

MEMORANDUM

TO: Board of Directors
FROM: Joanne Carr, Board Secretary
DATE: August 29, 2019
RE: Workshop Agenda for September 3, 2019

AGENDA

10:00 a.m. – Negotiations

10:30 a.m. – Gaming Authority Meeting

11:30 a.m. – Legal

Lunch

1:15 p.m. – EDC

2:00 p.m. – Agenda Review

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

5:00 p.m. – Regular Meeting of the Board of Directors

**BOARD OF DIRECTORS REGULAR MEETING
KEWADIN CASINO AND CONVENTION CENTER
SAULT STE. MARIE, MICHIGAN**

September 3, 2019

5:00 P.M.

- I. CALL TO ORDER
- II. INVOCATION: Prayer, Smudging, Presentation of Grandfathers
- III. ROLL CALL
- IV. PRESENTATION:
- V. MINUTES:
- VI. RESOLUTIONS: ACFS – OVC Tribal Set Aside
LE – COPS TRGP 2015
Lake Whitefish Rearing Project
EDC Commercial Development Position
DeMawating Dev/Property Management
Business Solutions/Eagle Lending
HC – Mental Health
HC-PRC/Admin/Pharmacy/St. Ignace.etc.
HC-Walk in Clinic/3rd Party Revenue
2019 Head Start/Early Head Start One Time Funding
Waiver – Empowered
Trust Land – White Pine Lodge
Right of Way Easement – Kinross Community Care
HC – JL Associate Contract
Joint Venture – IHS Construction Program
Waiver – Greektown LLC
Opposition to Enbridge and Graymont
Reliable Passage – Island Residents
EDC Position
Health Center Award Bid - Billing
- VII. NEW BUSINESS: Relinquishments
Committee Request
Special Election
Appointment – Vacancy Unit One
Oct 1 Meeting of the Board Options
Long Term 2% Request to New Business
Board Concerns
- VIII. ADJOURN TO EXECUTIVE SESSION:
- IX. RECONVENE AND REAFFIRM
- X. ADJOURN

BOARD OF DIRECTORS REGULAR MEETING

September 3, 2019

Sponsor's List

RESOLUTIONS:

ACFS – OVC Tribal Set Aside – Jami Moran
LE – COPS TRGP 2015 – Bob Marchand/Lona Stewart
Lake Whitefish Rearing Project – Brad Silet
EDC Commercial Development Position - Joel Schultz/Various Directors
DeMawating Dev/Property Management - Joel Schultz
Business Solutions/Eagle Lending - Joel Schultz
HC – Mental Health - Leo Chugunov
HC-PRC/Admin/Pharmacy/St. Ignace.etc . - Leo Chugunov
HC-Walk in Clinic/3rd Party Revenue - Leo Chugunov
2019 Head Start/Early Head Start One Time Funding - Anne Suggitt
Waiver – Empowered – Jami Moran
Trust Land – White Pine Lodge - Joel Schultz
Right of Way Easement – Kinross Community Care –J oel Schultz
HC – JL Associate Contract - Joel Lumsden
Joint Venture – IHS Construction Program - Leo Chugunov
Waiver – Greektown LLC – Courtney Kachur
Opposition to Enbridge and Graymont – Director Hoffman
Reliable Passage – Island Residents – Director McLeod
EDC Position – Various Directors
Health Center Award Bid – Billing – Christine McPherson

NEW BUSINESS:

Relinquishments – Special Needs Enrollment
Committee Request – Various Committees
Special Election – Director Hoffman
Appointment – Vacancy Unit One – Chairperson Payment
Oct 1 Meeting of the Board Options – Chairperson Payment
Long Term 2% Request to New Business –Director Hoffman
Board Concerns – Director Causley

RESOLUTION NO: _____

**ACFS – OVC TRIBAL SET ASIDE
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 OVC Tribal Set Aside with DOJ Federal Revenue monies of \$417,827.27. 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 _____ 2019; 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: _____

**LAW ENFORCEMENT – COPS TRGP 2015
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 COPS TRGP 2015 with DOJ Federal Revenue monies of \$233,320.43. These funds are carryover. 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 _____ 2019; 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: _____

**NATURAL RESOURCES – LAKE WHITEFISH REARING PROJECT
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 Lake Whitefish Rearing Project BIA Federal Revenue monies of \$53,857.22. 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 _____ 2019; 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: _____

**SAULT TRIBE EDC
COMMERCIAL DEVELOPMENT POSITION**

RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors authorizes the EDC Executive Director to establish a position to oversee retail and commercial development efforts of the Sault Tribe EDC and to fund the position using Retail Enterprise funds as appropriate.

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 _____ 2019; 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: _____

**DEMAWATING DEVELOPMENT
PROPERTY MANAGEMENT AND MAINTENANCE
2019 BUDGET MODIFICATIONS**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2019 budget modifications to DeMawating Development Property Management and to DeMawating Development Maintenance to change the Personnel Sheets and increase expenses \$3,400.19.

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 _____ 2019; 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: _____

**BUSINESS SOLUTIONS
ESTABLISHMENT OF FY 2019 BUDGET
AND
EAGLE LENDING
FY 2019 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2019 budget for Business Solutions with Other Revenue – Wage Reimbursement \$36,058.75 and Loan Proceeds - Eagle Lending monies \$8,700.00

BE IT FURTHER RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2019 budget modification to Eagle Lending to increase Other Revenue – Loan Interest \$121.80 and approve the lending to Business Solutions of monies \$8,700.00

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 _____ 2019; 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: _____

**HEALTH CENTER – MENTAL HEALTH
FY 2019 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2019 budget modification to Mental Health to change the personnel sheet and reallocate expenses. 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 _____ 2019; 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: _____

**HEALTH CENTER – PURCHASED REFERRED CARE, SAULT
ADMINISTRATION, SAULT PHARMACY, ST. IGNACE
MEDICAL/NURSING, ST. IGNACE PHARMACY,
AND RECOVERY HOSPITAL
FY 2019 BUDGET MODIFICATIONS**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2019 budget modifications to the Purchased Referred Care, Sault Administration, Sault Pharmacy, St. Ignace Medical/Nursing, St. Ignace Pharmacy, and Recovery Hospital, to change personnel sheets, reallocate revenue and expenses. 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 _____ 2019; 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: _____

**HEALTH CENTER – WALK IN CLINIC
AND THIRD PARTY REVENUE
FY 2019 BUDGET MODIFICATIONS**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2019 budget modifications to the Walk in Clinic for Consulting and Third Party Revenue for the additional monies of \$280,000.00. 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 _____ 2019; 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: _____

2019 HEAD START AND EARLY HEAD START ONE-TIME FUNDING

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians' mission is to improve the health, welfare, and education of its members and their families.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby supports and recommends the submission of a grant to the Office of Head Start, American Indian and Alaskan Natives Program Branch, for the One-Time Funding to support the construction of the new Early Childhood Education Facility.

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 _____ 2019; 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 SOVEREIGN IMMUNITY AND CONSENT TO WAIVER
OF TRIBAL COURT JURISDICTION
EMPOWERDB**

BE IT RESOLVED, by the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, as follows:

Section 1 FINDINGS AND DETERMINATIONS: The Board of Directors finds and determines that:

1.1 The Sault Ste. Marie Tribe of Chippewa Indians ("Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.

1.2 The Tribe would like to enter into a User Agreement with EmpowerDB, for the purposes of providing case management services to the Advocacy Resource Center of the Tribe.

1.3 EmpowerDB has refused to consent to such User Agreement without a waiver of sovereign immunity or Tribal Court jurisdiction.

1.4 In order to induce EmpowerDB to enter into the User Agreement, the Tribe is required to confirm that the Tribe and all other entities claiming by, through or under the Tribe will not claim tribal immunity or exclusive Tribal Court jurisdiction with respect to any disputes or causes of action between the Tribe and EmpowerDB that might arise from, or relate to, in any respect, the User Agreement. All of the foregoing are referred to herein as the "Waiver and Consent Obligations."

1.5 It is in the Tribe's interest to resolve as stated herein.

Section 2 WAIVER OF SOVEREIGN IMMUNITY; CONSENT TO JURISDICTION; GOVERNING LAW

2.1 The Tribe hereby waives its sovereign immunity from suit in favor of EmpowerDB only should an action be commenced under the User Agreement referenced above.

This waiver:

i) shall terminate upon performance by the Tribe of all of its obligations under the User Agreement or any subsequent extensions of the User Agreement; and

ii) is granted solely to EmpowerDB; and

iii) shall extend to inter alia, any judicial or non judicial action, including, but not limited to, any lawsuit, arbitration, and judicial or non judicial action to resolve disputes between the Tribe and EmpowerDB and the assertion of any claim in a court of competent jurisdiction or with any arbitrator or arbitration panel to enforce the obligations under the User Agreement.

Res. No: _____

Page 2

iv) shall be enforceable only in a court of competent jurisdiction, including courts of the State of Michigan the Tribal Court and federal courts in Michigan and the state of Massachusetts, (including the United States Bankruptcy Courts) or any arbitrator or arbitration panel; and

v) shall be enforceable against the assets of the Tribe to the extent necessary to satisfy the Tribe's obligation under the User Agreement,; and

vi) the User Agreement, and other associated finance documents shall be construed in accordance with and governed by the internal laws of the State of Massachusetts, as set forth in such documents. The Board authorizes the Tribe to consent to the jurisdiction of the courts of the State of Michigan and the federal courts in Michigan and Massachusetts, including any courts to which decisions may be appealed, with respect to any controversies arising from this resolution or the User Agreement of extensions thereof.

Section 3 WAIVER OF TRIBAL COURT JURISDICTION

3.1 The Board of Directors waives the exclusive jurisdiction of the Tribal Court over any action arising under the User Agreement.

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 _____ 2019; 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: _____

**TRUST LAND STATUS
WHITE PINE LODGE
E7889 W. STATE HIGHWAY M-28, CHRISTMAS MI 49862**

WHEREAS, the Tribe lacks an adequate land base within its reservation to provide for economic development or self-determination; and

WHEREAS, the Secretary of Interior has the authority under the provision of 25 U.S.C. Section 5108 to accept title to lands in trust for the Tribe; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors has the authority, under Article VII, Section 1 (k) of the Tribal Constitution to manage, lease, sell acquire, or otherwise deal with the tribal land; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors wishes to authorize its Chairperson, and Treasurer, to obtain conveyance of lands to the Secretary of Interior on the Tribe's behalf, to execute any documents, and to take any further action on behalf of the Tribe as maybe necessary to accomplish such conveyance.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors hereby requests that the Secretary of Interior accept title to the following parcel of land in trust for the benefit of Sault Ste. Marie Tribe of Chippewa Indians on behalf of the Tribe:

See Attached Legal Description

BE IT FURTHER RESOLVED, that the parcel to be acquired is to be used for economic development and is not intended for gaming purposes.

BE IT FURTHER RESOLVED, that the Secretary of the Interior is hereby requested to declare said lands to be part of the Reservation of the "Sault Ste. Marie Tribe of Chippewa Indians" under 25 U.S.C. Section 5110.

BE IT FURTHER RESOLVED, that the Board of Directors authorizes its Chairperson and Treasurer to execute any documents and take any further action on behalf of the Tribe as maybe necessary to complete such conveyance

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 _____ 2019; 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 OF RIGHT OF WAY EASEMENT
KINROSS COMMUNITY CARE CLINIC**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (Tribe) is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 USC 467, et. seq; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (Tribe) holds land located in the Township of Kinross; and

WHEREAS, Cloverland Electric Cooperative, Inc. has requested a perpetual easement over property known as CC-049 Kinross Community Care Clinic (TIN: 008-300-039-00), to Cloverland Electric Cooperative, Inc. for the purpose of providing electric upgrades to the above property and adjacent development; and

WHEREAS, the improved service will provide substantial benefit to the Tribe and its members by allowing the electrical upgrades and services at the Tribal building known and the Kinross Community Care Clinic.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the granting of a perpetual Right-of-Way Easement to Cloverland Electric Cooperative, Inc. for the right to enter upon the lands of the undersigned, situated in the Township of Kinross, County of Chippewa, State of Michigan, and more particularly described as follows:

Lot 39 of Kinross Township Community Plat #1, located in the South ½ of the Southwest ¼, Section 29, Town 45 North, Range 1 West. (TAX# 008-300-039-00)

This easement is limited to eight feet each side of the center of the underground electric line and/or fifteen feet each side of the center of the overhead electric line to provide electric service, on the above-described parcel, including the right to extend electric facilities along roads, drives, property lines or other reasonable routes to adjacent parcels; AND ALSO:

It is the intent to provide easement for the proposed electric facilities located on the above-described parcel; existing electric line is proposed to be rebuilt and centerline of corridor slightly adjusted.

BE IT FURTHER RESOLVED, that the Board of Directors authorizes its Chairperson and Treasurer to execute any documentation required concerning the grant of a Right of Way Easement, for no monetary consideration due to the overall benefit to the Tribe and Tribal membership, consistent with this resolution for and on behalf of the Tribe.

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 _____ 2019; 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: _____

**HEALTH CENTER
J.L. ASSOCIATES CONTRACT
2019 APPROVE TO PURCHASE SERVICES**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the purchase of the services of J.L. Morgan & Associates, Inc., for the term of the approved contract. The total agreement is \$147,656.40 over three years.

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 _____ 2019; 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: _____

**AUTHORIZE SUBMISSION OF 2020 INDIAN HEALTH (I.H.S.) SERVICES
JOINT VENTURE CONSTRUCTION PROGRAM (JVCP)**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Indian Alcohol and Substance Abuse Treatment Act of 1986, as amended by the Tribal Law and Order Act of 2010, proclaims alcoholism, addiction, and alcohol and substance abuse are among the most severe public health and safety problems facing American Indian and Alaska Native individuals, families, and communities, resulting in devastating social, economic, physical, mental and spiritual consequences; and

WHEREAS, the Tribal Law and Order Act of 2010, produced an Indian Alcohol and Substance Abuse Memorandum of Agreement between U.S. Department of Health and Human Services, U.S. Department of the Interior, and U.S. Department of Justice to align, leverage and coordinate federal efforts and resources at multiple levels within each department to effectuate comprehensive alcohol and substance abuse services and programs for American Indian and Alaska Native individuals, families, and communities; and

WHEREAS, the 2011 MOA directs the coordination of resources and programs of Department of Health and Human Services (DHHS') Substance Abuse and Mental Health Services Administration (SAMHSA) and Indian Health Services (I.H.S.), Department of Interior (DOI), Bureau of Indian Education (BIE), and Department of Justice (DOJ) to assist tribes with achieving their goals in the prevention, intervention and treatment of alcohol and substance abuse; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians approved Resolution 2012-246 to Develop and Implement a Tribal Action Plan for a Comprehensive Prevention and Treatment Program for Alcoholism and other Substance Abuse to approve a Tribal Action Plan Advisory Board and begin the needs assessment to formulate a Tribal Action Plan; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians approved Resolution 2016-291 adopted the 2016 Tribal Action Plan, which included Building and Developing a Recovery Hospital and Campus model of care; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians approved Resolution 2018-102 Setting Aside 160 acres of Land for Recovery Hospital; and

WHEREAS, Indian Health Services has released the 2020 Joint Venture Construction Program Pre-Application Kit; and

WHEREAS, Indian Health Services has not previously embarked on a Recovery Hospital and Campus project nor inpatient treatment facilities; and

Res. No: _____

Page 2

WHEREAS, there is a need to submit a letter of support to pursue a Joint Venture with I.H.S., in compliance with the Tribal Law and Order Act of 2010 and the 2011 MOU between the Department of Health and Human Services (DHHS') Substance Abuse and Mental Health Services Administration (SAMHSA) and Indian Health Services (I.H.S.), Department of Interior (DOI), Bureau of Indian Education (BIE), and Department of Justice (DOJ).

NOW THEREFORE, BE IT RESOLVED, the Board of Directors hereby directs the Health Division to submit the JVCP Pre-Application.

BE IT FURTHER RESOLVED, the Board of Directors directs the Chairperson to sign the letter of support, to follow up with Rear Admiral Michael D. Weahkee, and to pursue submitting the JVCP Application.

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 _____ 2019; 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 SOVEREIGN IMMUNITY AND CONSENT TO WAIVER
OF TRIBAL COURT JURISDICTION
IN RE GREEKTOWN HOLDINGS LLC**

BE IT RESOLVED, by the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians, as follows:

Section 1 FINDINGS AND DETERMINATIONS: The Board of Directors finds and determines that:

1.1 The Sault Ste. Marie Tribe of Chippewa Indians ("Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.

1.2 Kewadin Casinos Gaming Authority (the "Authority") is an autonomous instrumentality of the Tribe.

1.3 On May 29, 2008, each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Michigan (the "Bankruptcy Court").

1.4 On January 22, 2010, the Bankruptcy Court entered the Order Confirming Second Amended Joint Plans of Reorganization for the Debtors Proposed by the Noteholder Plan Proponents Including the Official Committee of Unsecured Creditors and Indenture Trustee (the "Plan Confirmation Order"). The Plan went effective on or about June 30, 2010 (the "Effective Date"). Pursuant to the terms of the Plan, a Litigation Trust was created and Buchwald Capital Advisors LLC was designated the Litigation Trustee for the Greektown Litigation Trust. Pursuant to Section 4.19.1 of the Plan, on the Effective Date, the claims asserted against the Tribe Defendants in the Adversary Proceedings (hereinafter defined) were transferred from the Debtors to the Litigation Trustee. Pursuant to Section 4.12.9 of the Plan, the Litigation Trustee has the sole power and authority to resolve the Adversary Proceedings, subject to approval by the Bankruptcy Court.

1.5 On or about May 28, 2010, the Official Committee of Unsecured Creditors of Greektown Holdings, LLC, *et al.*, filed a Complaint against the Tribe Defendants and others, which was assigned Adversary Proceeding Number 10-05712 (the "MUFTA Adversary Proceeding"). The MUFTA Adversary Proceeding Complaint alleges, among other things, that the Tribe Defendants received transfers from the Debtor Greektown Holdings, LLC for which the Tribe Defendants provided no or inadequate consideration and which may be set aside and avoided pursuant to Section 544 of the United States Bankruptcy Code, 11 USC § 101, et. seq. (the "Bankruptcy Code") and the Michigan Uniform Fraudulent Transfer Act.

1.6 On June 25, 2010, the Tribe Defendants filed a motion to dismiss the MUFTA Adversary Proceeding Complaint on the basis that sovereign immunity bars the claims asserted therein (the "Motion to Dismiss"). On December 23, 2010, the Bankruptcy Court entered a Stipulated Order bifurcating the Motion to Dismiss. Pursuant to the Stipulated Order, the Bankruptcy Court agreed to: (1) first consider and rule upon the legal issue of whether Congress abrogated the Tribe's sovereign immunity by enacting Section 106 of the Bankruptcy Code; and (2) the Bankruptcy Court held in abeyance the issue of whether the Tribe Defendants consensually waived their sovereign immunity.

1.7 By Stipulation dated August 9, 2010 (and approved by a Consent Order dated August 14, 2010), the Litigation Trustee was substituted as Plaintiff in the MUFTA Adversary Proceeding.

1.8 On March 22, 2011, the Bankruptcy Court entered the Order Approving Joint Motion to Approve (i) the Designation of the General Unsecured Creditors Distribution Fund Trust (the “Greektown Distribution Trust”) as Disbursing Agent Under Plan, (ii) the Appointment of Buchwald Capital Advisors LLC as Trustee of the General Unsecured Creditors Distribution Fund Trust, and (iii) the Terms of the General Unsecured Creditors Distribution Fund Trust Agreement (the “Distribution Trust Order”). Pursuant to the terms of the Distribution Trust Order, the Greektown Distribution Trust was created and Buchwald Capital Advisors LLC was designated the Distribution Trustee. Also pursuant to the Distribution Trust Order, the Litigation Trustee delegated its responsibility for administering, disputing, objecting to, compromising or otherwise resolving all proofs of claims in each of the General Unsecured Classes to the Greektown Distribution Trust.

1.9 On August 13, 2014, the Bankruptcy Court denied the Motion to Dismiss on the basis that Congress abrogated sovereign immunity by enacting Section 106 of the Bankruptcy Code. The Tribe Defendants appealed that denial to the United States District Court for the Eastern District of Michigan (the “District Court”). On June 9, 2015, the District Court reversed and remanded the MUFTA Adversary Proceeding to the Bankruptcy Court for determination of whether the Tribe Defendants waived their sovereign immunity. On September 4, 2015, the Tribe Defendants filed a motion to dismiss in the Bankruptcy Court on the basis that they had not waived their sovereign immunity (the “Sovereign Immunity Waiver Motion to Dismiss”). On September 29, 2016, the Bankruptcy Court granted the Sovereign Immunity Waiver Motion to Dismiss and dismissed the MUFTA Adversary Proceeding. The Litigation Trustee appealed the dismissal to the District Court and, on January 23, 2018, the District Court affirmed. On February 13, 2018, the Litigation Trustee appealed the orders dismissing the MUFTA Adversary Proceeding to the Sixth Circuit. On February 26, 2019, the Sixth Circuit entered an Opinion and Judgment affirming the dismissal of the MUFTA Adversary Proceeding. *See In re Greektown Holdings, LLC*, 917 F.3d 451 (6th Cir. 2019). On March 18, 2019, the Litigation Trustee filed a Petition for a Writ of Certiorari the Supreme Court of the United States, assigned Case No. 18-1218 (the “Supreme Court Case”).

1.10 On April 16, 2019, by Resolution 2019-107, the Board of Directors of the Tribe authorized settlement of the Supreme Court Case, and all claims remaining against the Tribe and Gaming Authority related to the Greektown Casino.

1.11 On May 7, 2019, by Resolution 2019-142, the Tribe confirmed its waiver of sovereign immunity under the Settlement Agreement and waived its sovereign immunity from suit in favor of the Litigation Trustee and Distribution Trustee only should an action be commenced to enforce the Tribe’s obligations under the Settlement Agreement.

1.12 On June 6, 2019, the Litigation Trustee filed a motion to approve the Settlement Agreement with the Bankruptcy Court. On June 27, 2019, Dimitrios Papas, Viola Papas, Ted Gatzaros (now deceased) and Maria Gatzaros (jointly, the “Papas/Gatzaros Defendants”) filed an Objection to the Settlement Agreement with the Bankruptcy Court (the “Papas/Gatzaros Settlement Objection”).

1.13 The Papas/Gatzaros Defendants have agreed to withdraw the Papas/Gatzaros Settlement Objection if the Tribe Defendants agree, among other things, to cooperate with the Papas and Gatzaros Defendants’ reasonable discovery requests made in connection with the MUFTA Adversary Proceeding in a manner equivalent to that which the Tribe Defendants have agree to provide the Litigation Trustee as set forth in Paragraph 5 of the Settlement Agreement (the “Litigation Cooperation Provision”).

1.14 It is a necessary that the Tribe and the Authority each provide a limited waiver of sovereign immunity and the jurisdiction of the Tribal Court in connection with the resolution of the Papas/Gatzaros Settlement Objection, and the Board of Directors has determined that it is in the best interests of the Tribe that it waive the sovereign immunity and the jurisdiction of the Tribal Court for the limited purpose of allowing the Papas/Gatzaros Defendants to enforce the Litigation Cooperation Provision.

Section 2 Approvals and Authorization

2.1 The Board of Directors authorizes and directs the Tribe, through its Chairperson and attorneys, on such conditions and terms as they deem fit, to resolve the Papas/Gatzaros Objection to the Settlement Agreement by agreeing to the Litigation Cooperation Provision on such terms as they may agree upon.

2.2 The Chairperson and attorneys are authorized and directed to execute and deliver such other certificates, documents, or instruments, as may be required or to take any and all such action which may be necessary or convenient to effectuate the resolution of the Papas/Gatzaros Objection consistent with this Resolution.

Section 3 Waiver of Sovereign Immunity and Consent to Jurisdiction.

3.1 The Tribe hereby waives its sovereign immunity from suit in favor of the Papas/Gatzaros Defendants only should an action be commenced to enforce the Litigation Cooperation Provision under the Settlement Agreement.

This waiver:

- i) shall terminate upon performance by the Tribe of all of its obligations under the Litigation Cooperation Provision,
- ii) is granted solely to the Papas/Gatzaros Defendants;
- iii) shall extend to inter alia, any judicial or non judicial action, including, but not limited to, any lawsuit, arbitration, and judicial or non judicial action to resolve disputes between the Tribe and the Papas/Gatzaros Defendants to enforce the obligations under Litigation Cooperation Provision;
- iv) shall be enforceable only in a court of competent jurisdiction including the United States Bankruptcy Court or any arbitrator or arbitration panel; and
- v) shall be enforceable against all assets of the Tribe to the extent necessary to satisfy the Tribe's obligation under the Litigation Cooperation Provision.

3.2 The Litigation Cooperation Provision shall be construed in accordance with and governed by the internal laws of the State of Michigan, as set forth in the Settlement Agreement. The Tribe expressly consents to the jurisdiction of the federal courts and Bankruptcy courts in Michigan, including any courts to which decisions may be appealed, with respect to any controversies arising from this resolution.

Res. No: _____

Page 4

Section 4 WAIVER OF TRIBAL COURT JURISDICTION

The Board of Directors expressly waives jurisdiction of the Tribal Court over any action arising related to enforcement by the Papas/Gatzaros Defendants of the Litigation Cooperation Provision in the Settlement Agreement pursuant to the provisions of Section 44.108 of the Tribal Code.

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 _____ 2019; 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: _____

OPPOSITION TO ENBRIDGE AND GRAYMONT

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians opposes all efforts by the Canadian mining company Graymont to conduct limestone mining in the Eastern Upper Peninsula; and

WHEREAS, the Tribe opposes all efforts by the Canadian energy company Enbridge, Inc. to continue to operate Line 5 under the Straits of Mackinac; and

WHEREAS, both Enbridge and Graymont have sought to sway public opinion through disingenuous public relations campaigns, which take the form of advertisements, signage and other media, and those campaigns pay various local vendors, institutions, governments or businesses sums of money in furtherance of the disingenuous public relations campaigns; and

WHEREAS, the Tribe and its wholly owned governmental instrumentalities cannot in good conscience provide funding of any type to those local vendors, institutions, governments or businesses that accept sums of money in furtherance of the disingenuous public relations campaigns of Enbridge and Graymont; and

WHEREAS, the Tribe acknowledges that local vendors, institutions, governments or businesses may view participating in these disingenuous public relations campaigns as no more than a means of revenue - but the Tribe feels strongly that we all should do everything possible to ensure that the Straits of Mackinac are free from the threat of a catastrophic oil spill and that vast stretches of our public forest are not lost.

NOW, THEREFORE BE IT RESOVED, that the Board of Directors orders that requests for funds from vendors, institutions, governments or businesses that accept sums of money in furtherance of the disingenuous public relations campaigns of Enbridge and Graymont be denied.

BE IT FURTHER RESOLVED, that that the Board of Directors orders that requests for funds from vendors, institutions, governments or businesses having business relations with Enbridge or Graymont be denied.

BE IT FURTHER RESOLVED, that the Administration is directed to promulgate a process for the implementation of the above.

BE IT FINALLY RESOLVED that this prohibition shall be prospective from the enactment of this resolution.

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 _____ 2019; 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