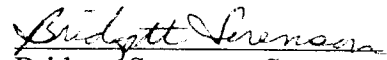
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Ms. Michele Price for the convictions of:

1. Misdemeanor – Larceny - \$200 or more but less than \$1,000

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 2 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
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RESOLUTION NO: 2019-269

**PARTIAL WAIVER OF CONVICTIONS FOR
MS. CHERYL HARMON**

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 Board of Directors has enacted Tribal Code Chapter 76: Partial Waiver of Conviction for Gaming License Purpose that allows for a partial waiver of conviction be issued to tribal members who have been convicted of a crime and would be denied a license for employment in a gaming operation pursuant to Chapter 42; and

WHEREAS, Ms. Cheryl Harmon, a tribal member who was convicted of:

1. Felony - Ephedrine/Pseudoephedrine, Purchase/Possess to Make Meth 8/24/18
2. Misdemeanor - Controlled Substances – Maintaining a Drug House 8/24/18

WHEREAS, Ms. Cheryl Harmon, would be denied a license for employment as a key employee or primary management official because of the criminal conviction; and


WHEREAS, the Board of Directors has determined that Ms. Cheryl Harmon is not likely to engage in any offensive or criminal course of conduct and the public good does not require that he be denied a license as a key employee or primary management official.

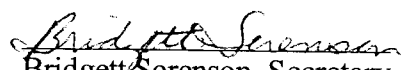
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors, pursuant to Tribal Code Chapter 76 grants a partial waiver to Ms. Cheryl Harmon for the convictions of:

1. Felony - Ephedrine/Pseudoephedrine, Purchase/Possess to Make Meth 8/24/18
2. Misdemeanor - Controlled Substances – Maintaining a Drug House 8/24/18

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


Aaron A. Payment, Chairperson
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RESOLUTION NO: 2019-270

**ENVIRONMENTAL – GLRI INVASIVE SPECIES
FY 2020 BUDGET MODIFICATION**

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BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2020 budget modification to GLRI Invasive Species for a decrease in Federal EPA Revenue monies of \$7,138.28. This modification will change the personnel sheet and expenses. No effect on Tribal Support.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2019-271

**2018 COPS TRGP
2020 BUDGET MODIFICATION**

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BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2020 budget modification to 2018 COPS TRGP to increase Federal DOJ monies \$125,891.00. No effect on Tribal Support.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
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Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2019-272

AUTHORIZING LAW ENFORCEMENT EQUIPMENT

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe exercising powers of self-government under provisions of the Indian Reorganization Act of 1934; and

WHEREAS, the Tribe operates a Law Enforcement and Conservation Department – Sault Tribe Law Enforcement – under contract to the Bureau of Indian Affairs, pursuant to Public Law 93-638; and

WHEREAS, all Sault Tribe Law Enforcement Department Officers exercise law enforcement and conservation enforcement authority; and

WHEREAS, the Board of Directors wishes to authorize its Law Enforcement and Conservation Department Officers to utilize appropriate weapons and self-defense equipment and carry and use other standard law enforcement equipment in the performance of their duties; and

WHEREAS, the general types of weapons and equipment that Officers carry and use in the performance of their duties include, but may not be limited to, in-car cameras, body worn cameras, handguns, long guns, tasers, batons, mace, etc.; and

WHEREAS, from time to time, the types of weapons, self-defense equipment and/or other law enforcement equipment carried by Officers may change due to new standards, updated technology, changes in laws and/or regulations that regulate police officer standards, etc.

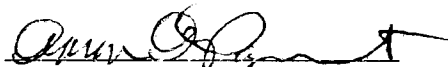
NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Sault Tribe Law Enforcement Officers to carry weapons and other self-defense equipment, and carry and use other equipment that is standard in the law enforcement profession.

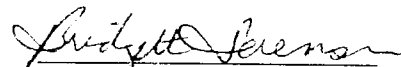
BE IT FURTHER RESOLVED, that the Board of Directors authorizes Sault Tribe Law Enforcement’s Chief of Police to update weapons and/or self-defense equipment and other law enforcement equipment to meet current state, federal, and/or local laws and/or standards of the profession.

BE IT FINALLY RESOLVED, that Resolution 96-51, approved March 5, 1996, is hereby rescinded.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


Aaron A. Payment, Chairperson
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Bridgett Sorenson, Secretary
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RESOLUTION NO: 2019-273

FY 2019 PROMOTION OF ANISHINAABEMOWIN GRANT
MICHIGAN STATE UNIVERSITY

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WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe eligible to apply for the Big Ten Less Commonly Taught Languages (LCTL) Partnership Promotion of Anishinaabemowin at MSU FY19; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians acknowledges our inherent responsibility to protect and preserve our Anishinaabemowin language and supports the Language & Culture Department and its efforts; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians desires to retain our Anishinaabemowin language in perpetuity; and


WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians Language & Culture Department would like to submit a proposal to the Big Ten Less Commonly Taught Languages (LCTL) Partnership Promotion of Anishinaabemowin at MSU.

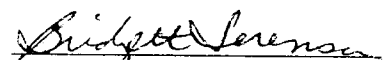
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes the application for funding of the Big Ten Less Commonly Taught Languages (LCTL) Partnership Promotion of Anishinaabemowin at MSU.

BE IT FURTHER RESOLVED, that Aaron Payment, Tribal Chairperson, or his duly assigned representative is authorized to execute or amend all documents relating to the grant application and award.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


Aaron A. Payment, Chairperson
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Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2019-274

**APPROVING LEASE
FOR THE MARQUETTE TRIBAL COMMUNITY HEALTH CENTER**

WHEREAS the Sault Ste. Marie Tribe of Chippewa Indians has committed to support and run the Marquette Tribal Community Health Center in Marquette, Michigan; and

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WHEREAS, between the Tribe, as Lessee and Midtown Office Center, will permit the Tribe to obtain the usage of 600 square feet of Midtown Office Center's office building located at 1229 W. Washington Street, Marquette Michigan; and

WHEREAS, it is the intent of the Tribe that the following services be offered in the Marquette property:

- * Community Health Program Services.
- * Health education services.
- * Confidential meeting space for Tribal Liaison with Tribal members.
- * Confidential meeting space for ACFS, Behavioral Health and Nutrition program services with Tribal members.
- * Confidential meeting space for Veterans Service Representative.

WHEREAS, the yearly rent on the property is \$11,040.00 for the one year; and the annual CPI-U increase will be waived to the end of the term with this agreement; and


WHEREAS, this cost has been budgeted and approved in budget Marquette Tribal Community Health Center Cost Center: 4388.

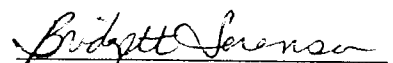
NOW, THEREFORE, BE IT RESOLVED, that the Chairperson of the Tribe is authorized and directed to execute the lease for the property located at 1229 W. Washington Street, Marquette, Michigan, and the lease shall, by its terms, expire on October 31, 2020, for the Marquette Tribal Community Health Center.

BE IT FURTHER RESOLVED, that staff will look for a permanent facility for a place to purchase within the next year.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
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Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2019-275

**TRUST LAND LEASE - LOTS 875 AND 876
BOSLEY
KINROSS, MICHIGAN**

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RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairperson and Treasurer, to execute a lease to the land located at Kinross, Michigan, to Christopher Bosley, a single man, land being described as follows:

Township of Kinross, County of Chippewa, State of Michigan
Sec. 29, T 45 N, R 1 W (.033 acres),
Lots 875 and 876, Cedar Grove Estates III

RESOLVED, the lease is in furtherance of a Housing program operated in the promotion of the public purposes and the negotiated rental amount has been determined to be in the best interest of the Tribe and its people, and valuation in accordance with 25 CFR 162.320 is hereby waived.

BE IT FURTHER RESOLVED, Resolution 2019-41 is hereby rescinded.


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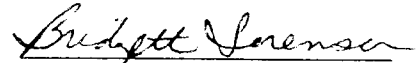
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CERTIFICATION

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 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


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


Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2019-276

**SAULT TRIBE EDC
AWARD CONTRACT
FOR**

INDUSTRIAL MANUFACTURING COMPLEX PROJECT

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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. 461 et seq; and

WHEREAS, the Sault Tribe EDC requests authorization to award Seven Generations, the contract, for the Industrial Manufacturing Complex Project; and


WHEREAS, the Sault Tribe EDC has funds available for the above project; and


WHEREAS, bids were solicited for this work and it has been determined that Seven Generations, is the best bidder.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorize Aaron Payment, Tribal Chairperson or his designee, to negotiate, execute and amend any documents resulting therefrom on the Tribe's behalf, on a contract between the Sault Ste. Marie Tribe of Chippewa Indians and Seven Generations for the Design and Engineering for the Industrial Manufacturing Complex Project, and authorizes expenditures from the EDA and MEDC grant funds.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 1 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


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


Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
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RESOLUTION NO: 2019-277

APPROVING FLEXIBLE BENEFITS SPENDING PLAN DOCUMENT AND SUMMARY PLAN DESCRIPTION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the Flexible Benefits Spending Plan Document and Summary Plan Description as set forth by the Sault Tribe Insurance Department, for the administration of the Tribe's Flexible Benefits Plan effective January 1, 2020.

BE IT FURTHER RESOLVED, that this Board of Directors approves the distribution and communication plans as set forth by the Insurance Department.

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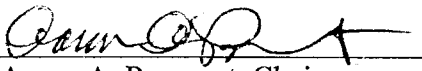
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CERTIFICATION

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 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 7 members for, 3 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


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


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



RESOLUTION NO: 2019-278

**AMENDING TRIBAL CODE CHAPTER 71: CRIMINAL OFFENSES
LIMITING ELECTRONIC CIGARETTE**

WHEREAS, tobacco products, including electronic cigarettes, causes numerous diseases and contain highly addictive nicotine; and

WHEREAS, adolescents are particularly vulnerable to the adverse effects of nicotine; and

WHEREAS, adolescents use of electronic cigarettes has risen according to the Center for Disease Control and Prevention and the Food and Drug Administration; and

WHEREAS, electronic cigarettes are being marketed in ways that appeal to adolescents; and

WHEREAS, the danger of electronic cigarettes to adults is not yet fully understood; and

WHEREAS, the Board of Directors desires to limit the use and availability of electronic cigarettes on tribal lands for both adults and adolescents due to health concerns.


NOW, THEREFORE, BE IT RESOLVED, that Tribal Code Chapter 71: Criminal Offenses is amended as attached to prohibit use and possession of electronic cigarettes by adolescents, prohibit the sale of electronic cigarettes to any individual and to prohibit the use in certain locations.


BE IT FURTHER RESOLVED, that the Tribal Administration is hereby directed to stop all sales of electronic cigarettes and related products.

BE IT FURTHER RESOLVED, that Kewadin Casinos Gaming Authority is requested to stop all sales of electronic cigarettes and related paraphernalia.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 11 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.


Aaron A. Payment, Chairperson
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~~“Electronic Cigarette” shall mean a device designed to delivery nicotine in a vaporized form.~~

SUBCHAPTER XV: ALCOHOL ~~and Nicotine~~ RELATED OFFENSES

71.1501 Delivery of Liquor to a Minor.

(1) Offense. A person commits the offense of delivery of liquor to a minor, if he sells, furnishes, procures for, or knowingly assists in the furnishing of any beer, wine, or intoxicating liquor to any person under the age of twenty-one (21) years.

(2) Sentence. A person convicted of delivery of liquor to a minor may be sentenced to imprisonment for a period not to exceed six (6) months, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(3) For the purposes of this section, the terms "beer," and "wine," and "intoxicating liquor" shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly '41.202(1), (13) and (7), respectively.

71.1502 Illegal Consumption of Liquor.

(1) Offense. A person commits the offense of illegal consumption of liquor, if he consumes any beer, wine or intoxicating liquor in any public place except on premises upon which there is lawful authority to sell such liquor by the drink for consumption on the premises.

(2) Sentence. A person convicted of illegal consumption of liquor may be sentenced to imprisonment for a period not to exceed one (1) month, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

(3) Comment.

(a) Possession of a container of beer, wine or intoxicating liquor on which the United States excise tax seal has been broken or removed, on from which the cap, cork or seal placed upon it by the manufacturer has been removed shall constitute a rebuttable presumption of consumption.

(b) For the purposes of this section, the terms "beer," and "wine," and "intoxicating liquor" shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly '41.202(1), (13) and (7), respectively.

71.1503 Public Intoxication.

(1) Offense. A person commits the offense of public intoxication, if he appears in any public place manifestly under the influence of alcohol, narcotics or other drugs to the degree that he may endanger himself or another person or property.

(2) Sentence. A person convicted of public intoxication may be sentenced to imprisonment for a period not to exceed one (1) month, or a fine not to exceed One Thousand Dollars (\$1,000.00), or both.

71.1504 Under Age Possession of Liquor by a Minor.

(1) Offense. A person under the age of twenty-one years old commits the offense of Underage Possession of Liquor by a Minor if he or she:

- (a) buys, receives, possesses, consumes any beer, wine or intoxicating liquor;
- (b) attempts to buy, receive, possess or consume any beer, wine or intoxicating liquor; or
- (c) has any bodily alcohol content.

(2) It is not a violation of this section for a person to possess beer, wine or intoxicating liquor during the course of his or her employment.

(3) Affirmative Defense. It shall be an affirmative defense to the charge of Underage Possession of Liquor by a Minor that the alcohol was consumed in a jurisdiction where it was legal for a person of the person's age to consume alcohol.

(4) Upon conviction for a first violation of underage possession of liquor by a minor, a person may be confined in an appropriate facility for a period not to exceed one month, or to pay a fine in an amount not to exceed One-Hundred Dollars; or both.

(a) Upon conviction for a first violation of underage possession of liquor by a minor, the defendant must complete a substance abuse assessment. The defendant is responsible for ensuring that the results of the substance abuse assessment are delivered to the Court before sentencing.

(5) Upon conviction for a second violation of underage possession of liquor by a minor, a person may be confined in an appropriate facility for a period not to exceed three months, or to pay a fine in an amount not to exceed Two-Hundred Dollars, or both

(6) Upon conviction for a third violation of underage possession of liquor by a minor, a person may be confined in an appropriate facility for a period not to exceed six months, or to pay a fine in an amount not to exceed Three-Hundred Dollars, or both.

(7) Deferral or Delay of Sentence. If a person has no prior convictions, or juvenile adjudications, for possession of alcohol by a minor, or any law of another jurisdiction which is similar in scope and penalty, and the person either pleads guilty to a criminal complaint or admits the allegations of a juvenile petition, the Court may, without entering a judgment, place the person on probation. If the person violates any of the terms or conditions of probation, the Court may enter an order of conviction. If the person completes all the terms of his or her probation the Court shall release him or her and dismiss the proceedings; however,

(a) A non-public record of the plea will be kept at the Court.

(b) The record of the plea shall be made available to the Court, Sault Tribe Law Enforcement, and the Sault Tribe Prosecutor upon request.

(c) If a person violates 71.1504 subsequent to entering a plea under a deferral or a delay of sentence, the plea that was deferred or delayed may be considered as a prior conviction for the purposes of sentencing.

(d) Only one deferral may be granted under this section.

(8) For the purposes of this section, the terms “beer”, and “wine”, and “intoxicating liquor” shall have the meaning as defined in Tribal Code Chapter 41: Liquor Control Ordinance, and particularly 41.202(1), (13) and (7), respectively.

(9) “Any bodily alcohol content” means either of the following:

(a) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person’s body resulting from the consumption of alcoholic liquor, other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

71.1505 Under Age Possession of Nicotine Products by a Minor.

(1) Offense. A person under the age of Eighteen (18) years commits the offense of underage possession of nicotine products by a minor, if he buys, receives, possesses or consumes, or attempts to buy, receive or possess any nicotine delivery systems-

(2) A person convicted of underage possession of nicotine products by a minor be sentenced to the following:

(a) upon a first offense, one session of education, to include traditional use and commercial abuse education, two educational tobacco related assignments, and two hours volunteer work in the community; and

(b) upon a second offense, three weekly educational sessions of one hour each with a local youth education staff member; and

(c) upon a third offense, a minimum of eight hours volunteer work, not to exceed 24 hours; and

(d) upon a fourth and subsequent offense, confinement in an appropriate facility for a period not to exceed one (1) month, or to pay a fine in an amount not to exceed Two Hundred Fifty Dollars (\$250.00), or both.

(3) For the purposes of this section, the term “nicotine delivery systems” includes any item or substance used for the consumption, ingestion, use, or absorption of nicotine into the human body. Nicotine delivery systems shall include, but not be limited to: cigars, cigarettes, snuff, chewing tobacco, vapors, oils, wax, liquids, e-cigaretteselectronic cigarettes (e-cigs), vape mods, vape pens, edible products, dissolvable products, and any raw materials containing nicotine.

(4) Affirmative Defense. Any person charged with under age possession of nicotine products by a minor shall be relieved of all liability for the offense if:

(a) he or she can demonstrate that the tobacco was possessed for religious or ceremonial purposes.

(b) he or she can demonstrate that the nicotine product was prescribed by a doctor to overcome nicotine dependence or addiction.

71.1506 Delivery of Nicotine Products to a Minor.

(1) Offense. A person commits the offense of delivery of nicotine products to a minor, if he sells, furnishes, procures for, or knowingly assists in the furnishing of any nicotine delivery system to any person under the age of eighteen (18) years.

(2) Sentence. A person convicted of delivery of nicotine products to a minor may be sentenced to imprisonment for a period not to exceed ~~six (6) months~~one (1) year, or a fine not to exceed Two Thousand Dollars (\$2,000.00), or both.

(3) For the purposes of this section, the term “nicotine delivery systems” includes, -any item or substance used for the consumption, ingestion, use, or absorption of nicotine into the human body. Nicotine delivery systems shall include, but not be limited to: cigars, cigarettes, snuff, chewing tobacco, vapors, oils, vape mods, vape pens,~~e-cigarettes~~electronic cigarettes, (e-cigs), edible products containing nicotine, and any raw materials containing nicotine.

(4) Affirmative Defense. Any person charged with delivery of nicotine products to a minor shall be relieved of all liability for the offense if he or she can demonstrate that:

(a) the tobacco was delivered to a minor for religious or ceremonial purposes.

(b) the nicotine product was prescribed by a doctor to overcome nicotine dependence or addiction and it was being delivered to the prescribed minor for that purpose.

71.1507 Use of Nicotine and Nicotine Delivery Systems on School Grounds Prohibited.

(1) ~~—~~Offense. A person commits the ~~civil infraction~~offense of ~~using of an electronic cigarette~~use of Nicotine and Nicotine Delivery Systems on schools-school grounds if they use or are in possession of a nicotine or a nicotine delivery system, as described herein, an electronic

~~cigarette (insert our definition of schools grounds) on tribal school grounds. and may be sentenced to a fine not to exceed One Thousand Dollars \$1,000.00.~~

~~(2) Sentence. A violation of this subsection shall constitute a civil infraction of a fine next to exceed \$1,000.00.~~

71.1508 Use in Gaming Facilities Permitted.

~~(1) —Offense. A person commits the civil infraction of the offense of using an electronic nicotine delivery system-e-cigarette on tribal lands if they use an electronic cigarette more than fifty feet from the exterior of any gaming facility and may be sentenced to a fine not to exceed \$500.00.~~

~~(2)Sentence. A violation of this subsection shall constitute a civil infraction of a fine not to exceed \$500.00.~~

71.1508 Ban on Sale of Electronic Cigarettes.

~~(1)Offense. A person commits the offense of selling electronic cigarettesnicotine delivery systems if they sell, trade or barter away electronic cigarettesany type of nicotine delivery system as described herein.~~

~~(2)Sentence. A person convicted of selling nicotine delivery systems may be sentenced to up to 3 months in jail, a fine of up to \$500.00, or both. and may be sentenced to _____ Board needs to fill in.~~



RESOLUTION NO: 2019-279

OPPOSING FERROCHROME PROCESSING FACILITY

WHEREAS, the “Ring of Fire” mining proposals for chromite ore in northern Ontario are controversial and have potential to severely disrupt northern First Nations communities including Cree and Ojibwe relatives; and

Min Waban Dan

WHEREAS, development of this chromite deposit would require a smelter operation to refine chromite ore and produce ferrochrome for export to Asian markets; and

Administrative Office

523 Ashmun Street
Sault Ste. Marie
Michigan

WHEREAS, Noront Resources, a Canadian mining company, wishes to create a ferrochrome processing facility (smelter) in northern Ontario, and after considering four cities has come to an agreement to develop a smelter operation on lands currently occupied by Algoma Steel in the Canadian Sault; and

49783

Phone

WHEREAS, ferrochrome processing has a track record of environmental pollution affecting people, in all places globally where this has taken place, so that most such developments in recent decades have been located far from population centers; and

906.635.6050

Fax

906.635.4969

WHEREAS, one of the significant pollutants emitted by ferrochrome processing plants is Chromium VI, also known as Hexavalent Chromium, a known human carcinogen in minute exposures; and

Government Services

WHEREAS, the Tribe has a stewardship role over the land, air, water and all the natural resources within its reservation boundaries; and

Membership Services


WHEREAS, the Tribe has a Treaty responsibility for the preservation, protection and enhancement of the waters of the St. Mary’s ecosystem.

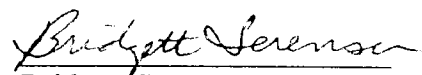
Economic Development Commission

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians opposes the building of a ferrochrome processing facility anywhere near the Great Lakes or our Traditional homelands.

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 10 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 15 day of October 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 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

**TREATY BETWEEN
THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS, and
GARDEN RIVER FIRST NATION, and
BAY MILLS INDIAN COMMUNITY, and
BATCHEWANA FIRST NATION**

**Regarding the preservation, protection and enhancement
of the waters of the St. Mary's River ecosystem**

THE SOVEREIGN NATIONS OF THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS, AND THE GARDEN RIVER FIRST NATION, AND THE BAY MILLS INDIAN COMMUNITY AND THE BATCHEWANA FIRST NATION:

- A. **ACKNOWLEDGING** that our collective ancestors have inhabited the lands surrounding the waters of the St. Mary's River since long before any current geopolitical boundaries were established; and
- B. **RECOGNIZING** that the waters of the St. Mary's River have served, and continue to serve, as the life blood for the region which supports each of our collective Nations; and
- C. **REAFFIRMING** our commitment and responsibility as protectors of the waters for the next seven generations and beyond; and
- D. **UNDERSTANDING** that the waters of the St. Mary's River and its ecosystem have undergone significant abuse and mistreatment resulting from the introduction of toxic substances and aquatic alien invasive species; and
- E. **ACKNOWLEDGING** that many of these toxic substances and invasive species enter the waters of the Great Lakes, including the St. Mary's River, from the air, groundwater infiltration, sediments in the lake and river beds, runoff of non-point sources, and shipping operations; and
- F. **AWARE** that the governments of Canada and the United States, together with their respective political subdivisions, have established certain commitments toward the revitalization, preservation and protection of the waters of the Great Lakes, including the St. Mary's River; and
- G. **RECOGNIZING** the need for strengthened efforts from each of our Nations to address the continuing contamination of the waters of the St. Mary's River ecosystem; and
- H. **CONTINUING** to recognize the sovereign rights of each of our Nations and our ability to interact with other political bodies on a government to government basis; and
- I. **RECOGNIZING** that our Nations are uniquely able to influence other governments to respond and take action because of our inherent sovereignty; and
- J. **REAFFIRMING** the spirit of friendship, cooperation, and pledged commitment to work together to secure a healthy future for the Great Lakes, including the St. Mary's River, under the Tribal and First Nations Great Lakes Water Accord, signed November 23, 2004; and
- K. **CONCLUDING** that our Nations' mutual interests regarding the St. Mary's River are better served when our Nations' efforts and influence are united to serve a common goal.

HAVE AGREED AS FOLLOWS:

**ARTICLE I
PURPOSE**

The purpose of this Treaty is to unite the efforts and influence of our Nations to restore and maintain the chemical, physical, and biological integrity of the waters of the St. Mary's River. In order to achieve this purpose, we agree that we will use maximum effort to:

- A. Develop programs and practices necessary for a better understanding of the St. Mary's River and its ecosystem; and
- B. Eliminate or reduce to the maximum extent practicable the discharge of toxic substances and introduction of invasive species; and
- C. Influence the Governments of the United States and Canada, and their respective political subdivisions and agencies, to abide by existing commitments to revitalize, preserve, and protect the waters of the St. Mary's River; and
- D. Encourage the Governments of Canada and the United States, and their respective political subdivisions and agencies, to develop additional programs and practices to achieve these results.

**ARTICLE II
OBJECTIVES**

Our Sovereign Nations shall work together on these general objectives pertaining to the St. Mary's River:

- A. It is our collective goal that the waters of the St. Mary's River be free from:
 - 1. Substances that settle to form objectionable sludge deposit or adversely effect aquatic life or waterfowl;
 - 2. Floating materials such as debris, oil, or scum in amounts that are unsightly or deleterious;
 - 3. Thermal pollutants that produce color, odor, or taste that interferes with beneficial uses;
 - 4. Materials and thermal pollutants that produce harmful or toxic conditions to human, animal, or aquatic life and which interfere with beneficial uses;
 - 5. Nutrients in amounts that create growths of aquatic life, which interferes with beneficial uses; and
 - 6. Alien aquatic invasive species that are harmful to naturally occurring aquatic life or interfere with beneficial uses.
- B. It is our collective goal that each of our Nations continue our respective cultural heritage and traditional teachings to promote understanding of the importance or protection of the waters of the St. Mary's River, as well as other waters of the Great Lakes, as the life blood of our region.
- C. It is our collective goal to work together to identify specific objectives and strategies to achieve the general objectives we have identified.

**ARTICLE III
TRIBAL AND FIRST NATION JOINT COMMISSION**

Our Sovereign Nations shall form a Tribal and First Nation Joint Commission. The Commission shall be comprised of one representative of each of our Nations to facilitate open communication between and coordination among each of our Nations.

- A. The Commission shall:
 - 1. Meet at least biannually;
 - 2. Develop specific objectives to be accomplished;
 - 3. Develop joint strategies for recommendation to each of our Nations' Governments; and
 - 4. Investigate issues regarding chemical, physical, and biological integrity of the waters of the St. Mary's River and make recommendations regarding actions in response to these issues.
- B. Any of our Nations may provide additional technical or financial assistance to the Commission, including staff or other resources. The commission may request such additional assistance; however, any additional assistance provided shall be at the sole discretion of each of our respective Nations.
- C. The Commission has no authority to independently bind any of our Nations' Governments individually, except as specifically authorized by all Nations consistent with each Nations' respective laws.

SIGNED AT THE BAY MILLS INDIAN RESERVATION ON NOVEMBER 8, 2006.

FOR THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS,

Aaron Aspayn (Aiswagajig)

BY:
ITS:

FOR THE GARDEN RIVER FIRST NATION,

Chief Jeff Baynes

BY:
ITS:

FOR THE BAY MILLS INDIAN COMMUNITY,

[Signature]

BY:
ITS:

FOR THE BATCHEWANA FIRST NATION,

[Signature]

BY:
ITS: