I. CALL TO ORDER

II. INVOCATION: Prayer, Smudging, Presentation of Grandfathers

III. ROLL CALL

IV. PRESENTATION: 2020 NEGOTIATIONS

V. MINUTES:

VI. RESOLUTIONS: Budget Mods:
Federal Cares Act – Enterprise and Casinos
Alcohol and Substance Abuse Grant
Sault Walk-In Clinic
Lease Agreement Sault Tribe Inc.
Sault Tribe Online Gaming Management Board Appt.
Waiver of Immunity/ Right to Exclude 3 Mile Property

VII. NEW BUSINESS: Education Director
Board Concerns

VIII. ADJOURN TO EXECUTIVE SESSION:

IX. RECONVENE AND REAFFIRM

X. ADJOURN
MEMORANDUM

TO: Board of Directors
FROM: Joanne Carr, Executive Assistant
DATE: July 9, 2020
RE: Workshop Agenda for July 14, 2020

AGENDA

Negotiations

10:00 a.m. – Special Meeting

  Budget Mods

  Executive Reports
RESOLUTION NO: ______________

FEDERAL CARES ACT – ENTERPRISES AND CASINOS
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 Enterprises and Casinos with Federal CARES Act monies of $28,106,000.00. 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 _____ 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vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.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: ____________

ALCOHOL AND SUBSTANCE ABUSE GRANT
FY 2020 BUDGET MODIFICATION

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 Alcohol and Substance Abuse Grant to change the personnel sheet, reallocate expenses, and decrease Federal DOJ monies $78,396.32 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
RESOLUTION NO: ______________

SAULT WALK IN CLINIC AND THIRD PARTY REVENUE
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 Sault Walk in Clinic to change the personnel sheet, reallocate expenses, and increase Other Revenue Third Party monies $455,559.36.

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 Third Party Revenue monies $455,559.36.

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: _____________

AUTHORIZING DEVELOPMENT OF LEASE AGREEMENT WITH SAULT TRIBE INC. FOR BUSINESS DEVELOPMENT PURPOSES

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (the “Tribe”) organized pursuant to the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, pursuant to the Constitution of the Tribe, the Board of Directors has the power to regulate trade, commerce and all manner of criminal and non-criminal conduct within the boundaries of its reservation; and

WHEREAS, the Board of Directors, under the authority of the Constitution of the Tribe, has the power and responsibility to manage, lease, sell, acquire or otherwise deal with the tribal lands, interest in lands and water or other tribal assets; and

WHEREAS, Sault Tribe Inc. is a federally chartered corporation established pursuant to Section 17 of the Indian Reorganization Act of 1934; and

WHEREAS, pursuant to its Corporate Charter, Sault Tribe Inc. has the power to conduct business activities for the economic benefit of the Tribe, including the power to own, hold, improve, manage, operate, and dispose of trust or restricted property; and

WHEREAS, the Tribe wishes to lease tribal trust lands to Sault Tribe Inc., in furtherance of developing trust lands for business purposes, including the subleasing of tribal lands to third parties to develop, cultivate, or improve these lands.

NOW, THEREFORE, BE IT RESOLVED, that the Tribe should and does hereby approve developing and entering into an agreement to lease the tribal trust lands listed in Attachment A, attached here to and incorporated herein by this reference, to Sault Tribe Inc., with such agreement authorizing Sault Tribe Inc., to manage and develop these lands for the economic benefit of the Tribe and its members, which shall include the authority to sublease tribal lands to third parties in furtherance of tribal economic development.

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: ______________

APPOINTMENTS OF
SAULT TRIBE ONLINE GAMING MANAGEMENT BOARD

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe, organized under the Indian Reorganization Act of 1934, 25 USC 461 et seq.; and

WHEREAS, the Constitution of the Sault Ste. Marie Tribe of Chippewa Indians, Article VII, Section 1(n), provides that the Board of Directors shall have the authority “to establish subordinate boards, organizations, cooperative associations or other tribal groups and to delegate power and authority to such entities, subject to the right of the Board to review or cancel any such delegation”; and

WHEREAS, pursuant to Resolution No. 2020-114, the Board of Directors authorized all necessary documents and actions to establish Sault Tribe Online Gaming, an entity to manage and oversee the applicable Tribal internet gaming and sports betting operations pursuant to applicable Michigan state licenses.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby appoints the following five (5) individuals to serve as members of the Management Board of Sault Tribe Online Gaming:

_______________________________________________
_______________________________________________
_______________________________________________
_______________________________________________
_______________________________________________

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: _______________

WAIVER OF IMMUNITY AND RIGHT TO EXCLUDE THREE MILE PROPERTY

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians ("Tribe"), is a federally recognized Indian Tribe organized under the Constitution and Bylaws of the Sault Ste. Marie Tribe of Chippewa Indians adopted by the tribal membership on October 9, 1975 pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. § 5101 et seq. (formerly codified as 25 U.S.C § 461 et seq.) and exercising inherent sovereign authority over its members and its territories; and

WHEREAS, Green Sunrise Products, LLC ("Applicant") plans to submit an application to the Michigan Marihuana Regulatory Agency ("MRA") for a State of Michigan license to operate a marihuana retail establishment under the Michigan Regulation and Taxation of Marihuana Act ("MRTMA"), MCL § 333.27101 et seq., and associated administrative rules; and

WHEREAS, the proposed marihuana establishment is to be located on the property legally described in Exhibit A, which is land held in trust for the Tribe by the United States and is leased from the Tribe to Applicant ("Premises"); and

WHEREAS, the Tribe does not hold any direct or indirect ownership interest in Applicant, does not exercise any managerial control over Applicant, and does not fall within the definition of “applicant” under MRTMA or associated administrative rules for purposes of Applicant’s application; and

WHEREAS, the MRA is responsible for administering and enforcing the State of Michigan’s marihuana laws and associated administrative rules, including conducting background investigations and inspections of applicants and licensees, investigating alleged violations, and taking disciplinary and other enforcement action against applicants and licensees; and

WHEREAS, the Michigan Department of Treasury ("Treasury") and the State Treasurer are responsible for implementing, administering, and ensuring the collection of any taxes imposed under MRTMA and any other applicable taxes imposed under State of Michigan law and associated administrative rules and for administering and/or directing the investment of the funds created under MRTMA; and

WHEREAS, the Tax Agreement between the Tribe and the State of Michigan entered into on December 20, 2002 and subsequently amended remains in effect; and

WHEREAS, State and local law enforcement are responsible for enforcing and for assisting the MRA in administering and enforcing the State of Michigan’s marihuana laws and associated administrative rules, including by conducting background investigations and criminal history checks of applicants and conducting investigations of applicants and licensees to ensure compliance; and

WHEREAS, State of Michigan building code officials, code enforcement officials, and fire officials (collectively, “state building and fire officials”) are responsible for enforcing and for assisting the MRA in administering and enforcing the State of Michigan’s marihuana laws and associated administrative rules, including by conducting inspections of applicants and licensees; and

WHEREAS, the Tribe desires to lease the Premises to Applicant for the purpose of Applicant participating in the State of Michigan marihuana industry subject to the same requirements, privileges, and responsibilities as any other similarly situated entity outside the Tribe’s reservation and trust lands; and

WHEREAS, any actions by the Tribe that attempt to bar the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, or state building and fire officials from entering the Premises as permitted under MRTMA and associated administrative rules may result in the denial, suspension, and/or revocation of any state license sought by or issued to Applicant; and
WHEREAS, the Tribe has authority under Article VII of the Tribal Constitution and Chapter 44 of the Tribal Code of Ordinances (collectively, “Authority”) to waive tribal sovereign immunity and tribal court jurisdiction and the Tribe has inherent authority to waive any right the Tribe may have to exclude persons from its reservation or trust lands by resolution of the Board of Directors, the Tribe has provided a copy of the Authority to the MRA, and this waiver is consistent with the Authority; and

WHEREAS, the Tribe finds that the waiver of the right to exclude and the waiver of sovereign immunity and tribal court jurisdiction contained in this resolution are necessary in order for Applicant to obtain and maintain a license to operate a marihuana establishment on the Premises; and

WHEREAS, the Tribe voluntarily provides this waiver of the right to exclude and this waiver of sovereign immunity and tribal court jurisdiction.

NOW THEREFORE, BE IT RESOLVED THAT,

1. The Board of Directors, expressly waives any right the Tribe may have to exclude the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, or state building and fire officials from entering the Premises as permitted under MRTMA, applicable tax statutes, and associated administrative rules, without a warrant and without notice to Applicant, for the purpose of administering and enforcing the State of Michigan’s marihuana laws, applicable tax laws, and associated administrative rules.

2. The right of the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or the Treasury, state and local law enforcement, and state building and fire officials to enter the Premises includes the right to go inside, outside, over, or below any structure or feature on the Premises in any matter related to Applicant’s application or licensure; conduct investigations and inspections; inspect, examine, and audit relevant records of Applicant; and impound, seize, assume physical control of, or summarily remove records from the Premises if Applicant fails to cooperate with an investigation. Provided, however, nothing herein waives or alters any existing obligations that the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or the Treasury, state and local law enforcement, and/or state building and fire officials give notice to the Tribe’s law enforcement prior to entering the Premises as may be required by Michigan State law or policy, or by agreement.

3. This limited waiver of the right to exclude is solely for the purpose of ensuring the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, and state building and fire officials have the ability to exercise all authorities, powers, duties, functions, and responsibilities under State of Michigan law and associated administrative rules for the specific purposes identified in this resolution.

4. The Tribe expressly waives its sovereign immunity for the limited purpose of subjecting the Tribe to the jurisdiction of State of Michigan courts, administrative agencies, and law enforcement agencies for the sole purpose of enforcing this waiver of the Tribe’s right to exclude; provided, however, that this waiver is limited to injunctive and declaratory relief and therefore no pledge of specific assets by the Tribe is necessary to satisfy any judgment or decision obtained in a State of Michigan court action or administrative proceeding contemplated by this paragraph.

5. This waiver of the Tribe’s right to exclude and limited waiver of sovereign immunity shall take effect immediately.

6. This waiver of the Tribe’s right to exclude and limited waiver of sovereign immunity shall continue in effect so long as the above-referenced state license, if issued to Applicant, is in effect; for the duration of any dispute arising out of or related to the license or operations under the license; and to allow the MRA to take action after expiration of the license as permitted under State of Michigan law and associated administrative rules.

7. If Applicant’s application for a state license is denied, this waiver of the Tribe’s right to exclude and limited waiver of sovereign immunity shall continue in effect for the duration of any administrative or judicial proceedings related to the license denial, including any appeals.
8. The Tribe expressly waives the jurisdiction of the Tribal Court with respect to any claim or cause of action for declaratory or injunctive relief arising out of or within the scope of this resolution.

9. The Tribe acknowledges that if this limited waiver of sovereign immunity is rescinded or otherwise made ineffective, or if the Tribe asserts any right it may have to exclude the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, or state building and fire officials from entering the Premises in any matter related to Applicant’s application or licensure, the MRA may in its discretion deny, suspend, revoke, restrict, refuse to renew, impose a fine against, and/or take other disciplinary action against any state license sought by or issued to Applicant.

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 Mods:
Federal Cares Act – Enterprise and Casinos – Joel Schultz/Allan Kerridge
Alcohol and Substance Abuse Grant – Jocelyn Fabry
Sault Walk-In Clinic – Leo Chugunov
Lease Agreement Sault Tribe Inc. – Director Sorenson/ Joel Schultz
Sault Tribe Online Gaming Management Board Appt. - Jeremy Patterson
Waiver of Immunity/Right to Exclude 3 Mile Property – Joel Schultz

NEW BUSINESS:

Education Director –Director Sorenson
Board Concerns – Director Causley