

MEMORANDUM

TO: Board of Directors
FROM: Joanne Carr, Board Secretary
DATE: August 25, 2022
RE: Workshop Agenda for August 30, 2022

AGENDA

10 A.M.

Closed Session
Negotiations

Budgets

Executive Reports

12 noon – Special Meeting

Working Lunch

Open Session

Transportation

Housing

Food Committee
Homeless Shelter
ARPA Funding – 6 MM

August 29: Schedule B Budget

**BOARD OF DIRECTORS SPECIAL MEETING
KEWADIN CASINOS CONVENTION CENTER
SAULT, MICHIGAN
August 30, 2022
12 Noon**

- I. CALL TO ORDER
- II. INVOCATION: Prayer, Smudging, Presentation of Grandfathers
- III. ROLL CALL
- IV. PRESENTATION:
- V. MINUTES:
- VI. RESOLUTIONS: Special Prosecutor – Amending Code
Directing Legal/Review/Propose Revisions Election Code
Rescinding all Prior Key Employee Res. Replacing with
Key Employee List
Am. Ch. 10: Sub Ch II: Special Advisory Elections
Rescinding Motion Election Attorney
Clarifying Res. 2022-204

NEW BUSINESS: MILCSA
June 20, 2022 Workshop Video/Legal
- VII. ADJOURN TO EXECUTIVE SESSION:
- VIII. RECONVENE AND REAFFIRM
- IX. ADJOURN

RESOLUTION NO: _____

AMENDING CH. 71: CRIMINAL CODE SECTION 102

NOW, THEREFORE BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians amends Ch. 71: Criminal Code Section 102: Grounds for Appointment.

Pursuant to the power delegated by the Sault Ste. Marie Tribe of Chippewa Indians Constitution, to the Board of Directors to appoint legal counsel, the Board of Directors delegates authority to the Tribal Prosecutor to appoint a Special Prosecutor in any matter arising under this Code, or any other provision of tribal code, where the Tribal Prosecutor determines that there is a conflict of interest for the Tribal Prosecutor and the Assistant Tribal Prosecutor.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2022; 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vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

DJ Hoffman
Chairman
Sault Ste. Marie Tribe of
Chippewa Indians

Kimberly Vincent-Hampton
Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**DIRECTING THE LEGAL DEPARTMENT
TO REVIEW AND PROPOSE APPROPRIATE REVISIONS TO
ELECTION CODE**

WHEREAS, the Board of Directors has determined that the existing Election Code may be improper, imposing restrictions and timeframes that are not mandated by the Constitution of the Tribe, or by the generally accepted standards of the United States Constitution, which this Board of Directors has agreed to implement for the members of the Tribe in accordance with the Indian Civil Rights Act; and

WHEREAS, the Board seeks to have its Legal Department, with input from the retained election attorney, drawing guidance from the Tribe's Constitution and the United States Constitution, review the existing Election Code and to draft and present an amended version of the Code to more accurately reflect the needs of the Tribe while promoting the freedoms contained in the constitutions.

NOW, THEREFORE, BE IT RESOLVED, the Sault Tribe Board of Directors directs the Tribe's legal department to review the existing Election Code and to draft an amended version of the Code to more accurately reflect the needs of the Tribe and to present that proposed amended Code to the Board of Directors within 90 days for consideration and/or approval.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2022; 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.

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Kimberly Vincent-Hampton
Secretary
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RESOLUTION NO: _____

**RESCINDING ALL PRIOR KEY EMPLOYEE RESOLUTIONS
REPLACING WITH KEY EMPLOYEE LIST**

WHEREAS, on July 6, 2004, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians adopted Resolution 2004-71, Approval of Key Employees, designating certain employment positions as "key employees" and specifying that employees holding these positions may be hired and/or terminated only by an affirmative vote of seven (7) members of the Board of Directors; and

WHEREAS, subsequent resolutions of the Board have amended this list repeatedly, which includes the following resolutions: 05-199, 08-225, 14-10, 15-160, 17-210, 19-82, 20-119, and others; and

WHEREAS, the Board of Directors has historically been unable to complete its duties in hiring and retaining certain key positions, which creates strain on Tribal departments; and

WHEREAS, the Board of Directors has determined that it is necessary and appropriate to rescind all prior lists of key employees to state the list clearly and definitively.

NOW, THEREFORE, BE IT RESOLVED, that the list of "Key Team Members" previously announced and contained in prior resolutions is repealed, and the following list shall be the only key employees of the Tribe:

- a. CEO of the Casinos
- b. CFO of the Tribe and Casinos
- c. General Counsel of the Tribe
- d. Gaming Commissioner
- e. Chief Judge of the Tribe
- f. Director of the Health Division
- g. Board Secretary
- h. Executive Director of the Tribe; and
- i. EDC Director

CERTIFICATION

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Kimberly Vincent-Hampton
Secretary
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RESOLUTION NO: _____

**AMENDING CHAPTER 10 SUBCHAPTER II
SPECIAL ADVISORY ELECTIONS**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians has created an Election Code to govern the conduct of persons within its jurisdiction and to establish authority for holding tribal elections and create regulations and procedures for Tribal elections; and

WHEREAS, it is in the best interests of the Tribe and its people that special advisory elections shall be automatically held and not delayed in the event of any vacancy.

NOW, THEREFORE, BE IT RESOLVED, that Subchapter II: Special Advisory Elections, shall be amended to read as follows:

10.201 Purpose and Authority.

Article VI, Section 2 of the Constitution provides that the Board of Directors shall, by majority vote, fill vacancies on the Board of Directors by appointment of a voting Member to fill the unexpired term of the departed official. The Board of Directors has determined to conduct Special Advisory Elections to assist it in performing its responsibilities under Article VI. The purpose of this Subchapter is to establish procedures for conducting Special Advisory Elections. The regulations and procedures contained in this Chapter shall be administered in such a way as to accomplish this purpose and intent.

10.202 Scope.

This Subchapter shall govern Special Advisory Elections for the Board of Directors conducted by the Board of Directors to assist it in filling vacant Board seats.

10.203 Notice.

The Election Committee shall be notified of a vacancy on the Board of Directors by the first to occur of either:

(1) immediately upon the occurrence of a vacancy by the Board of Directors providing written notice to the Election Committee; or

(2) upon a vacancy becoming public knowledge by publication of the fact through tribal news sources.

10.204 Date of Election.

A Special Advisory Election shall occur no later than ninety (90) days following the vacancy which caused the need for a special election.

10.205 Election Announcement

Upon becoming aware of a vacancy of the Election Committee shall within three (3) business days prepare and post at each tribal office an Notice of Election which shall explain the purpose of the Special Advisory Election, give date of election, the manner by which the

vote is to be taken, the office to be filled, the procedures for the nomination of the Candidates, the time limit for each stage of the election procedure and the voting requirements for the elections. It shall provide information on the election to eligible voters, and shall also publicize the election information throughout the election unit affected, or in the case of the Chairperson, throughout the entirety of the Tribe.

10.206 Applicability of General Election Rules.

(1) All other Sections of this Chapter are applicable to Special Advisory Elections except as specifically indicated in this Subchapter.

(2) The timelines found in this Chapter relating to general elections are not applicable to a Special Advisory Election.

(3) Notwithstanding subsection (2) the timelines for a Special Advisory Election shall be determined by the Election Committee in such a way as to accomplish the purpose and intent of this Subchapter and shall be published within the Notice of Election.

10.207 Primary.

There shall be no primary for a Special Advisory Election.

10.208 Appointment.

Following the certification of election results by the Election Committee, the Board of Directors shall appoint the individual who received the most votes in the Special Advisory Election.

All other sections and subsections of Chapter 10 shall remain unchanged.

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

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Kimberly Vincent-Hampton
Secretary
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Chippewa Indians

RESOLUTION NO: _____

**RESCINDING MOTION
ELECTION ATTORNEY**

WHEREAS, pursuant to a motion this Board of Directors assigned supervision of the election attorney to the Election Committee, but this assignment is inefficient and unworkable.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians does hereby rescind this prior motion and directs that the election attorney shall report directly to the legal department of the Tribe, and through them to this Board of Directors.

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Kimberly Vincent-Hampton
Secretary
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RESOLUTION NO: _____

CLARIFYING RESOLUTION 2022-204

WHEREAS pursuant to Resolution 2022-204, this Board of Directors directed an investigation of Board Member Hoffman related to allegations of past misconduct; and

WHEREAS, Board Member Hoffman has stated that there needs to be clarity as related to the general areas which need to be investigated.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians does hereby direct the solicitation of special investigator services to look into, the following matters, and others:

- o Financial dealings including but not limited to credit card usage; expense and travel reimbursements, tax dealings, personal dealings between the Tribe and Hoffman family members; and
- o Construction and vendor contracting, including but not limited to speaking with all vendors, construction contractors, and subcontractors to determine whether any irregularities, kickbacks, or other improprieties, and further, any contractor or subcontractor which fails or refuses to assist in this matter shall be reported back to the Board of Directors in a separate report; and
- o Reports of harassment and bullying of tribal staff and employees, including harassment of current and former accounting and executive employees; and
- o Real estate transactions, including purchases of real estate and any improprieties in the purchase of property, the purchase prices, and the selection of real estate contractors;
- o Dealings with Greentown operators, employees, and contractors, and the developers of the proposed downstate casino operations; and
- o Any such other matters as may be reasonably discovered or reported to the special investigator during the process of the investigation.

BE IT FURTHER RESOLVED, that the investigator shall extend these investigations for the period June 2006 through present.

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BOARD OF DIRECTORS SPECIAL MEETING

August 30, 2022

Sponsor's List

RESOLUTIONS:

Special Prosecutor – Amending Tribal Code – Chairman Hoffman, Legal

Directing Legal/Review/Propose Revisions Election Code – Directors Freiheit, Borowicz, Hampton, Lee, McKechnie, LaPlaunt, McRorie, Lowes.

Rescinding all Prior Key Employee Res. Replacing with Key Employee List - Directors Freiheit, Borowicz, Hampton, Lee, McKechnie, LaPlaunt, McRorie, Lowes.

Am. Ch. 10: Sub Ch II: Special Advisory Elections - Directors Freiheit, Borowicz, Hampton, Lee, McKechnie, LaPlaunt, McRorie, Lowes.

Rescinding Motion Election Attorney - Directors Freiheit, Borowicz, Hampton, Lee, McKechnie, LaPlaunt, McRorie, Lowes.

Clarifying Res. 2022-204 - Directors Freiheit, Borowicz, Hampton, Lee, McKechnie, LaPlaunt, McRorie, Lowes.

NEW BUSINESS:

MILCSA - Legal

June 20, 2022 Workshop Video/Legal – Director Freiheit