

**BOARD OF DIRECTORS REGULAR MEETING  
COMFORT INN  
NEWBERRY, MICHIGAN  
MINUTES  
January 14, 2014**

The meeting was opened at 6:15 p.m. by Chairperson Payment.

Present: Dennis McKelvie, Deb Pine, Cathy Abramson, Jennifer McLeod, DJ Malloy, Lana Causley, Catherine Hollowell, Keith Massaway, Bridgett Sorenson, Denise Chase, Darcy Morrow, Joan Anderson, Aaron Payment.

Absent:

**Moved by Director Malloy, supported by Director Sorenson, to approve the agenda as written.**

**Motion carried unanimously.**

**Moved by Director Massaway, supported by Director Causley, to approve the Minutes of 9-3-2013; 9-20/21-2013; 9-24-2013; 10-1-2013; 10-22-2013; 10/29/30/31-2013; and 11-5-2013, with corrections for 10-1-2013.**

**Motion carried unanimously.**

**Moved by Director Morrow, supported by Director Sorenson, to remove from the agenda, all the constitutional amendment resolutions; the ethics code; board salary; and sexual harassment issue.**

**Roll Call Vote: Motion carried with Directors McKelvie, Pine, McLeod, Anderson, Hollowell, Massaway, Causley, Chase, Sorenson, Morrow, Abramson approving; Director Malloy opposing.**

**Moved by Director Massaway, supported by Director Hollowell, to approve Res. 2014-01, Authorization to Enter into Grant Agreement with the Great Lakes Fishery Trust for Development of Epoufette Harbor.**

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians does hereby accept the terms of the Project Agreement as received from GLFT and does hereby specifically agree, but not by way of limitations, as follows:

- 1) To receive funding from the GLFT in the amount of \$610,000, and to authorize an additional \$50,000 as a match toward completion of the project pursuant to the Project Agreement with GLFT,
- 2) To maintain satisfactory financial accounts, documents, and records and to make them available to GLFT for auditing at reasonable times,
- 3) To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement,
- 4) To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

BE IT FURTHER RESOLVED, that the Chairperson and Treasurer, are authorized to execute any and all documents necessary to effectuate the construction of the harbor.

**Motion carried unanimously.**

**Moved by Director Chase, supported Pine, to approve Res. 2014-02, Participation in HRSA "Healthy Start Initiative Five Year Grant Program 2014-2019" Through Inter-Tribal Council of Michigan, Inc.**

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized the Inter-Tribal Council of Michigan, Inc. to apply to grant opportunity CFDA 93.926 on its behalf, contracting with the HRSA Healthy Start Initiative: Eliminating Disparities in Perinatal Healthy Grant Program (HRSA-14-112).

**Motion carried unanimously.**

**Moved by Director Causley, supported by Director Sorenson, to approve Res. 2014-03, Lease Cancellation to Delmar W. Shagen and Sherry W. Shagen BIA Lease N0: BIA Lease N0: 469-23-00003-12.**

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairperson, Aaron Payment and Treasurer, Dennis McKelvie to execute this lease cancellation, and land being described as:

City of Sault Ste. Marie, Chippewa County, Michigan.

Part of Section 16, Town 47 North, Range 1 East, City of Sault Ste. Marie, Chippewa County, Michigan, more particularly described as commencing at the Northwest corner of said Section 16; thence S02°07'00"W 425.00 feet along the West line of said Section 16; thence S87°53'00"E 33.00 feet to the East right-of-way line of Shunk Road; thence S87°53'00"E 100.00 feet along the Southerly right-of-way line of Shawano Drive; thence Easterly 276.54 feet along a curve to the right in said right-of-way line, having a radius of 770.00 feet, a central angle of 20°34'39" and a long chord bearing S77°35'40" E 275.06 feet; thence Southeasterly 281.28 feet along a curve to the right in the Southerly and Westerly right-of-way line of Shawano Drive, having a radius of 230.00 feet, a central angle of 70°04'13" and a long chord bearing S32°16'14"E 264.08 feet; thence S02°45'52"W 100.00 feet along said Westerly right-of-way line; thence Southerly 195.78 feet along a curve to the right in said right-of-way line, having a radius of 891.23 feet, a central angle of 12°35'12" and a long chord bearing S09°03'25"W 195.39 feet to the POINT OF BEGINNING; thence Southerly 112.29 feet along a curve to the right in said right-of-way line, having a radius of 891.23 feet, a central angle of 07°13'18" and a long chord bearing S18°57'36" W 112.22 feet; thence N67°25'50"W 148.65 feet; thence N09°33'10" E 93.79 feet; thence S74°38'58"E 164.01 feet to the POINT OF BEGINNING. 0.037 acres more or less.

BE IT FURTHER RESOLVED, that Tribal staff is directed to prepare the appropriate lease cancellation documents.

BE IT FURTHER RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby requests the Bureau of Indian Affairs to cancel Lease No. 469-23-00003-12 pursuant to applicable law and regulations.

**Motion carried unanimously.**

**Moved by Director Causley, supported by Director Massaway, to approve Res. 2014-04, Shagen, Trust Land Lease -2290 Shawano Drive Sault Ste. Marie, Michigan.**

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairman, and Treasurer to execute a lease to the land located at Sault Ste. Marie, Michigan to, Delmar W. Shagen, a single man, land being described as follows:

Part of Section 16, Town 47 North, Range 1 East, City of Sault Ste. Marie, Chippewa County, Michigan, more particularly described as commencing at the Northwest corner of said Section 16; thence S02°07'00"W 425.00 feet along the West line of said Section 16; thence S87°53'00"E 33.00 feet to the East right-of-way line of Shunk Road; thence S87°53'00"E 100.00 feet along the Southerly right-of-way line of Shawano Drive; thence Easterly 276.54 feet along a curve to the right in said right-of-way line, having a radius of 770.00 feet, a central angle of 20°34'39" and a long chord bearing S77°35'40" E 275.06 feet; thence Southeasterly 281.28 feet along a curve to the right in the Southerly and Westerly right-of-way line of Shawano Drive, having a radius of 230.00 feet, a central angle of 70°04'13" and a long chord bearing S32°16'14"E 264.08 feet; thence S02°45'52"W 100.00 feet along said Westerly right-of-way line; thence Southerly 195.78 feet along a curve to the right in said right-of-way line, having a radius of 891.23 feet, a central angle of 12°35'12" and a long chord bearing S09°03'25"W 195.39 feet to the POINT OF BEGINNING; thence Southerly 112.29 feet along a curve to the right in said right-of-way line, having a radius of 891.23 feet, a central angle of 07°13'18" and a long chord bearing S18°57'36" W 112.22 feet; thence N67°25'50"W 148.65 feet; thence N09°33'10" E 93.79 feet; thence S74°38'58"E 164.01 feet to the POINT OF BEGINNING.

**Motion carried unanimously.**



**Moved by Director Sorenson, supported by Director Morrow, to approve Res. 2014-05, Application for the Legal Assistance for Victims Grant Program-Sexual Assault and/or Tribal Focus.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application to the Office on Violence Against Women for funding of a Legal Assistance for Victims Grant Program – Sexual Assault and / or Tribal Focus FY 2014.

BE IT FURTHER RESOLVED, that Aaron Payment, Tribal Chairperson, is hereby authorized to submit said proposal to the Department of Justice, Office on Violence Against Women, to negotiate, execute, and amend any documents resulting therefrom on the Tribe's behalf.

**Motion carried unanimously.**

**Moved by Director Malloy, supported by Director McLeod, to approve Res. 2014-06, Renaming Joseph K. Lumsden Anishnaabe Grant School.**

NOW, THEREFORE, BE IT RESOLVED that, notwithstanding any and all pre-existing or contrary resolutions, the Grant School operated by the Sault Ste. Marie Tribe of Chippewa Indians, shall be known as the Joseph K. Lumsden Anishnaabe Grant School.

BE IT FURTHER RESOLVED, that the BIE shall be notified henceforth that the address for the Joseph K. Lumsden Anishnaabe Grant School, and the Joseph K. Lumsden Anishnaabe Fiduciary Committee shall be 523 Ashmun Street, Sault Ste. Marie, Michigan, 49783, and that this shall not be interpreted or mistaken as a change of address or contact for the Public School Academy chartered under state law.

BE IT FINALLY RESOLVED, that the designated contact for the Joseph K. Lumsden Anishnaabe Grant School, and the Joseph K. Lumsden Anishnaabe Fiduciary Committee shall be the Chairperson of the Tribe, or his/her designee as may be further designated by the Chairperson in the future.

**Motion carried unanimously.**

**Moved by Director Abramson, supported by Director Morrow, to approve Res. 2014-07, AECOM Of Michigan USA Contract Waiver of Immunity and Consent to Waiver of Tribal Court Jurisdiction.**

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 (the "Tribe") is a federally recognized Indian Tribal Government organized under the provisions of the Indian Reorganization Act of 1934.

1.2 The Transportation Department has negotiated a contract with AECOM USA of Michigan, Inc., for engineering services which will be used for the purpose of design engineering and construction engineering on Shawano Drive and associated cul de sacs, and none other.

1.3 AECOM USA of Michigan, Inc., has refused to consent to a modification of its contract in a manner that would permit the Tribe to contract without a waiver of sovereign immunity or Tribal Court jurisdiction.

1.4 In order to induce AECOM USA of Michigan, Inc., to enter into the contract, 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 Tribal Court jurisdiction with respect to any matter pertaining to disputes arising from the AECOM USA of Michigan, Inc., contract. All of the foregoing are referred to herein as the "Waiver and Consent Obligations."

1.5 It is in the best interests of the Tribe to consent to the AECOM USA of Michigan, Inc., contract and to enter into the Waiver and Consent Obligations.

Section 2 APPROVALS AND AUTHORIZATION

2.1 The Board of Directors authorizes and directs the Tribe, through its Chairperson, for and on behalf of the Tribe to enter into such agreements with AECOM USA of Michigan, Inc., on such terms and conditions as he deems necessary concerning governing law, waiver of Tribal Court jurisdiction, and waiver of tribal immunity.

2.2 The Board of Directors authorizes and directs the Tribe to give its express consent to the terms and provisions of the AECOM USA of Michigan, Inc., contract.

2.3 The Chairperson is authorized and directed to execute and deliver such other agreements, 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 foregoing.

Section 3 WAIVER OF SOVEREIGN IMMUNITY; CONSENT TO JURISDICTION; GOVERNING LAW

3.1 The Tribe hereby waives its sovereign immunity from suit should an action be commenced under Section 22.a. of the AECOM USA of Michigan, Inc., contract.

This waiver:

- i) shall terminate upon performance by the Tribe of all of its obligations under the AECOM USA of Michigan, Inc., contract;
- ii) is granted solely to AECOM USA of Michigan, Inc., and its successors and assigns;
- 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 enforce the rights of AECOM USA of Michigan, Inc., and the assertion of any claim in a court of competent jurisdiction or with any arbitrator or arbitration panel to enforce the obligations of AECOM USA of Michigan, Inc., under the AECOM USA of Michigan, Inc., contract;
- 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 (including the United States Bankruptcy Court) or any arbitrator or arbitration panel; and;
- vi) the AECOM USA of Michigan, Inc., contract shall be construed in accordance with and governed by the internal laws of the State of Michigan.

Section 4 WAIVER OF TRIBAL COURT JURISDICTION

4.1 The Board of Directors waives the exclusive jurisdiction of the Tribal Court over any action arising under the AECOM USA of Michigan, Inc., contract.

**Roll Call Vote: Motion carried with Directors Abramson, Anderson, Pine, Massaway, Hollowell, McKelvie, Chase, Sorenson, Morrow, Malloy, McLeod approving, Director Causley opposing.**

**Moved by Director Massaway, supported by Director Causley, to approve Res. 2014-08, Amending Chapter 21: Inland Fishing and Hunting.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby accepts the Inland Conservation Committee's recommendation and amends Tribal Code Chapter 21: Inland Fishing and Hunting as attached. BE IT FURTHER RESOLVED, that the attached amendments shall become effective upon compliance with the 2007 Inland Consent Decree's Notice of Regulation change requirement.

**Motion carried with Director Pine abstaining.**

**Moved by Director Sorenson, supported by Director McKelvie, to approve Res. 2014-09, Loan from Gaming Authority to Tribe Computer System/JD Edwards Upgrade.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Tribe hereby approves borrowing the \$1,000,000.00 loan from the Gaming Authority for upgrading the accounting, human resources and payroll processing system, known as the J.D. Edwards system, and other computer upgrades; and

BE IT FURTHER RESOLVED, that the following terms shall apply on said loan:

interest on the unpaid principal balance at a rate per annum calculated at LIBOR – One Month plus 2% (Currently 2.18%) until maturity and Five and One Half percent (5.5%) after maturity;

and Four year term.

BE IT FINALLY RESOLVED, that the Board of Directors hereby approves this Tribal Loan and authorizes the Tribal Chairperson to execute such documents to effectuate this action.

**Roll Call Vote: Motion carried unanimously.**



**Moved by Director Sorenson, supported by Director Morrow, to approve Res. 2014-10, Amending Key Employee Resolution 2005-199 Kewadin Casinos Key Team Members.**

NOW, THEREFORE, BE IT RESOLVED that the list of "Key Team Members" for the Kewadin Casinos contained in Resolution 2005-199, is hereby amended to delete the following positions within the Kewadin Casinos:

1. Vice President – Hotel Operation
2. Vice President – Marketing and Sales
3. General Manager – Sault Ste. Marie
4. General Manager – Hessel
5. General Manager – Christmas
6. General Manager – St. Ignace
7. General Manager – Manistique
8. Food and Beverage Director
9. Retail and Support Services Director

**Roll Call Vote: Motion carried with Directors Massaway, Anderson, Abramson, McLeod, Chase, Morrow, Sorenson approving, Directors Hollowell, Pine, Malloy, Causley, McKelvie opposing.**

**Moved by Director Massaway, supported by Director Abramson, to approve Res. 2014-11, FY 2014 Governmental Capital Purchases Budget.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by appropriates a total of \$625,300 for the FY 2014 Governmental Capital Purchases Budget, of which \$402,425 will come from Tribal Support and \$222,875 will come from Other Revenue.

**Roll Call Vote: Motion carried with Directors McKelvie, Pine, McLeod, Anderson, Massaway, Causley, Malloy, Chase, Sorenson, Morrow, Abramson, approving, Director Hollowell abstaining.**

**Moved by Director McKelvie, supported by Director Malloy, to approve Res. 2014-12, Fiscal Year 2014 Capital Purchases Budget.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves a total of \$621,884 as the Enterprises Fiscal Year 2014 Capital Purchases Budget.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Malloy, supported by Director Sorenson, to approve Res. 2014-13, Governmental –Tribal Climate Change Program Establish FY 2014 Budget.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the establishment of a FY 2014 budget for Tribal Climate Change Program with carry-over Federal BIA Revenues of \$16,123.28. No effect on Tribal Support.

**Motion carried unanimously.**

**Moved by Director Causley, supported by Director Morrow, to approve Res. 2014-14, Fisheries-Great Lakes Fisheries Trust Epoufette Harbor Establish FY 2014 Budget Fisheries-Trap Net Consent Decree (COFTMA) FY 2014 Budget Modification.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the establishment of a FY 2014 budget for GLFT Epoufette Harbor with Great Lakes Fisheries Trust Revenues of \$610,750 and a transfer in from Trap Net Consent Decree of \$41,250. No effect on Tribal Support.

BE IT FINALLY RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the modification of a FY 2014 budget for Trap Net Consent Decree (COFTMA) Increasing State Trap Net Revenue \$41,250. No effect on Tribal Support.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Abramson, supported by Director McLeod, to approve Res. 2014-15, JD Edwards-Computers FY 2014 Budget Modification.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2014 budget modification to JD Edwards for an increase in Transfer-In monies \$399,722 from loan acquired funds designated for Computer Upgrade cost.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Abramson, supported by Director Malloy, to approve Res. 2014-16, Governmental – National Congress of American Indians Initiative Establish FY 2014 Budget.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the establishment of a FY 2014 budget for NCAI Partnership for Tribal Governance Revenues of \$50,000. No effect on Tribal Support.

**Roll Call Vote: Motion carried unanimously.**

**Moved by Director Abramson, supported by Director Malloy, to approve Res. 2014-17, American Indian Substance Abuse and HIS Aftercare FY2014 Budget Modifications.**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2014 budget modifications to American Indian Substance Abuse and IHS Aftercare to change the personnel sheets and re-allocated expenses. No effect on Tribal Support.

**Roll Call Vote: Motion carried with Directors Abramson, Pine, Massaway, Causley, Hollowell, Chase, Malloy, McLeod approving, Directors Anderson, McKelvie, Sorenson, Morrow opposing.**

**Moved by Director Sorenson, supported by Director Morrow, to reappoint Carol Strauser and Bernard Biron to the Housing Authority Commission, for terms starting January 1, 2014 to December 31, 2017.**

**Motion carried unanimously.**

**Moved by Director McLeod, supported by Director Causley, to table the issue of the Administrative Review to the next workshop.**

**Roll Call Vote: Motion carried with Directors McKelvie, McLeod, Anderson, Hollowell, Massaway, Causley, Malloy, Chase, Morrow, Abramson approving, Director Sorenson opposing, Director Pine abstaining.**

**Moved by Director McKelvie, supported by Director Chase, to table the issue of the Proof of Residency.**

**Roll Call Vote: Motion carried with Directors Hollowell, Abramson, Malloy, McKelvie, Chase, Massaway approving, Directors McLeod, Sorenson, Anderson, Pine, Morrow, Causley opposing, with Chairperson Payment approving, breaking the tie vote.**

**Motioned by Director Causley, supported by Director Pine, to publish the Tribal Board attendance at regularly scheduled meetings and Tuesday workshops; financial reviews, which includes – Governmental, Casinos, and Enterprises; Special Meetings; Gaming Commission Meetings; Gaming Authority Meetings; and Gaming Authority Workshops; since July 2012 with the figure reported be the number of absences, the percentage of time missed, a rank order of Board Member attendance with the worst to best and a pro-rated amount of value for the missed absences based on the total at full attendance. The list shall exclude absences due to attending to official tribal business.**

**Roll Call Vote: Motion carried with Directors Pine, Anderson, Abramson, Chase, Causley, Morrow, McKelvie approving, Directors Massaway, Hollowell, Malloy, Sorenson opposing, Director McLeod abstaining.**

**Moved by Director McKelvie, supported by Director Abramson, to adjourn the meeting.**

**Motion carried unanimously.**

Meeting adjourned: 9:53 p.m.

Date: 4-15-14

Secretary: Cathy G. Abramson

Others present: Christine McPherson, Bill Connolly, John Wernet, Tony Goetz, Angeline Bouley, Bonnie Culfa, Tony Abramson, Clarence Hudak, Rita Glyptis, Jennifer Dale-Burton, Bob DeRusha, Russ McKerchie, Joanne Carr.