BOARD OF DIRECTORS SPECIAL MEETING
KEWADIN CASINO AND CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN
April 14, 2020
10:00 A.M.

I. CALL TO ORDER

II. INVOCATION: Prayer, Smudging, Presentation of Grandfathers

III. ROLL CALL

IV. PRESENTATION:

V. MINUTES:

VI. RESOLUTIONS: Budget Doc 003
ACFS Child Care Development Funds
Tribal Climate Change
Inland Fish & Wildlife
Tribal Forestry
Ecological Services
Adopting Ch. 47: Commercial Marijuana Ordinance
Am. Ch. 71: Criminal Offenses
Am. Ch. 10: Election Ordinance

VII. NEW BUSINESS: April 21, 2020 Meeting

VIII. ADJOURN TO EXECUTIVE SESSION:

IX. RECONVENE AND REAFFIRM

X. ADJOURN
BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2020 Budget Document 003 totaling $62,571,323 of which $18,953,707 comes from 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of ____________ 2020; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

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

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of Chippewa Indians
RESOLUTION NO: ______________

ACFS – CHILD CARE DEVELOPMENT FUNDS (2800 & 2801)
FY 2020 BUDGET MODIFICATIONS

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 Child Care Development Fund (2800) for a decrease in Federal HHS monies of $27,726.52. No effect on Tribal Support.

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2020 budget modification to Child Care Development Fund (2801) for an increase in Federal HHS monies of $99,910.03. 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of ______________ 2020; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

___________________________   _______________________
Aaron A. Payment, Chairperson   Bridgett Sorenson, Secretary
RESOLUTION NO: ______________

NATURAL RESOURCES – TRIBAL CLIMATE CHANGE
ESTABLISHMENT OF FY 2020 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 2020 budget for Tribal Climate Change with Federal BIA Revenue monies of $83,842.14. 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of ______________ 2020; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

________________________________   _______________________
Aaron A. Payment, Chairperson   Bridgett Sorenson, Secretary
RESOLUTION NO: _______________

NATURAL RESOURCES – INLAND FISH & WILDLIFE
ESTABLISHMENT OF FY 2020 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 2020 budget for Inland Fish & Wildlife with Federal BIA Revenue monies of $510,156.32. 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of ______________ 2020; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

_________________________________   _______________________
Aaron A. Payment, Chairperson     Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of          Sault Ste. Marie Tribe of
Chippewa Indians                   Chippewa Indians
RESOLUTION NO: ______________

NATURAL RESOURCES – TRIBAL FORESTRY
ESTABLISHMENT OF FY 2020 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 2020 budget for Tribal Forestry with Federal BIA Revenue monies of $21,159.61. 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____________ 2020; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

___________________________   _______________________
Aaron A. Payment, Chairperson   Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of    Sault Ste. Marie Tribe of
Chippewa Indians       Chippewa Indians
RESOLUTION NO: ________________

NATURAL RESOURCES – ECOLOGICAL SERVICES
ESTABLISHMENT OF FY 2020 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 2020 budget for Canada Lynx with Federal BIA Revenue monies of $51,488.63. 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____________ 2020; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

___________________________   _______________________
Aaron A. Payment, Chairperson   Bridgett Sorenson, Secretary
RESOLUTION NO: ______________

ADOPTING TRIBAL CODE CHAPTER 47:
COMMERCIAL MARIJUANA ORDINANCE

WHEREAS, this Board of Directors wishes to establish an orderly process for the process of applying for retail marijuana sales licenses within the Jurisdiction of the Tribe; and

WHEREAS, this Board has determined that adopting Chapter 47: Commercial Marijuana Ordinance, is necessary for orderly operation of retail marijuana licensing.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby adopts Chapter 47 Commercial Marijuana Ordinance, in the form 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of ______________ 2020; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

___________________________   _______________________
Aaron A. Payment, Chairperson   Bridgett Sorenson, Secretary
**TRIBAL CODE**

**CHAPTER 47:**

**COMMERCIAL MARIJUANA ORDINANCE**

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**HISTORY NOTE:**
47.101  **Title and Codification.**

This ordinance shall be known as the Sault Ste. Marie Tribal Commercial Marijuana Ordinance, Tribal Code Chapter 47.

47.102  **Purpose and Authority.**

The purpose of this Chapter is to establish a legal framework for the authorization and regulation of commercial marijuana activities in the Tribe’s Indian country. Authorizing such businesses will create revenue for the Tribe to support Tribal governance; remove commercial production and distribution of marijuana from the illicit market; and promote the health, safety, and wellbeing of the Tribe, its members, and the citizens of the State of Michigan. This Chapter is adopted pursuant to Article VII, Sections 1(g) and (n) of the Tribal Constitution.

47.103  **Definitions.**

(1)  “Applicant” means any individual, corporation, limited liability company, partnership, trust, or other legal entity, other than a wholly owned Tribal Enterprise, who applies or endeavors to apply for a Tribal License.

(2)  “Commercial Marijuana Policy” means the Tribal policy containing the Tribe’s regulations concerning commercial marijuana activities within Indian Country.

(3)  “Federal Enforcement Priorities” means preventing (a) the distribution of marijuana to minors; (b) revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; (c) the diversion of marijuana from states where it is legal under state law in some form to other states; (d) state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (e) violence and the use of firearms in the cultivation and distribution of marijuana; (f) drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; (g) the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and (h) marijuana possession or use on federal property.

(4)  “Indian Country,” means all lands as defined by 18 U.S.C. § 1151 within the Tribe’s Reservation and all lands held in trust or restricted fee status by the United States for the Tribe or its Tribal Members.

(5)  “LARA” means the Michigan Department of Licensing and Regulatory Affairs and its staff, and includes the Marihuana Regulatory Agency (“MRA”).

(6)  “Licensed Marijuana Establishment” means any individual, corporation, limited liability company, partnership, trust, or other legal entity who currently possesses or wishes to apply for a State Marihuana Establishment License and a Tribal License to operate a Marijuana Establishment in the Tribe’s Indian Country.
(7) “Marijuana” as used in this Chapter shall have the same meaning as “marihuana” in MCL 333.27953 or any amendments thereto.

(8) “Marijuana Establishment” as used in this Chapter shall have the same meaning as “marihuana establishment” in MCL 333.27953 or any amendments thereto.

(9) “MRTMA” means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.

(10) “State” means the State of Michigan.

(11) “State Marihuana Establishment License” means a license issued by LARA pursuant to MCL 333.27951 et seq. that permits an individual, corporation, limited liability company, partnership, trust, or other legal entity to operate a Marijuana Establishment.

(12) “Tribal Enterprise” means a business enterprise owned by the Tribe.

(13) “Tribal License” means a license issued by the Tribe to operate a Licensed Marijuana Establishment in the Tribe’s Indian Country.

(14) “Tribal License Application” means the application that an Applicant must submit to the Tribe in order to be eligible to become a Licensed Marijuana Establishment.

(15) “Tribal License Renewal Application” means the application that a Licensed Marijuana Establishment must submit to the Tribe upon the expiration of its existing Tribal License in order to be eligible to continue operating as a Licensed Marijuana Establishment.


47.104 Authorized Commercial Marijuana Activities.

(1) Wholly owned Tribal Enterprises and Licensed Marijuana Establishments are the only persons or entities that may engage in commercial marijuana activities within Indian Country.

(2) Tribal Enterprises do not need to apply for a Tribal License.

(3) An Applicant wishing to become a Licensed Marijuana Establishment shall submit a Tribal License Application in accordance with the provisions of the Tribe’s Commercial Marijuana Policy. At a minimum, the Tribal License Application must include a copy of the Applicant’s background check performed in accordance with the terms of MRTMA; a designation indicating whether the Applicant is a member of the Tribe; and an application fee in the amount of no less than two thousand dollars ($2,000.00). Each Tribal License Application shall be submitted to:

Secretary of Board of Directors
Sault Ste. Marie Tribe of Chippewa Indians
523 Ashmun Street
Sault Ste. Marie, MI 49783

With a copy to the Chief Law Enforcement Officer of the Tribe at:

Chief Law Enforcement Officer
Sault Ste. Marie Tribe of Chippewa Indians
523 Ashmun Street
Sault Ste. Marie, MI 49783

(4) All newly issued Tribal Licenses shall be for the remainder of the calendar year plus one year, regardless of the date of issuance. Licensed Marijuana Establishments must submit a Tribal License Renewal Application in accordance with Section 5.0 of this Chapter. Renewed Tribal Licenses shall be for one calendar year, from January 1 to December 31.

(5) Tribal Licenses are nonassignable and nontransferable.

47.105 **Tribal License Renewal.**

(1) Licensed Marijuana Establishments must submit a Tribal License Renewal Application at least 30 days prior to the expiration of the existing Tribal License in accordance with the provisions of the Tribe’s Commercial Marijuana Policy.

(2) The Tribal License Renewal Application shall be accompanied by an application renewal fee in the amount of not less than one thousand dollars ($1,000.00).

47.106 **Buffer Requirements.**

(1) Location. No Licensed Marijuana Establishment shall be located within one thousand feet of the perimeter of the grounds of any of the following (whether they are located within or outside of Indian Country):

   (a) Public or private school providing education in kindergarten or any of grades 1 through 12, or

   (b) Playground.

(2) Measurement. The distance shall be measured as the shortest straight line distance from the property line of the proposed location for the commercial marijuana activity to the property line of entities listed above in subsection (1).

47.107 **Compliance and Enforcement.**

(1) The Tribal Police may conduct premises checks of any Licensed Marijuana Establishment to observe compliance with this Chapter and the Tribe’s Commercial Marijuana Policy and to ensure any problems are corrected.
(2) Nothing in this Chapter shall be deemed to prohibit the Tribe from imposing other civil regulatory penalties under its Commercial Marijuana Policy or any other Tribal ordinance.

47.108 Revocation of Tribal License.

(1) A Tribal License issued under this Chapter shall be automatically revoked if the Tribe learns that the license holder’s State License has been revoked.

(2) The Board of Director’s may revoke a Tribal License issued under this Chapter if a Licensed Marijuana Establishment:

(a) Engages in any conduct or actions that violate any provision of this Chapter and/or any provision of MRTMA;

(b) Misrepresents any material fact in its Tribal License Application, including any omission of any material fact, or false or misleading information, or the Applicant has provided the Tribe with any other false or misleading information;

(c) Engages in any conduct or actions that implicate Federal Enforcement Priorities, including, but not limited to, Marijuana diversion to the illicit market and the sale of Marijuana to individuals under the age of 21 years old;

(d) Transfers or distributes marijuana in violation of MRTMA;

(e) Attempts to transfer, sale, or other conveyance of an interest in a Tribal License; or

(f) Engages in any conduct that jeopardizes or threatens the safety or health of the Tribe’s members, or patrons or employees of a Licensed Marijuana Establishment.

(3) Any Tribal License issued under this Chapter may be revoked by the Board of Directors on the grounds identified in subsection (2) above, but only after a hearing at which the Licensee shall be invited to attend and present argument. Any grounds for revocation must be provided in writing to the Licensed Marijuana Establishment at least 15 days prior to the date of the administrative hearing by first-class mail to the address provided on the Tribal License Application or to any address provided to the Board of Directors in writing subsequent to the filing of the Tribal License Application. The administrative hearing shall be conducted in accordance with Tribe’s Commercial Marijuana Policy.

47.109 Applicability of State Law.

(1) MRTMA applies to all Licensed Marijuana Establishments.

(2) The Tribe unequivocally and irrevocably waives its right to exclude LARA inspectors, regulators, and/or staff from the Tribe’s Indian Country, but only to the extent such LARA inspectors, regulators, and/or staff are seeking access to a Licensed Marijuana Establishment.
47.110 **Indemnity.**

(1) The Tribe indemnifies any director, officer or employee of the Tribe made party to any proceeding because of their role in licensing, regulating, or otherwise engaging with Licensed Marijuana Establishments against personal liability incurred in a proceeding if:

(a) the individual acted in their official capacity;
(b) the individual acted in good faith;
(c) the individual believed their conduct was in the best interests of the Tribe; and
(d) the individual acted in accordance with the Tribe's Memorandum of Understanding, this Code, and applicable policies and procedures.

(2) Proceeding means any threatened, pending, or completed action, suit, or proceeding whether civil, criminal, administrative, or investigative.

(3) Liability means the obligation to pay a judgment, settlement, penalty, or fine, or reasonable expenses, including legal expenses, incurred with respect to a proceeding.

47.111 **Severability.**

If any provision of this Chapter, or its application to any person under any circumstances, is held invalid by any court of competent jurisdiction, the remaining provisions of this Chapter will remain in full force and effect.

47.112 **Tribal Sovereign Immunity and Jurisdiction Preserved.**

Nothing in this Title shall be construed as a waiver of the sovereign immunity of the Tribe, the Board of Directors, or of any committee or corporation acting under the authority of the Tribe or the Board of Directors. Nothing in this Title shall be construed as a grant of jurisdiction to the United States or to a State, local, or other tribal government.

47.113 **Effective Date.**

This Act will take effect immediately upon approval by the Board of Directors and will supersede and replace any and all prior ordinances of the Tribe relating to the subject matter of this Act.

47.114 **Repeal.**

All other ordinances inconsistent with the provisions of this Chapter are, to the extent of such inconsistencies, hereby repealed.
RESOLUTION NO: __________________

AMENDING
TRIBAL CODE CHAPTER 71: CRIMINAL OFFENSES
SECTION 71.1601-71.1618
CONTROLLED SUBSTANCE AND RELATED OFFENSES

WHEREAS, this Board of Directors wishes to amend Chapter 71 of the Tribal Code, to manage the establishment of retail marijuana sales and production operations within the jurisdiction of the Tribe; and

WHEREAS, this Board has determined that amending Sections 71.1601 through 71.1618 of the Tribal Code is necessary for the promotion of this goal.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby amends and adopts Sections 71.1601 through 71.1618 of the Tribal Code Chapter 71, in the form 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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of ______________ 2020; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

___________________________   _______________________
Aaron A. Payment, Chairperson   Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of       Sault Ste. Marie Tribe of
Chippewa Indians               Chippewa Indians
SUBCHAPTER XVI: CONTROLLED SUBSTANCE AND RELATED OFFENSES

71.1601 Furnishing Marijuana –REPEALED.

71.1602 Possession or Furnishing of Narcotics.

    (1) Offense. A person commits the offense of possession or furnishing of narcotics, if he knowingly possesses, manufactures, transports, sells, consumes, uses, cultivates or trades in any drug or other substances identified or defined as a "controlled substance" under the provisions of P.A. 1978, No. 368, of the State of Michigan, as amended to the date of the offense, except marijuana.

    (2) Sentence. A person convicted of the offense of possession or furnishing of narcotics may be sentenced to imprisonment for a period not to exceed one (1) year, a fine not to exceed $5,000.00, or both.

    (3) It shall not be an offense under this section, or any other section of this Chapter, to possess, use, or administer an Opioid Antagonist. In this Section, “Opioid Antagonist” means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.

71.1603 Possession of Marijuana –REPEALED.

71.1604 Inhaling Toxic Vapors.

    (1) Offense. A person commits the offense of inhaling toxic vapors, if he, for the purpose of becoming intoxicated or subjecting himself to the influence of them, willfully inhales the vapors or fumes of paint, gasoline, glue or any other substance producing intoxicating fumes or vapors.

    (2) Sentence. A person convicted of inhaling toxic vapors may be sentenced to imprisonment for a period not to exceed six (6) months, a fine not to exceed $2,000.00, or both.

71.1605 Misuse of Prescription Medication –REPEALED.

71.1606 Possession or Use of Medication without Prescription.

    It shall be unlawful for any person to possess or use, without a valid prescription from a medical doctor, a controlled substance, as defined by the Controlled Substance Act of 1970, as amended from time to time (21 U.S. Code § 801 et. seq.) and any substance listed in Schedule 1 (MCL 333.7212) or Schedule 2 (MCL 333.7214) of the Michigan Uniform Controlled Substance Act, as they may from time to time be amended. Possession or personal use of marijuana is not prohibited by this subsection.

    (1) Offense. It shall be unlawful for any person to misuse a prescription medication by using it in a way not intended or not consistent with the directions of the prescribing doctor. Misuse includes but is not limited to: use in higher dose than prescribed; crushing pills to inject,
inhale or drink; use of a medication prescribed to another individual; or taking a medication to feel euphoria or achieve a “high”.

(2) Prescription Fraud. It shall be unlawful for any person to obtain, or attempt to obtain, a prescription for medication on behalf of another person, or to induce another person to attempt to obtain a prescribed medication on his or her behalf.

(3) Prescription Inhalation. Any person who, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system, intentionally smells or inhales fumes of any chemical agent, is guilty of a violation of this section.

(4) Upon conviction of violating any of the above subsections, the offender may be sentenced to imprisonment of not more than six (6) months, payment of a fine not to exceed $5,000.00, or both.

71.1607 Permitted Possession and Use of Marijuana.

The following acts by a person at least 21 years of age shall not constitute criminal or civil offenses except as expressly prohibited under this Chapter or other Tribal law. Further, these acts are not: (i) grounds for seizure or forfeiture of property, (ii) grounds for arrest, prosecution, or penalty in any manner, (iii) grounds for search or inspection, or (iv) grounds to deny any other right or privilege:

(1) Possessing, consuming, purchasing, transporting, or processing 2.5 ounces or less of marijuana, except that not more than 15 grams of marijuana may be in the form of marijuana concentrate;

(2) Within the person's residence, possessing, storing, and processing not more than 10 ounces of marijuana and any marijuana produced by marijuana plants cultivated on the premises and cultivating not more than 12 marijuana plants for personal use, provided that no more than 12 marijuana plants are possessed, cultivated, or processed on the premises at once;

(3) Giving away or otherwise transferring without remuneration to a person at least 21 years of age or older 2.5 ounces or less of marijuana, except that not more than 15 grams of marijuana may be in the form of marijuana concentrate, provided that the transfer is not advertised or promoted to the public; or

(4) Purchasing marijuana from a Licensed Marijuana Establishment in accordance with Chapter 47.

71.1608 Possession and Use of Marijuana in Excess of Authorized Amounts.

(1) Offense. A person commits this offense if they, being a person 21 years of age or older, possess, use, consume, internally possess, purchase, transport, give away, transfer without remuneration, or process marijuana over the established limits outlined in 71.1607.
(2) A Person Convicted of Possession and Use of Marijuana in Excess of Authorized Amounts may be sentenced to Imprisonment for a period not to exceed three (3) months, a fine of up to $1000.00, or both

71.1609 Distribution to a Person under 21 years of Age.

    (1) Offense. A person commits this offense if they, being a person at least 21 years of age, sell, give, distribute, or help any person under 21 years of age possess, consume, purchase or otherwise obtain marijuana or marijuana accessories.

    (2) Sentence. A person convicted of Distribution to a Person Under 21 Years of Age may be sentenced to imprisonment for a period not to exceed one (1) year, a fine not to exceed $5,000.00, or both.

71.1610 Possession or Use by a Person between 18 and 21 Years of Age.

    (1) Offense. A person commits this offense if they, being a person under 21 years of age, but at least 18 years old, possess, purchase, consume, obtain, or sell marijuana or marijuana accessories.

    (2) Sentence. A person convicted of Possession or Use by a Person between 18 and 21 Years of Age may be sentenced to imprisonment for a period not to exceed three (3) months, a fine not to exceed $500.00, or both. The Judge shall also order the Defendant to complete a mandatory substance abuse assessment.

71.1611 Marijuana Accessories.

    Notwithstanding any other law or provision of this Code the use, manufacture, possession, or purchase of marijuana accessories by a person 21 years of age or older and the distribution or sale of marijuana accessories to a person 21 years of age or older is (i) authorized, (ii) not unlawful, (iii) not an offense, (iv) not grounds for seizing or forfeiting property, (v) not grounds for arrest, prosecution, or penalty in any manner, and (vi) not grounds to deny any other right or privilege.

71.1612 Marijuana Possession or Use Near School and Playgrounds Prohibited.

    Marijuana products may not be consumed, possessed, or used within, in or on, the real property compromising a public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a playground, a public or private park, or other community recreational area. Any violation of this subsection shall constitute a civil infraction punishable by a fine not to exceed $1,000.00.

71.1613 Marijuana Possession or Use in Public Areas or Public View Prohibited.
Marijuana products may not be consumed, possessed, or used within, in or on, any public place, or possessed within the public view. Public view includes, but is not limited to, carrying marijuana on the body of a person where it is visible to the public. Public places include, but are not limited to: tribal government offices, tribal medical and wellness facilities, tribal businesses and enterprises (except for those authorized to sell marijuana), tribal schools, tribal gymnasiums, tribal parking lots, tribal government vehicles, and tribally-owned open spaces. Any violation of this subsection shall constitute a civil infraction punishable by a fine not to exceed $75.00.

71.1614 Permitted Manufacture, Process and Sale of Marijuana Limited to Tribal Enterprises and Licensed Marijuana Establishments.

Only the following types of entities are authorized to engage in the commercial manufacturing, processing, packaging, delivery, distribution, or sale of marijuana, but solely to the extent provided under the laws of the Sault Ste. Marie Tribe of Chippewa Indians: (1) wholly owned enterprises of the Sault Ste. Marie Tribe of Chippewa Indians, or (2) Licensed Marijuana Establishments pursuant to Chapter 47. Commercial manufacturing, processing, packaging, delivery, distribution, or sale of marijuana is otherwise prohibited by 71.1618. Wholly owned enterprises of the Sault Ste. Marie Tribe of Chippewa Indians are not subject to the requirements of Chapter 47.

71.1615 Operating a Vehicle.

This Section does not authorize operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marijuana.

71.1616 Custody and Visitation.

A person shall not be denied custody or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates a risk of harm to the minor that can be clearly articulated and substantiated.

71.1617 Vacating Offenses.

All past marijuana convictions now authorized by these Sections may be set aside pursuant to Tribal Code Chapter 77.

71.1618 Distribution of Marijuana.

(1) Offense. A person commits this offense if they grow, manufacture, or deliver, with intent to sell or if they sell marijuana, and such person is not acting on behalf of a Licensed Marijuana Establishment or on behalf of a wholly owned enterprise of the Sault Ste. Marie Tribe of Chippewa Indians.

(2) A Person Convicted of Distribution of Marijuana may be sentenced to Imprisonment for a period not to exceed three (3) months, a fine of up to $1000.00, or both.
RESOLUTION NO: ______________

AMENDING CHAPTER 10: ELECTION ORDINANCE
NOMINATING PETITIONS

WHEREAS, Article V, Section 6 of the Constitution, provides that the board of directors shall enact appropriate ordinances to implement nominations and the holding of elections. As such,

WHEREAS, the Board of Directors has enacted Ordinance 10: Election Ordinance.

WHEREAS, Section 10.102 of the Election Code provides in relevant part: “This Chapter shall govern all tribal elections pursuant to Articles IV and V of the Constitution. ... There shall be no amendments to this Chapter within the period of six (6) months prior to date of the general election held pursuant to this Chapter except by Positive Majority vote.”

WHEREAS, the Election Committee must follow the Code as written in order to maintain the integrity of the election process.

WHEREAS, Section 10.108 of the Election Code provides in relevant part: “All election held pursuant to this Chapter shall be administered by the Election Committee.”

WHEREAS, Section 10.111(5) of the Election Code provides in relevant part: “To be nominated to office, the Candidate must pick up at designated office and submit separate completed nomination petitions for each elected position being sought on forms provided for that purpose by the Election Committee containing the following information:

(a) One hundred (100) valid names, a tribal I.K. number shall be required, addresses and signatures of Registered voters if seeking the office of Chairperson;

(b) Fifty (50) valid names, a tribal I.D. number shall be required, addresses and signatures of Registered voters if seeking the office for members of the Board of Directors for Election Unit I or Elections Unit III;

(c) Forty (40) valid names, a tribal I.D. number shall be required, addresses and signatures of Registered voters if seeking the office for members of the Board of Directors for Election Unit II, Election Unit IV or Elections Unit V;

(d) ...”

WHEREAS, Section 10.111(6) of the Election Code provides in relevant part: “Nominating petitions shall not be accepted by the Election Committee unless correctly completed. ...”

WHEREAS, the Election Committee does not have the discretion to dispense with the signature requirements of Section 10.111(5) of the Election Code,

WHEREAS, Section 71.103(1)(b) of the Criminal Code provides in relevant part, “(l) A person commits the offense of election fraud, if the person... (b) acts to compromise the integrity of the election.....” The violation of this provision is imprisonment of up to one year and a fine up to $5,000.00 or both. So, not only are there institutional concerns, there are also criminal ramifications for not keeping the integrity of the election process intact.

WHEREAS, there is currently a worldwide pandemic known as COVID-19, an extremely contagious virus that has shown to pose a great fatality risk to the elderly and those with underlying respiratory issues.
WHEREAS, it has been recommended by the State of Michigan as well as the Center of Disease Control (CDC) to limit contact with one another and to maintain a social distance of at least 6 feet.

WHEREAS, the Election Committee has authorized as an administrative procedure the right of Candidates to mail, fax or email copies of nominating petitions to Registered voters to procure the necessary signatures as required by Section 10.111(5) of the Election Code. This process is in addition to Candidates and Circulators procuring signatures personally from Registered voters.

WHEREAS, the Election Committee has authorized as an administrative procedure the right of Registered voters to return their signature to the Candidate by mail. This process not only maintains the integrity of the election process, and consistent with Section 10.111(5) of the Election Code, it also protects all Members from unintended exposure to the COVID-19 virus.

WHEREAS, concerns are being expressed to the Election Committee by Members that the additional procedures being authorized to meet the signature requirements of Section 10.111(5) of the Election Code is overly burdensome and or unpracticable for those Registered voters who do not have access to computers and or printers, especially for those Registered voters who may be most susceptible to acquiring the COVID-19 virus.

WHEREAS, the Election Committee does not have the constitutional or ordinance authority to dispense with the signature requirements of Section 10.111(5).

WHEREAS, the Board of Directors is the only governing body with the authority to amend the Election Code to dispense with the signature requirements of Section 10.111(5) by Positive Majority Vote.

THEREFORE, LET IT BE RESOLVED as follows:

That for the 2020 election cycle only, that provision of Section 10.102 of the Election Code that prohibits amendments to the Election Code within the period of six (6) month prior to the date of the general election is hereby suspended for this resolution alone.

That for the 2020 election cycle only, the requirements of completing and returning nominating petitions as set forth in Sections 10.111(5), (6), (7) and (8) of the Election Code shall be suspended.

Ayes______     Nayes______

The Resolution **Passes** by Positive Majority Vote / **Fails**

**CERTIFICATION**

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of ______________ 2020; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

___________________________   _______________________
Aaron A. Payment, Chairperson    Bridgett Sorenson, Secretary
RESOLUTIONS:

Budget Doc 003 – Budgets/Various Dept.
ACFS Child Care Development Funds – Juanita Bye
Tribal Climate Change – Eric Clark
Inland Fish & Wildlife - Eric Clark
Tribal Forestry – Eric Clark
Ecological Services – Eric Clark
Adopting Ch. 47: Commercial Marijuana Ordinance – Courtney Kachur
Am. Ch. 71: Criminal Offenses – Courtney Kachur
Am. Ch. 10: Election Ordinance – Chairperson Payment

NEW BUSINESS:

April 21, 2020 Meeting