

MEMORANDUM

TO: Board of Directors
FROM: Joanne Carr, Board Secretary
DATE: October 18, 2017
RE: Workshop Agenda for October 24, 2017

AGENDA

10: 00 a.m. – Gaming Authority

11:00 a.m. –Legal

Lunch

1:15 pm – Schedule B

2:00 p.m. – Code of Conduct

3:00 p.m. - Review of Agenda

4:00 p.m. – Matters Raised by the Membership

6:00 p.m. – Meeting of the Board of Directors

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN SHORES CASINO
ST. IGNACE, MICHIGAN
OCTOBER 24, 2017
6:00 P.M.**

- I. CALL TO ORDER
- II. INVOCATION: Prayer, Smudging, Presentation of Grandfathers
- III. ROLL CALL
- IV. PRESENTATION:
- V. MINUTES:
- VI. RESOLUTIONS: Budgets:
 - ACFS – Binogii and Foster Care
 - ACFS – General Assistance
 - Self Insurance – Medical
 - FY 2018 Schedule B
 - 2018 Budget Doc 004 Enterprises
 - 2018 Enterprises Cap Ex
 - Approving Lease – Marquette Health Center
 - Am. Key Employee Res. 2005-199
 - Am. Tribal Code 45- Workers Comp
 - Auth to Initiate Litigation Manadatory Trust
 - US v Mi Negotiations
 - Establishing New Wage Grids
 - Sale of Vacant Property
- VII. NEW BUSINESS: Committee Requests
 - Key Employee
 - Board Concerns
- VIII. ADJOURN TO EXECUTIVE SESSION:
- IX. RECONVENE AND REAFFIRM
- X. ADJOURN

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN SHORES CASINO
OCTOBER 24, 2017
Sponsor's List**

RESOLUTIONS:

Budgets:

ACFS – Binogii and Foster Care –Juanita Bye
ACFS – General Assistance-Juanita Bye
Self Insurance – Medical-Doug Goudreau
FY 2018 Schedule B- Budgets
2018 Budget Doc 004 Enterprises-Joel Schultz
2018 Enterprises Cap Ex-Joel Schultz
Approving Lease – Marquette Health Center-Marlene Glasemann
Am. Key Employee Res. 2005-199-John Wernet/Christine McPherson
Am. Tribal Code 45- Workers Comp-Director Hollowell
Auth to Initiate Litigation Manadatory Trust-John Wernet
US v Mi Negotiations-Director Sorenson
Establishing New Wage Grids-Director Sorenson
Sale of Vacant Property

NEW BUSINESS:

Committee Requests-Variou Committees
Key Employee- Christine McPherson
Board Concerns-Director Causley

RESOLUTION NO: _____

**ACFS -BINOGII AND TRIBAL FOSTER CARE
FY 2017 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2017 budget modifications to Binogii and Tribal Foster Care for a decrease in State of Michigan monies of \$237,033 and an increase in Other Revenue monies of \$839.93. 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 _____ 2017; 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 – GENERAL ASSISTANCE
FY 2017 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2017 budget modification to General Assistance for an increase in Federal BIA monies of \$13,382.32. No effect on Tribal Support.

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

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 _____ 2017; 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: _____

**SELF INSURANCE – MEDICAL
2017 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2017 budget modification to Self Insurance Medical to reduce Other Revenues by \$1,690,528.00, increase expenses by \$517,952.77, request the use of Fund Balance monies of \$318,000.00, and request Tribal Support monies of \$1,890,480.77.

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

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 _____ 2017; 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: _____

FY 2018 BUDGET DOCUMENT 002 (WITHOUT HEALTH DIVISION)

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2018 Budget Document 002 totaling \$6,492,355 of which \$924,936 comes from Tribal Support.

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

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 _____ 2017; 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: _____

**FISCAL YEAR 2018 BUDGET DOCUMENT 004
ENTERPRISES**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, and the Tribe recognizes the need to authorize expenditures and revenues for key components of the Tribal organization which are essential to the continuing operation of the Sault Ste. Marie Tribe of Chippewa Indians.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the Fiscal Year 2018 Budget Document 004 Enterprises for revenue of \$9,897,772 and expenses of \$9,810,813.

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

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 _____ 2017; 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: _____

**FISCAL YEAR 2018 ENTERPRISES
CAPITAL PURCHASES BUDGET**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, and the Tribe recognizes the need to authorize expenditures and revenues for key components of the Tribal organization which are essential to the continuing operation of the Sault Ste. Marie Tribe of Chippewa Indians.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves a total of \$628,294 as the Enterprises Fiscal Year 2018 Capital Purchases Budget.

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

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 _____ 2017; 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: _____

**APPROVING LEASE
MARQUETTE TRIBAL COMMUNITY HEALTH CENTER**

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

WHEREAS, the Health Division has negotiated a lease between the Tribe, as Lessee and Midtown Office Center, which will permit the Tribe to continue the usage of 600 square feet of Midtown'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:

- *Office visits and home visits for health education and health promotion.
- *Medication pick-up and dispensing.
- * Monthly diabetes foot care clinics.
- *Monthly and annual immunization clinics.
- *Nutrition education services.

WHEREAS, the yearly rent on the property is \$10,800 for the one year; and

WHEREAS, this cost has been budgeted and approved in the 2018 budget within the Marquette Tribal Community Health Center budget-cc 4388; and

WHEREAS, this lease shall, by its terms expire on October 31, 2018.

BE IT HEREBY 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.

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

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 _____ 2017; 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: _____

**AMENDING KEY EMPLOYEE RESOLUTION 2005-199
NATURAL RESOURCES DEPARTMENT**

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, December 6, 2005, the Board adopted Resolution 2005-199, Clarifying Key Employee Resolution 2004-71 “Approval of Key Employees” effectively replacing Resolution 2004-71, expanding the list of positions designated as “key team members,” and requiring that employees holding these positions may be selected and/or terminated only by a vote of seven (7) members of the Board of Directors; and

WHEREAS, the Board has subsequently modified the list of positions designated as “key employees” from time to time by adopting the following resolutions:

Resolution 2008-225, Amending Key Employee Resolution 2005-199; Resolution 2014-10 Amending Key Employee Resolution 2005-199, Kewadin Casinos Key Team Members; and Resolution 2015-160, Health Center Administration, FY 2015 Budget Modification

WHEREAS, the Board of Directors has determined that it is necessary and appropriate to further modify the list of key employees in light of recent changes in the organization and structure of the Tribe’s Natural Resources Department.

NOW, THEREFORE, BE IT RESOLVED, that that the list of "Key Team Members" contained in Resolution 2005-199, as amended, is further amended to remove the following positions from the list of "Key Team Members" for the Regulatory Branch of the Tribe:

**NATURAL RESOURCES DIVISION DIRECTOR
PROGRAM DIRECTOR OF THE INTERTRIBAL FISHERIES AND
ASSESSMENT PROGRAM**

BE IT FURTHER RESOLVED, that the list of "Key Team Members" contained in Resolution 2005-199, as amended, is further amended to ADD the following positions to the list of "Key Team Members" for the Regulatory Branch of the Tribe:

**LEAD FISHERIES BIOLOGIST
LEAD WILDLIFE BIOLOGIST**

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

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 _____ 2017; 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: _____

**AMENDING TRIBAL CODE
SECTION 45.606
WORKERS COMPENSATION ATTORNEY FEES**

WHEREAS, the Board of Directors has provided for a system of workers compensation and appeals within the Tribe and Tribal Court, which permits for appeals to the Tribal Court; and

WHEREAS, the limits on attorney fee compensation has not increased in several years resulting in a limit on attorney fees within the current tribal code which is perceived as being too low.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby amends the Tribal Code, subsections 45.606(2) and (3), as set forth below, no change to subsection (1):

45.606 Attorney's Fees and Costs.

(2) In connection with either a protest or an appeal of permanent disability, any attorney engaged in the representation of a worker or beneficiary shall not charge for services any fee in excess of a reasonable fee, which in the case of a protest or an appeal lodged by the worker or beneficiary shall not be more than 25 percent of the increase in the award secured by the attorney's services, and in no case shall exceed a total of \$20,000.

(3) In all cases except those involving permanent disability, when a worker or a beneficiary prevails in an appeal by the supervisor or when the worker or beneficiary is the appellant and additional relief is granted, then the Fund shall pay the worker or beneficiary for reasonable attorney's fees as determined by the Committee or the Tribal Court, and in no case shall exceed \$20,000.

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 _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2017; 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: _____

**AUTHORIZATION TO INITIATE LITIGATION
CHALLENGING THE DENIAL OF MANDATORY TRUST APPLICATIONS**

WHEREAS, the Sault Tribe Ste. Marie Tribe of Chippewa Indians settled certain land claims against the United States as evidenced and implemented by the Michigan Indian Land Claims Settlement Act (MILCSA), PL 105-143, 111 Stat 2652 (Dec 15, 1997); and

WHEREAS, in section 108 of MILCSA, Congress mandated that settlement funds provided to the Tribe under the Act were to be deposited into a trust fund created by the Act for the benefit of the Tribe, to be known as the "Self-Sufficiency Fund," and further provided that the Board of Directors of the Tribe shall be the trustee of and shall administer that Fund in accordance with the provisions of the Act; and

WHEREAS, section 108 of MILCSA specifically provides that the interest and income generated by that Fund may be expended by the Board of Directors to acquire lands "for the consolidation or enhancement of tribal lands" and also expressly provides that any lands so acquired "shall be held in trust" by the Secretary of the Interior for the benefit of the Tribe; and

WHEREAS, acting pursuant to the express authorization of MILCSA § 108, the Sault Tribe purchased or entered into binding options to purchase parcels of land in Lansing, Michigan and in New Boston, Michigan using interest or income from the Self-Sufficiency Fund and, on June 10, 2014, duly submitted fee to trust requests to the Bureau of Indian Affairs requesting that the Secretary of Interior accept those parcels into mandatory trust status as mandated by the Act; and

WHEREAS, on July 24, 2017, after three years of costly and unreasonable delay, the Bureau of Indian Affairs issued a final decision denying those mandatory trust requests; and

WHEREAS, the Department's July 24, 2017 denial is unreasonable, arbitrary, and capricious, and is clearly contrary to the express provisions of MILCSA § 108.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby authorizes and directs that the Tribe, through its Chairperson and General Counsel, take whatever action is necessary and appropriate to challenge and overturn the denial of its June 10, 2014 mandatory trust requests including but not limited to initiating litigation in the appropriate federal court seeking an order requiring the Secretary of the Interior to take the affected parcels of land into mandatory trust status as provided by MILCSA § 108 and seeking such other relief as may be just and proper.

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

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 _____ 2017; 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: _____

US v MI NEGOTIATIONS

NOW, THEREFORE, BE IT RESOLVED, that the General Counsel is hereby directed to retain Marc Slonim for the purpose of representing the Tribe in the upcoming US v MI 2020 negotiations.

BE IT FURTHER RESOLVED, that the General Counsel is authorized to negotiate and execute a retainer agreement to effectuate the forgoing on terms he deems to be in the Tribe's best interest.

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

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 _____ 2017; 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: _____

**ESTABLISHING NEW WAGE GRIDS
GOVERNMENTAL, HOUSING AND ENTERPRISE POSITIONS**

WHEREAS, recent wage studies have been undertaken to evaluate all positions within the Governmental, Housing and Enterprise structures of the Tribe, for the purpose of bringing these positions up to date with competitive wage structures statewide; and

WHEREAS, it is intended that these updated rates shall be placed in effect after the COLA raises are implemented at the beginning of calendar year 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians that the base pay rates for Governmental, Housing and Enterprise positions is hereby amended according to the newly outlined PayScale wage grids.

BE IT FURTHER RESOLVED, that the Administration is authorized and directed to effectuate this directive immediately following the implementation of the COLA wage increases (in accordance with Resolution 2015-264) in calendar year 2018.

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 _____ 2017; 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: _____

**RELATING TO THE SALE OF PROPERTY
VACANT LAND
CHRISTMAS, MICHIGAN**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (hereinafter referred to as "the Tribe") is a federally recognized Indian Tribal government organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467, et. seq., as amended; and

WHEREAS, the Tribe holds title to certain vacant real property to the east of the Christmas Casino and parking lot locations along Highway M-28, more specifically described as:

NOW, THEREFORE, BE IT RESOLVED, that the Tribe through its Board of Directors specifically authorizes and directs its Tribal Chairperson and Treasurer, or their designee as may be appropriate, to perform the Sale of Real Property for a purchase price no lower than \$25,000.00. The Chairman and Treasurer are specifically authorized to execute all agreements, certificates, instruments, or other documents as may be required, and to take any and all action necessary or convenient to complete the sale of the real property identified above; and